



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **13 September 2016 at 7.30 pm.**

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Despatched : 5 September 2016

Welcome:

Members of the public are welcome to attend this meeting.

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


Committee Membership

Wards

Substitute Members

Councillor Khan (Chair)	- Bunhill;	Councillor Wayne	- Canonbury;
Councillor Klute (Vice-Chair)	- St Peter's;	Councillor Fletcher	- St George's;
Councillor Donovan (Vice-Chair)	- Clerkenwell;	Councillor Gantly	- Highbury East;
Councillor Chowdhury	- Barnsbury;	Councillor Caluori	- Mildmay;
Councillor Convery	- Caledonian;	Councillor Webbe	- Bunhill;
Councillor Nicholls	- Junction;	Councillor A Perry	- St Peter's;
Councillor Poyser	- Hillrise;		
Councillor O'Halloran	- Caledonian;		
Councillor Picknell	- St Mary's;		
Councillor Ward	- St George's;		

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
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| 3. | Shire House Whitbread Centre [including Car Park and Service Yard], 11 Lamb's Passage, London, EC1Y 8TE (Full Application) | 177 -
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| 4. | Shire House Whitbread Centre [including Car Park and Service Yard], 11 Lamb's Passage, London, EC1Y 8TE (Listed Building Application) | 277 -
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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, 13 October 2016

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Committee - 12 July 2016

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 12 July 2016 at 7.30 pm.

Present: **Councillors:** Robert Khan (Chair), Martin Klute (Vice-Chair), Alice Donovan (Vice-Chair), Paul Convery, Tim Nicholls, David Poyser, Angela Picknell, Una O'Halloran and Nick Ward

Councillor Robert Khan in the Chair

218 INTRODUCTIONS (Item A1)

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

219 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Chowdhury.

220 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no substitute members.

221 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

222 ORDER OF BUSINESS (Item A5)

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

223 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 14 June 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

224 65-70 WHITE LION STREET, LONDON, N1 9PP (Item B1)

Erection of a part three, four and five storey building plus basement comprising 4,233sqm (GIA) of B1 (business) floorspace.

(Planning application number: P2015/4922/FUL)

In the discussion the following points were made:

- The planning officer advised that the applicant had agreed to pay the requested financial contribution in lieu of on-site affordable workspace.
- The planning officer advised that an additional condition should be added to secure an amended Delivery and Servicing Plan to restrict servicing to between the hours of 10am and 4pm.
- The applicants confirmed that if they unable to get a global company to use the development as their headquarters, it would be possible to subdivide the space into smaller units.
- The application was policy compliant.

Councillor Klute proposed that Condition 3 be amended to require solid brickwork to be used. This was seconded by Councillor Nicholls and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the amendments outlined above and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

225 76-86 (LAYDEN HOUSE), TURNMILL STREET, LONDON, EC1M 5LG (Item B2)

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 1,148 square metres of flexible retail and restaurant (A1/A3).

(Planning application number: P2015/5260/FUL)

In the discussion the following point was made:

- The application was policy compliant.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

226 LEROY HOUSE, 434 ESSEX ROAD, LONDON, N1 3QP (Item B3)

5 storey side extension, 5 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 café; 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.

(Planning application number: P2015/2652/FUL)

In the discussion the following points were made:

- The planning officer advised that Condition 16 should refer to the new building over the car park only, that Condition 23 was unnecessary and should be removed, that

Planning Committee - 12 July 2016

the Heads of Terms should refer to a Green 'Performance' Plan rather than a Green 'Procurement' Plan as stated in the report and that Informative 4 should be removed.

- Concern was raised about the design of the proposed development.
- A member queried why the original design had been amended a number of times rather than having being redesigned. The planning officer advised that the original scheme had been amended following the Design Review Panel's comments.
- The planning officer advised that further changes had been made since the Design Review Panel had commented on the scheme e.g. a reduction in built form. The proposal had not been back to the Design Review Panel following the amendments.
- A member raised concern that office space was being prioritised over all other matters, and that design, impacts on neighbouring amenity and on heritage impacts were also important.
- A member noted that that the exposed structural detail detracted from the appearance and was only required because of the additional development proposed at the upper level.
- A member queried why the applicant had the option of delivering an Employment and Training initiative through a third party called XLP. The planning officer advised that the applicant had worked with XLP on other projects and this alternative would have to be of at least an equal value to the contribution of £26,290 which would otherwise be paid.
- The planning benefits were highlighted by the planning officer and members welcomed the employment and community benefits of the scheme. Members also stated that these did not outweigh concerns relating to the design, impact on heritage assets and residential amenity.

Councillor Klute proposed a motion to refuse planning permission due to concerns over the design and appearance, as well as the impact of the development on the setting of heritage assets and the impact on the amenity of neighbours due to a loss of light. Also, the building was at a prominent intersection on two roads and lacked architectural merit, the comments of the Design and Conservation Officer were noted as was the site allocation which stated that there should be a high quality design. This was seconded by Councillor Nick Ward and carried.

RESOLVED:

That planning permission be refused for the reasons outlined above with the wording of the reason for refusal to be delegated to officers in consultation with the chair.

WORDING DELEGATED TO OFFICERS IN CONSULTATION WITH THE CHAIR

MINUTE 226

LEROY HOUSE, 434 ESSEX ROAD, LONDON, N1 3QP

Reasons for refusal:

Design and appearance

The proposed development, by reason of the size, height, bulk, scale and poor quality of design (including the external structural elements, roof top plant, the external appearance and poor relationship between the existing and new built form) would represent an incongruous and visually intrusive form of development which would be harmful to the character and appearance of the original building, and to the character and appearance of the street scene and the surrounding area, the proposal also fails to provide a high quality design appropriate to the site's prominent location at the junction of the busy Essex and Balls Pond Roads, and is contrary to London Plan (2015) policy 7.6, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.1, Islington's Local Plan Site Allocations (2013) Site O13, and the Islington Urban Design Guide SPD. The benefits of the scheme are not considered to outweigh this harm."

Impact on setting of Heritage Asset

The proposed development by reason of its bulk, scale, design and proximity to St Paul's Church (Grade II*) and other Grade II listed buildings on Balls Pond Road, would result in an overly dominant feature that is harmful to the setting of the Grade II and Grade II* listed buildings and their special interest and the setting of Canonbury Conservation area and failing to be sympathetic in form and scale to the local identity. The harm is not outweighed by public benefits and as such the development is contrary to London Plan (2015) policy 7.8, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.3, Islington's Local Plan Site Allocations (2013) Site O13, and the Islington Urban Design Guide SPD.

Amenity impact

The proposed extensions to the building by virtue of the excessive height and positioning would result in substantial loss of daylight, sunlight to the windows of dwellings in Canonbury Heights and The Pinnacles and as such would unacceptably harm the amenities of residents of these dwellings. This harm makes the proposal contrary to policy 7.6 of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice'. The benefits of the scheme are not considered to outweigh this harm.

The meeting ended at 8.40 pm

CHAIR

COMMITTEE AGENDA

1 273 Camden Road London N7 0JN

2 68 - 86 Farringdon Road, London, EC1R 0BD

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

1 273 Camden Road London N7 0JN

Ward: St. Georges

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

Application Number: P2015/5306/FUL

Application Type: Full Planning Application

Case Officer: Amanda Peck

Name of Applicant: Origin Housing Developments Ltd

Recommendation:

2 68 - 86 Farringdon Road, London, EC1R 0BD

Ward: Clerkenwell

Proposed Development: Demolition of existing multi-storey car park and redevelopment to provide a part 5 (plus basement)/ part 6-storey building comprising 3647sqm (GEA) office floorspace (Class B1 use), 180 bedroom hotel (Class C1 use) and 407sqm (GEA) retail/restaurant floorspace (Class A1/A3 use) with associated facilities, plant, landscaping and servicing [Revised Drawings/Further Information].

Application Number: P2015/1958/FUL

Application Type: Full Planning Application

Case Officer: John Kaimakamis

Name of Applicant: Endurance Land (Farringdon) Ltd

Recommendation:

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

Ward: Bunhill

Proposed Development: Demolition of existing works building and redevelopment of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults, to provide a mixed use development comprising of a 2 to 7 storey building providing 35 residential units (15 affordable and 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D2), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements (re-consultation following receipt of revised plans and documentation, in association with full Planning Application Ref: P2016/0488/FUL).

Application Number: P2016/0536/LBC

Application Type: Listed Building

Case Officer: Matthew Duigan

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

Recommendation:

Ward: Bunhill

Proposed Development: Demolition of existing works building and redevelopment of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults, to provide a mixed use development comprising of a 4 to 7 storey building providing 35 residential units (15 affordable and 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D2), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements (re-consultation following receipt of revised plans and documentation, in association with Listed Building Consent Ref: P2016/0536/LBC).

Application Number: P2016/0488/FUL

Application Type: Full Planning Application

Case Officer: Matthew Duigan

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

Recommendation:

ADDENDUM REPORT – 273 Camden Road

Application Deferred

1. The current application (P2015/5306/FUL) was previously heard at the Planning Committee held on the 19 May 2016. The application was deferred by Committee Members for the following reasons:
 - a) To enable the applicant to sign a statutory declaration
 - b) To enable the applicant to investigate the possibility of an increased number of social rented units in the scheme.
2. Further information has been provided to clarify and address the above reasons for deferral. The responses to each of the above reasons are provided below and the original Committee Report is attached at Appendix 1:

Reason a)

3. The applicant has now signed the verification statutory declaration.

Reason b)

Introduction

4. The scheme provides 21 units in total, with 10 affordable housing units (2 social rent and 8 shared ownership) which equates to 48% when calculated using unit numbers or habitable rooms. Officers have requested advice from BPS with regard to the potential number of affordable housing units that could be provided on site with a more policy compliant mix of tenures. BPS have advised that, notwithstanding the issues summarised below regarding shared cores, the scheme could provide 6 units (4 social rent and 2 shared ownership) which equates to 29% when calculated using unit numbers. The current scheme therefore proposes an increased total number of affordable housing units to compensate for the non policy compliant tenure mix (6 additional shared ownership units in place of 2 social rent units).
5. Paragraph 8.26 of the previous committee report sets out the Inspector's conclusion regarding the mix of affordable tenures for the previously refused scheme on site. In summary the refused scheme proposed no social rent units and 100% intermediate units. The Inspector concluded that there was no evidence to show that a scheme with a more policy compliant mix could work on this site and that the proposal with 100% intermediate units would make a meaningful and useful contribution to affordable housing in the borough.
6. In order to investigate whether an increased number of social rented units can be provided on site the applicant and officers have explored the use of a shared core and separate cores for different tenures and this is summarised below.

Shared core

7. Further advice has also been sought from **Policy colleagues** with regard to mixed tenure cores and they have advised as follows:

“LDF policies are silent on tenure mixing within blocks; the last bullet point of CS12G refers to the need for affordable units to be designed to a high quality and be fully

integrated within the overall scheme which arguably the current proposals do achieve. The applicant is however, seeking to rely on the need to separate Social Rented units as a justification for why they are not satisfying tenure split/mix policies set out in CS12G and DM3.1.

The Mayor's Housing SPG (March 2016) at para 1.3.18 makes explicit reference to separate provision of entrance and circulation space for different tenures for higher density schemes (linked to London Plan policy 3.12/para 3.76 specifically).

"1.3.18 Schemes should be designed to maximise tenure integration and affordable housing units should have the same external appearance as private housing. In some higher density schemes, separate provision of entrance and circulation spaces for different tenures may enable affordable housing provision which might otherwise be made unviable given high service charges and management arrangements. All entrances will need to be well integrated with the rest of the development and meet the Mayor's housing standards in terms of entrance and approach, accessibility and active frontages (see Part 2 of this SPG)."

In conclusion, there is no policy requirement to provide a mixed tenure shared core, but neither is there a policy which supports the applicant's view that it is necessary to provide separate circulation spaces for different tenures. The question is then how much weight should be given to the applicant's management practices in coming to a view on the acceptability of the tenure mix proposed.

Origin's position is that their management practices should be given substantial weight, and the previous Inspector agreed. While the current scheme is materially different than the appeal scheme, because the applicant is a Registered Provider and they are delivering circa 50% Affordable Housing, if the scheme were to be refused on the tenure mix alone it is unlikely that this would be upheld at appeal.

If from a housing management point of view the Council consider it a priority to reduce service charges for Social Rented units as low as possible then a pragmatic way forward could be to cap the service charges for the Social Rented units in the S106."

8. Further advice has also been sought from **Housing colleagues** with regard to the shared cores and proposed service charge levels and they have advised as follows:

"Notwithstanding the fact that Council schemes and Registered Providers would have different specifications, the average service charge across the council's social rented stock is approximately £44 per month which is comparable with the applicant's current proposal for the ground floor social rented units (indicated at £14 per week/£60 per month).

The service charge indicated by the applicant for the upper floor flats (indicated at £29 per week/ £126 per month), when taken with the likely rent levels would be close to the top of the affordability range for social rented tenants but would still be considered affordable."

They have also confirmed that to date the Council have not included mixed tenure cores (with social rent, intermediate and private units sharing a core) in any new build schemes.

9. **Origin housing** are the applicant and they have confirmed that they manage all their schemes with separate cores and that their management policy is:

“Origin is an affordable housing specialist and actively looks to build housing for mixed tenure developments. Origin has found that the most successful approach to mixed tenure developments is through providing separate tenure cores, so that the housing for all residents is affordable and flexes to meet their requirements. In mixed tenure developments where there are shared communal areas the level of service charges for rented units can be higher and therefore become ‘unaffordable’ to some of the residents who live there. Government legislation has led to changes in welfare benefits that increasingly means individual residents are liable for a higher burden of service charges which may have been covered by benefits until recently.”

10. **Other schemes in the borough:** Officers are aware of only one application in the borough where the proposal includes cores with a mix of private, intermediate and social rented residents, which is the current application under assessment at Lamb’s Passage (P2016/0488/FUL). There is a different context for this application in terms of the appeal history and scheme viability and it is very unusual for a mixed tenure core to be proposed.
11. **Viability:** The applicant has taken advice from three surveyors/valuers with regard to the financial impact of including a shared core within the scheme. They have provided written statements that in their professional opinions a shared core would have a negative impact on sale prices for the private units and slow down the selling process. The implication is that the use of a shared core would make the scheme unviable. Viability/S106 colleagues have advised that they agree that there could be reductions in value but that it is difficult to quantify this.
12. **Additional cores**
In light of the above the applicant has stated that the only way to provide additional social rented units within the scheme is through the provision of separate cores. Plans have therefore been submitted showing an option with 2 cores within the building, along with an updated viability appraisal. This option provides 19 units in total, with 9 affordable units (6 social rent and 3 intermediate). The use of separate cores reduces the total number of units that can be provided on site and increases the costs. The policy compliant mix also has a substantial impact on the values realised. The combination of the reduction in units, cost increase and value decrease makes this option unviable. BPS have reviewed the viability appraisal information and have confirmed that the proposed option is unviable.
13. Officers requested that the service charges for the two proposed ground floor social rent units be capped in order to ensure that lower service charges are secured. Origin have advised that they cannot sign up to this because “they cannot be certain what legislative changes may come forward in the future which necessitate additional expenditure”. They have advised however, that their policy remains as per paragraph 9 above; to ensure that social rent service charges are kept as affordable as possible.

Conclusion

14. Officers have explored various options with the applicant and it has not been possible in viability terms to increase the number of social rented units in the scheme.

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 19 May 2016	

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

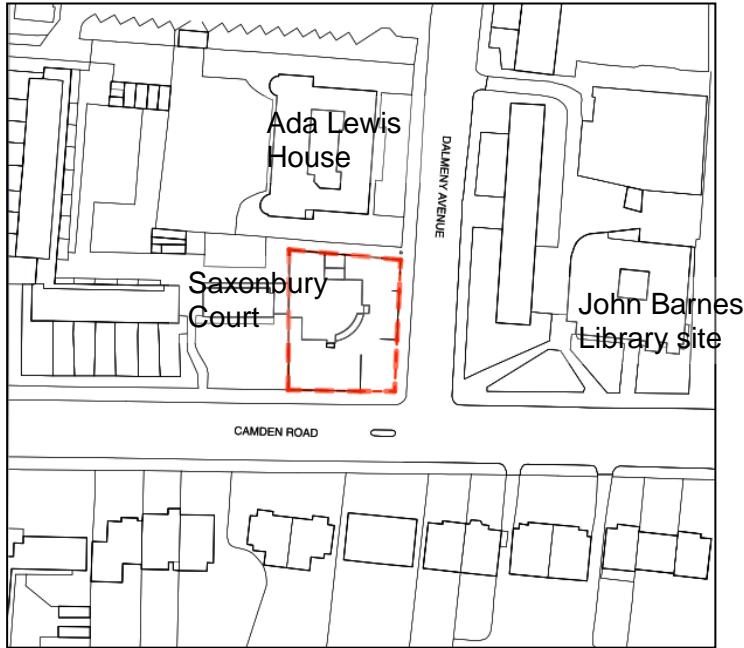
Case Officer	Amanda Peck
Applicant	Origin Housing Developments Ltd
Agent	JLL

RECOMMENDATION

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

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

SITE PLAN (site outlined in black)



PHOTOS OF SITE/STREET



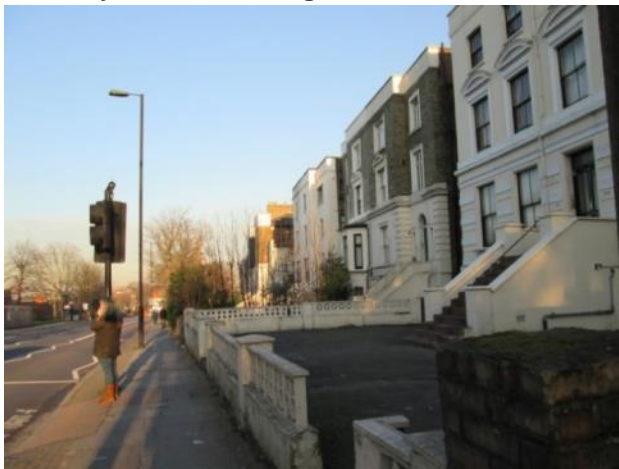
Aerial photographs



Camden Road frontage



Dalmeny Avenue frontage



Existing buildings on opposite side of Camden Road



Saxonbury Court, Camden Road



John Barnes Library site (under construction)



Ada Lewis House (planning permission for redevelopment)

1. SUMMARY

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

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

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

conservation area.

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

2. SITE AND SURROUNDING

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

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

3. PROPOSAL (IN DETAIL)

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

Revisions

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

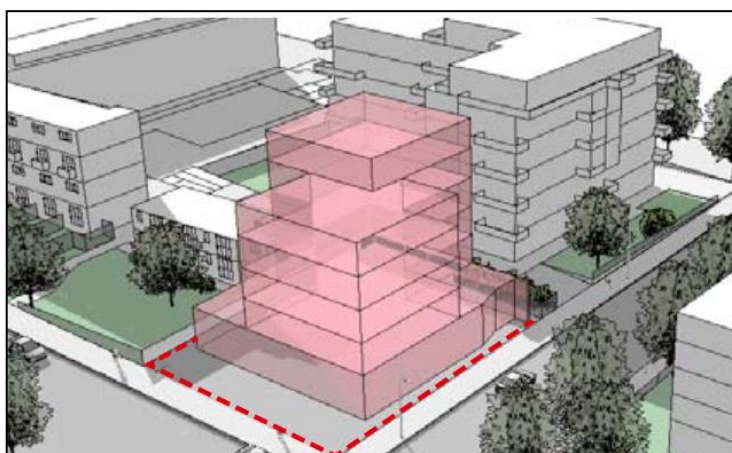
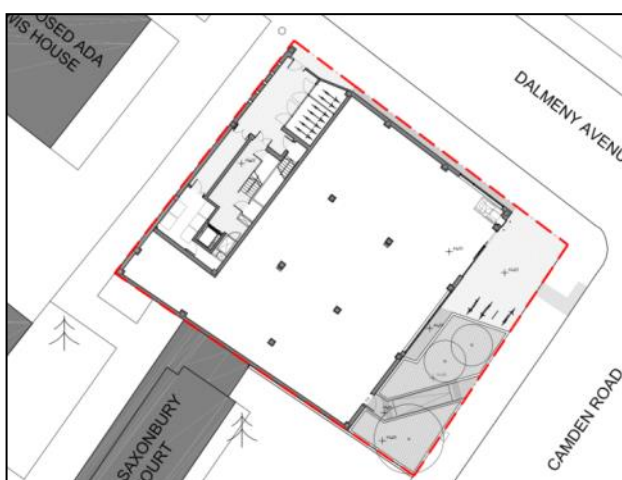
3.2 The current proposal differs from the previous appeal refusal on the site in that the previously proposed ground floor retail unit has been removed from the scheme and it is approximately 1m lower in height (because of the higher floor to ceiling heights required for the previously proposed ground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



Camden Road elevation and views



Dalmeny Avenue elevation and views



Ground floor plan

3d view

4. RELEVANT HISTORY:

Application site

4.1 Planning applications

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

4.2 Pre application advice

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

4.3 Request to locally list the building

A letter and supporting information was sent from local residents on 23 September 2015 requesting that the existing building be added to Islington's Local List of heritage assets.

The Council responded on 6 January 2016 as follows:

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

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

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

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

Adjacent sites

4.4 Planning applications

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

5. CONSULTATION

Public Consultation

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

- 5.2 A 635 signature petition has been received with the following covering letter:
“Viewed from the conservation area across the road, we have witnessed the library being demolished and soon we will see Ada Lewis House being torn down

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

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

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

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

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

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

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

Design/conservation

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

application showing the approved buildings on Camden Road and Dalmeny Avenue and the scheme has been assessed in the context of these approvals. **Also see paras. 8.10-8.19);**

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

Transport

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

Amenity

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

External Consultees

5.4 **Transport for London**

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

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

An informative is also requested reminding the applicant that licences may be required from TfL as highway authority for Camden Road.

5.5 **Thames Water**

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

5.6 **London Fire and Emergency Planning Authority**

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

Internal Consultees

5.7 **Highways**

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

5.8 **Biodiversity Officer**

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

5.9 **Access Officer**

Initial comments

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

Comments on revised details

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

5.10 Policy Officer

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

5.11 Housing Officer

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

5.12 Tree Officer

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

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

Comments on revised details

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

5.13 Energy Conservation Officer

Initial comments

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

residential units at that site, however due to the small scale of both sites it is unlikely that there would be sufficient capacity to share heat efficiently, and therefore it is accepted that a SHN is unlikely to be viable.

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

Comments on revised details

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

5.14 Public Protection

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

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

6. RELEVANT POLICIES

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

National Guidance

6.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.

6.2 Under the Ministerial Statement of 18 December 2014, the government seeks to

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

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

Development Plan

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

Designations

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

Islington Local Plan

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

London Plan

Camden Road TLRN

Supplementary Planning Guidance (SPG) / Document (SPD)

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

7. ENVIRONMENTAL IMPACT ASSESSMENT

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

8. ASSESSMENT

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

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

Land-use

Existing retail use

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

8.6 In line with the rest of policies DM4.7 and DM4.10 there is a grocers/off licence on the opposite side of Dalmeny Road nearby and a small protected local shopping parade on the corner of Hillmarton Road and Camden Road. Camden Road is characterised by large residential buildings housing purpose built flats and flat conversions, therefore the change from retail use to residential use will not affect the retail vitality of the area or character of the streetscene. The quality of residential accommodation is discussed below in paragraphs 8.36-8.53).

Proposed residential use

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

Design and Appearance

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

Demolition

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

Previous appeal decision

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

8.11 *“The 5 storey block of the appeal scheme, in contrast, would be bulky, high and prominent seen from either direction in the Camden Road street scene; and would also be conspicuous on the corner seen along Dalmeny Avenue and from the Victorian*

buildings in the CA. The appellant acknowledges that the whole development is designed to be a 'prominent marker' in the words of the Design and Access Statement. In seeking this, the 5 storey element would stand forward more than any other building in the road by a significant margin.

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

Design and height

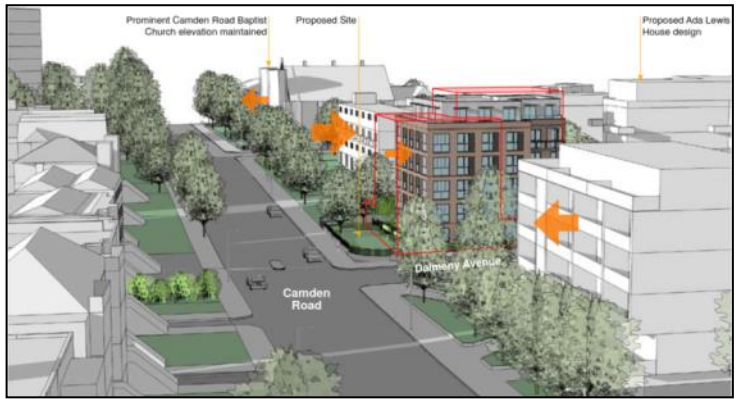
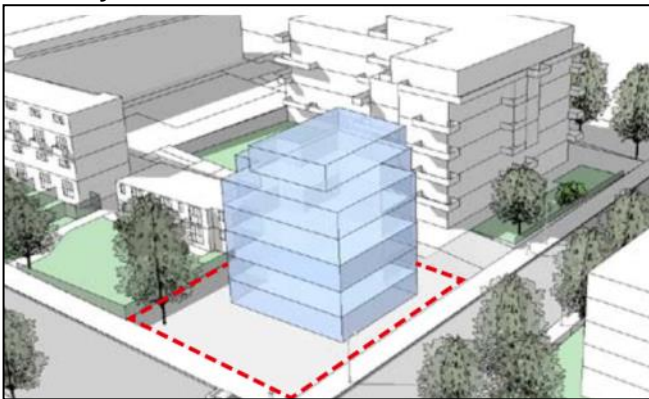
- 8.15 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and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



Camden Road elevation and view



Dalmeny Avenue elevation and view



3d views



Proposed ground floor

Height/massing

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

Detailed design

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

Materials

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

Trees

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

removal of much of the open frontage space that currently exists between buildings and the public domain. New trees would also take more than a decade to make a similar contribution. This matter weighs against the scheme.

8.23 The scheme has been amended and the building line has been set back which means that the protected tree can be retained. The tree officer was concerned about the location of the pedestrian access path close to the tree and its impact on the root protection area and this has consequently been amended. Condition 3 is recommended requiring compliance with the Arboricultural Impact Assessment on this. The proposal therefore has no detrimental impact on the protected tree.

8.24 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2015, CS 1 and CS 9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Urban Design Guide.

Affordable Housing and Financial Viability

8.25 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to provide a more balanced mix of tenures in all parts of London and that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS 12 (G) states that Islington will meet its housing challenge to provide more affordable homes by:

- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
- requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
- seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'

8.26 For the previous appeal scheme, while the appeal was dismissed the Inspector concluded that the provision of all 21 units as shared ownership units, with no social rented units was acceptable. The Inspector concluded that: *“a deliverable 100% intermediate scheme on this site would make a very useful contribution to housing need in Islington in a reasonably central and very sustainable location. Acknowledging the strong policy bias in favour of social rented accommodation and the large number of people waiting for such housing, there is no persuasive evidence to show that such a scheme could be made to work in practical and financial terms on this site. Accordingly the development of 100% intermediate units would not conflict with the relevant requirements of policy CS 12 and would provide a meaningful and useful contribution to meeting the great demand for affordable housing.”*

8.27 A financial viability assessment was submitted with the application which originally proposed the provision of 6 affordable units (2 x ground floor social rent – 1 x 2b, 1 x 3b and 4 x shared ownership units – 2 x 1b, 2 x 2b) which equated to 29% when calculated using unit numbers and 30% when calculated using habitable rooms. This provision has now increased over the course of the application to 2 x ground floor social rent and 8 x shared ownership units, which equates to 48% when calculated using unit numbers and

48% when calculated using habitable rooms. Further analysis of this is provided below.

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

provision of social rented units.

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

Dwelling Mix and Quality of Resulting Residential Accommodation

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

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

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

8.39 There is an identified strong demand for 2 bed units within the market tenure and the scheme provides this, although there is a higher proportion of 1 bed units. There is an identified strong demand for larger units (3 and 4 beds) within the social rented tenure within the borough and the scheme provides this, although it provides a 2 bed unit rather than a 4 bed unit. There is an identified strong demand for 1 bed intermediate units and the scheme provides this, although there is a higher proportion of 2 bed units.

8.40 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2015) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. Policy DM3.4 states that all new housing developments are required to provide accommodation of adequate size and layout with consideration of aspect, outlook, noise, ventilation, privacy and light; functional and useable play, amenity and garden space; sufficient space for storage and utility purposes; built to accessible standards.

8.41 Policy DM3.4 part D sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. The policy then goes on to state that 'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'. Most of the proposed units are dual aspect with four single aspect units at first to fourth floor levels. It would be difficult to provide dual aspect to the entire scheme without substantially changing the unit size mix and on balance this is considered acceptable.

Daylight/sunlight

8.42 The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

8.43 **Daylight:** the BRE Guidelines stipulates that for proposed residential units the ADF test should be used for daylight (with 1% for bedrooms, 1.5% for living rooms and 2% for kitchens)

8.44 **Sunlight:** the BRE Guidelines confirm that windows that do not enjoy an orientation

within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

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

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

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

Air quality

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

minimum floor to ceiling height of 2.6 metres. The proposed residential units all meet the required internal space standards and are therefore in compliance with local and national standards: the one bedroom units being between 50 and 50.05sqm (against a policy requirement of 50sqm), the two bedroom units being between 72 and 73, 89sqm (against a policy requirement of 70sqm) and the three bedroom unit being 96sqm (5 person unit) (against a policy requirement of 86sqm and 95sqm). There are two x 2 bed units which are undersize on the top floor at 61sqm but it is not possible to make the top floor any larger because of design issues and if these units were converted to large 1 bedroom units the mix would not be suitable.

Overlooking

- 8.51 Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms'. There are some instances where there are distances of below 18m between proposed windows and existing residential units as follows:
- There are existing windows at Ada Lewis House in the side elevation facing the application site, which are 11m away from the side elevation of the proposed building. There are also windows and balconies to this elevation in the approved scheme at Ada Lewis House which would be 6.3m away from the side elevation. There are no windows proposed in this side elevation for the current application under consideration, but there are balconies facing the street and these will all have full height privacy screens to the corner to avoid any overlooking from the existing or approved building at Ada Lewis House. Condition 4 is recommended to ensure that these privacy screens are provided.
 - There are 5 bedroom windows in total (one per floor at first, second, third, fourth and fifth floors) to the rear elevation that faces the side elevation at Ada Lewis House. These are not directly opposite existing windows but at an angle are 15m away from existing staircase windows and 17m away from existing bedroom windows. Whilst there is potential for overlooking between the bedroom windows, given that the existing building is vacant and due for development and the windows are not directly opposite each other there is not considered to be any undue overlooking issues.
 - The proposed building is smaller than the existing building along this elevation and there are no windows directly facing the proposed bedroom windows. There are, however, proposed balconies at Ada Lewis House at first, second, third and fourth floor levels, two of which face the application site and two of which have the side of the balconies facing the application site. These four balconies will be 15m away from the proposed bedroom windows at their closest point. In both cases only the corner most part of the balconies are 15m away and the majority of the balcony area is either over 18m away. Given the fact that the proposed bedroom windows have been set away from the rear boundary by 7m, that the building cannot be pulled any further away without there being concerns about the bulk on Camden Road, that there are only 4 windows affected and that it is only marginally below the 18m distance there is not considered to be any undue overlooking issue.
 - The proposed balconies to the Camden Road elevation are approximately 3m away from existing windows at Saxonbury Court, albeit not directly facing each other. Full height privacy screens are also proposed to the corner of these balconies to avoid any overlooking. Condition 4 is recommended to ensure that these privacy screens are provided.
 - Windows are proposed in the side elevation facing the side of Saxonbury Court which are 0.9m away from the boundary. There are no windows facing these at Saxonbury Court but they are proposed to be obscure glazed anyway to avoid any

future overlooking issues. The bedrooms that are served by these obscure glazed windows also have windows in the rear elevation. Condition 5 is recommended to ensure that the obscure glazing is provided.

- 8.52 Amenity space - Policy DM3.5 part A identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. Outdoor amenity space has been provided for the two ground floor units with terraces of 31sqm and 93sqm. The upper floor units have balconies and winter gardens of between 5 and 8sqm (with the three top floor units having balconies of 10-12sqm). In addition there is a landscaped area fronting Camden Road with approximately 166sqm of amenity space. In this urban location the proposed amenity space is therefore considered acceptable with the benefit of there being a large landscaped area around the building.
- 8.53 In conclusion, despite there being air quality issues and the need for mechanical ventilation to the ground and first floor units facing Camden Road, on balance an acceptable standard of accommodation is provided with generously sized units with acceptable levels of daylight/sunlight and amenity space and some obscure glazing and balcony privacy screens required.

Neighbouring Amenity

- 8.54 London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of, in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 8.55 The surrounding area is predominantly residential in character. The adjacent 5 storey Ada Lewis house on Dalmeny Avenue is a vacant women's hostel with planning permission for a residential redevelopment (providing 45 units). A new library and residential scheme (providing 34 units) is currently under construction on the other corner of Camden Road and Dalmeny Avenue, which will include two buildings of 3-4 storeys and 4-6 storeys. Adjacent to the site on Camden Road is a small two storey block of flats (Saxonbury Court) and on the opposite side of Camden Road are 4 storey semi-detached villas. Holloway Prison is located on the other side of the library site on Camden Road.

Sunlight and Daylight

- 8.56 Concern has been raised by local residents regarding loss of light to surrounding residential properties. A daylight and sunlight study has been submitted in support of this application, with windows being tested at residential properties at Kimble House (opposite the site on Dalmeny Avenue), 354 and 356 Camden Road (opposite the site on Camden Road), Saxonbury Court (adjacent to the site on Camden Road) and Ada Lewis House (adjacent to the site on Dalmeny Avenue - as existing and as approved).
- 8.57 The daylight/sunlight assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on

sunlight layout planning to achieve good sun lighting and day lighting’.

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

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or

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

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

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

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

- 8.60 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Sunlight and daylight losses for affected properties analysis

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

Daylight

Ada Lewis House (as existing)

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

- Of the three rooms tested on each of the first, second and third floor levels, two rooms at first floor and one room at second floor levels do not meet the NSL criteria with reductions of 40%, 31% and 21%.

Ada Lewis House (as permitted)

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

Sunlight

Ada Lewis House (as existing)

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

Ada Lewis House (as permitted)

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

Overall daylight/sunlight impact to Ada Lewis House

Ada Lewis House (as existing)

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

Ada Lewis House (as permitted)

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

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

8.62 In conclusion, the result of the BRE analysis shows that there is no impact on adjoining residential units at Kimble House, 354-356 Camden Road and Saxonbury Court. While

there is an impact on the existing and approved windows at Ada Lewis House it is considered that this will not have such an unacceptable impact on the overall standard of accommodation for the existing hostel accommodation or the new residential units as to justify refusal of planning permission.

Privacy, Overlooking

- 8.63 Concern has been raised by local residents regarding overlooking and loss of privacy to existing residential units in the area. Policy DM2.1 identifies that ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms (living rooms and bedrooms, sometimes kitchens if they are large dining kitchens but excluding bathrooms and staircases). This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 8.64 There are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, because:
- As outlined in paragraph 8.51 obscure glazing and privacy screens are required by conditions 4 and 5 to prevent overlooking to balconies at the approved or existing Ada Lewis House and at Saxonbury Court;
 - As outlined in paragraph 8.51 there are four balconies at the proposed Ada Lewis House where the corners of the balconies will be 15m away from four bedroom windows in the proposed scheme. Given the fact that the proposed bedroom windows have been set away from the rear boundary by 7m, that the building cannot be pulled any further away without there being concerns about the bulk on Camden Road, that there are only 4 balconies affected and that it is only marginally below the 18m distance there is not considered to be any undue overlooking issue;
 - The street elevations to Camden Road and Dalmeny Avenue have windows and balconies and the existing buildings opposite are across a public highway.

Outlook/sense of enclosure

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

Noise

- 8.66 The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by objectors. Conditions requiring the submission of a Construction & Demolition Logistics Plan (No 6), a Construction Environmental Management Plan (No 7) and an informative advising of restriction to hours for ‘noisy’ works (No 6) have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.

- 8.67 Balconies are proposed to most units, given their relatively small size and the distance away from existing residential units, it is considered that there will not be any noise or disturbance issues from these balconies or terraces.
- 8.68 In conclusion, there is not considered to be any adverse material impact on residential amenity to neighbouring properties in terms of loss of light, loss of privacy, sense of enclosure, overlooking or noise as a result of the proposed development, subject to the conditions set out in this report.

Accessibility

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

A new National Standard

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

Accessibility Assessment:

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

Highways and Transportation

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

Transport Statement

- 8.75 A Transport Statement has been submitted with the application (the scheme is not large enough for a full transport assessment). Vehicle movements associated with the

residential use has been estimated as being 11 two way trips during the AM peak and 7 two way trips during the PM peak. The existing public house use would have attracted trips throughout the day and the Transport Statement concludes that there would not be a detrimental impact on the local highway network as a result of journeys associated with the residential use. A residential travel plan has also been submitted to encourage residents to minimise the use of private cars.

Servicing and refuse

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

Vehicle parking

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

Cycle parking

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

Construction impact

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

impact in terms of loss of servicing, car parking, cycle parking and construction impact, subject to the conditions set out in this report.

Sustainability, Energy Efficiency and Renewable Energy

Sustainability

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

Energy Efficiency and Renewable Energy

- 8.87 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide

emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 30% saving compared with Building Regulations 2010 and 39% compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible.

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

small heat loads of the development and the Council's Energy Officer has confirmed that based on the likely heat loads they would not expect an on site CHP system to be installed.

Planning Obligations, Community Infrastructure Levy and local finance considerations

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

units (4 x 1n, 4 x 2b) and with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity;

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

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

9. SUMMARY AND CONCLUSION

Summary

9.1 In accordance with the above assessment the comments made by residents and consultee bodies have been taken into account and it is considered that the proposed development is consistent with national policies and the policies of the London Plan, the

Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents.

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

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

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

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>214023/001; /120 A; /121; /122; /110; /130 A; /131 A; /132 A; /133 A; 140; 141; 010; /020; /021; /030; /031; /032; /033; /040; /041; Arboricultural Impact Assessment DFCP 3686 prepared by DF Clark Bionomique Ltd dated 22.10.15; Design and Access Statement prepared by KKM Architects undated; HIA screening Assessment undated; Planning Statement prepared by JLL dated December 2015; Phase 1 Desk Top Study Report rev A prepared by Herts & Essex Site Investigations; Daylight and Sunlight Report MC/KW/ROL7355 prepared by Anstey Horne dated 2 November 2015; Transport Assessment prepared by TTP Consulting dated November 2015; Travel Plan prepared by TTP Consulting dated November 2015; Ecology Report DFCP 3686 prepared by DF Clark Bionomique dated 11th November 2015; Air Quality Assessment H2111 V01 prepared by Hawkins Environmental dated 21st October 2015; Noise Assessment H2111 V01 prepared by Hawkins Environmental dated 21st October 2015; Overheating Assessment prepared by Brooks Development dated 04/04/2016; Sustainable Design and Construction Statement including Energy Assessment 3rd submission prepared by Brooks Development dated 04/04/2016; Whole life cost assessment comparing the costs of installing communal heating with individual gas boilers prepared by Callaway Energy Consulting undated.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act</p>

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

	<p>(but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to any works commencing on site.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Camden Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic on Holloway Road, local residential amenity and mitigate the impacts of the development.</p>
7	<p>Construction Environmental Management Plan (CEMP) (details)</p>
	<p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
8	<p>Materials</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork including recessed brick panels (including brick panels and mortar courses) b) window and door treatment (including sections and reveals); c) balustrading treatment (including sections); d) balcony screening; e) banding detail; f) cladding system to top floor; g) boundary treatment; h) green procurement plan; and i) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

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

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

	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 214023/120 rev A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
16	<p>Sound Insulation and Noise Control Measures</p>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be implemented prior to the first occupation to ensure the following internal noise targets (in line with BS 8233:1999):</p> <ul style="list-style-type: none"> - Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB L_{max} (fast) - Living Rooms (07.00-23.00 hrs) 35 dB L_{Aeq}, - Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq} <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment due to the noise levels on Holloway Road and commercial use at ground floor level</p>
17	<p>Contamination (details)</p>
	<p>*CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b)."</p> <p>REASON: In order to protect the health and amenity of future residential occupiers at the site.</p>

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

22	<p>Green and Brown Roofs (Details)</p> <p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be :</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
23	<p>Sustainable Urban Drainage System (SUDS) (details)</p> <p>CONDITION: Details of a detailed drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. <p>The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
24	<p>Water Use (Compliance)</p> <p>CONDITION: The development shall be designed to achieve a water use target of no more than 105litres per person per day, including by incorporating water efficient</p>

	<p>fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
25	<p>BIRD/BAT BOXES (DETAILS)</p> <p>CONDITIONS: Details of bird and/or bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
26	<p>Thames Water and Piling</p> <p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to impact on this infrastructure.</p>

List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by</p>

	<p>submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Car-Free Development</p> <p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5.	<p>Roof top plant</p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
6	<p>Construction works</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
7	<p>Thames Water</p> <p>You are advised to refer to the consultation letter of 29 December 2015 from Thames Water with regard to groundwater discharge into the public sewer; groundwater risk management permit; surface water drainage; prior approval to discharge into a public sewer; and water pressure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement covered in Condition 26.</p>
8	<p>TfL licences</p> <p>Licences may be required from TfL as highway authority for Camden Road. Further information can be found on the TfL website at: https://tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences</p>
9	<p>Highways Requirements</p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 2: RELEVANT POLICIES

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

1 **National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online

2. **Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 – Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

Policy 3.15 Coordination of housing development and investment

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage

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

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

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

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

Strategic Policies

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

Infrastructure and Implementation

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

C) Development Management Policies June 2013

Design and Heritage

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

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

Housing

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

Energy and Environmental Standards

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

Transport

DM3.7 Noise and vibration (residential use)

Shops, culture and services

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.10 Public Houses

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new Developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

3. **Designations**

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

Islington Local Plan

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

local view 4 from Archway Road

local view 5 from Archway Road

Within 50m of Hillmarton Conservation Area

London Plan

Camden Road TLRN

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

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

London Plan

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

APPENDIX 3 – BPS reports

273 Camden Road, Islington, London, N7 0JN

Application Ref: 2015/5306/FUL

Independent Review of Assessment of Economic Viability

19 February 2016



1.0 Introduction

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

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

2.0 Conclusion and Recommendations

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

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

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

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

3.0 Planning Policy Context

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

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

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

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

4.0 Planning History

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

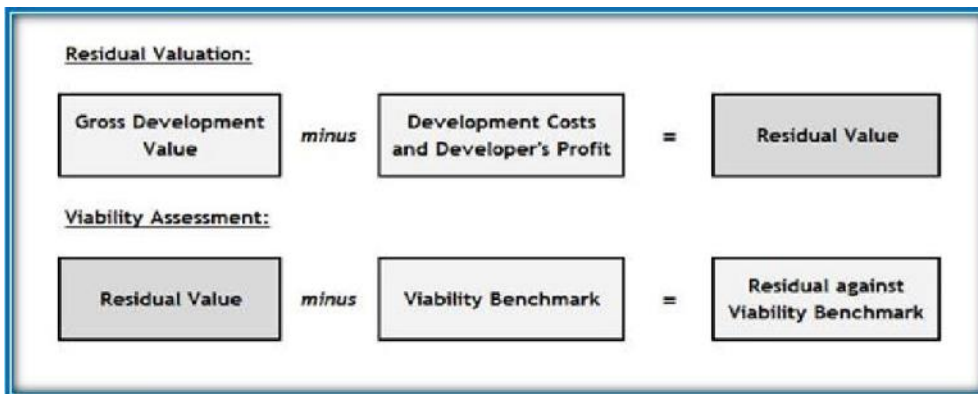
4.2. 2013/1933/FUL - Demolition of the existing building on site and the erection of a new building comprising basement ground and part four/part five storeys providing 422sqm (Class A1) retail floorspace and 22 residential units (Class C3) with associated landscaping, cycle parking, plant signage and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

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

5.0 Principles of Viability Assessment

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

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



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

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

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

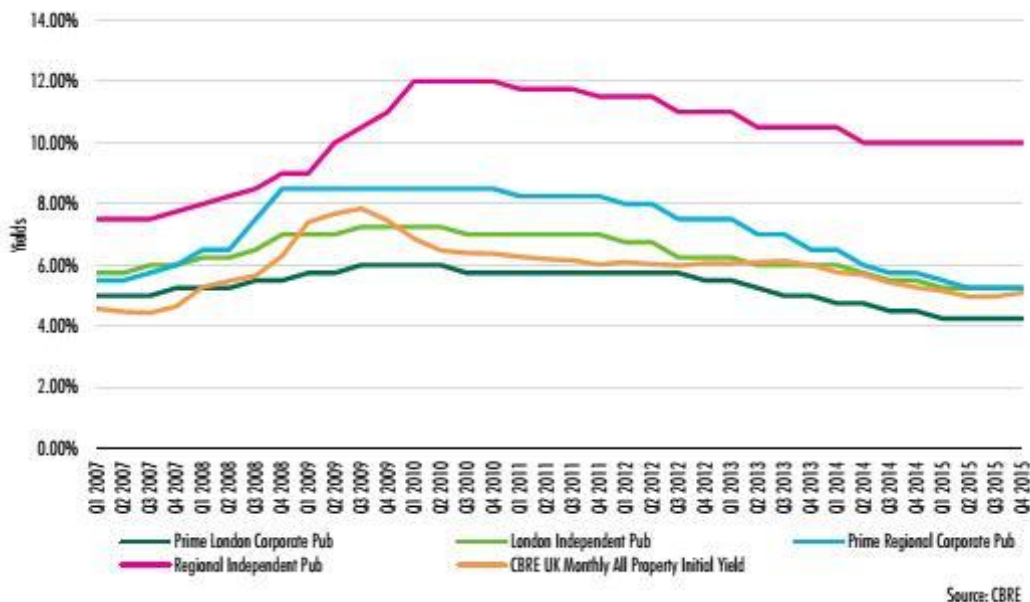
Address	Deal Date	Size m ² (ft ²)	Rent	£/m ² (ft ²)	Floors
Holloway Castle, 392 Camden Road, N7 0SJ	Sep-15	419 (4,513)	£56,760	£135 (£13)	LG, G
178 Hoxton Street, N1 2XH	Sep-15	232 (2,496)	£77,614	£335 (£31)	LG, G
55 White Lion Street, N1 9PP	Sep-15	229 (2,465)	£75,000	£328 (£30)	
The Prince of Wales,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

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

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

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

Chart 1: UK Pub Investment Yield Tracker



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

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

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

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

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

7.0 Costs

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

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

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

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

8.0 Residential Sales Values

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

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

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

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

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

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

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

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

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

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

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

Second Hand Sales

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

One Bedroom

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

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

Two Bedrooms

Address	Sale price	Date	Area m ² (ft ²)	£ per m ² (ft ²)
Flat 18 453 Caledonian Rd N7	£675,000	26/08/15	72 (775)	£9,375 (£871)

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

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

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

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

9.0 Affordable Housing

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

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

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

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

11.0 Ground Rent

11.1. The ground rental income has been calculated at a range of rates from £300 per annum for one bedroom units up to £400 per annum for the two bedroom units. This gives an average income of £353 per unit which equates to a total annual income of £5,295. Capitalising the figure at a rate of 5% results in a capital sum of £105,900. In our opinion the assumptions applied are not unreasonable and are broadly in line with current market trends.

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

Independent Review of Assessment of Economic Viability

Interim Draft Report Appendix A Cost Report

1 SUMMARY

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

2 METHODOLOGY

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

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

3 GENERAL REVIEW

3.1 We have been provided with and relied upon:

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

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

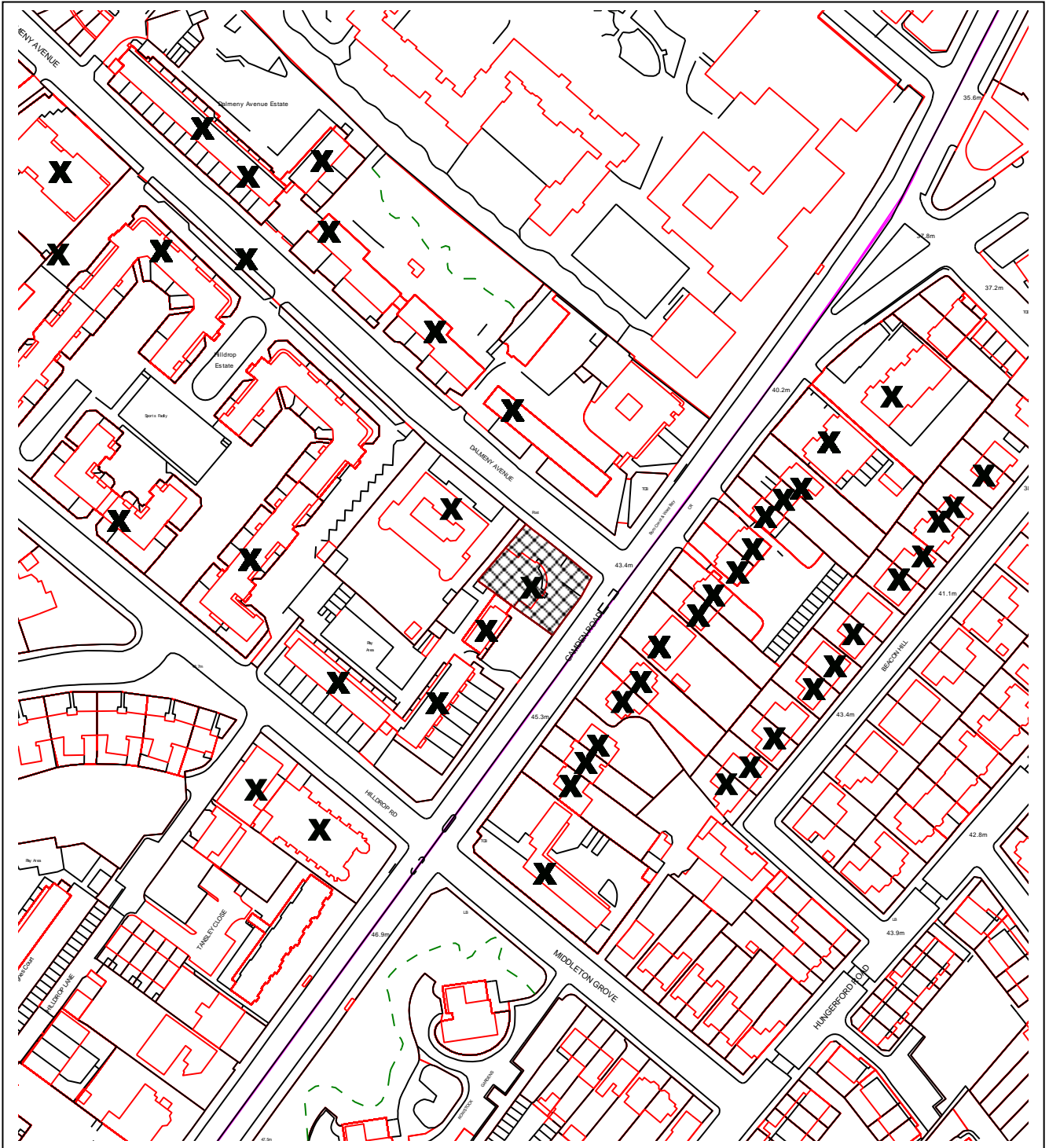
BPS Chartered Surveyors
Date: 19th January 2016

273 Camden Road, Islington N7
OJN Elemental analysis & BCIS
benchmarking

		GIA m ²	1,652	LF100	LF132
		£	£/m ²	£/m ²	£/m ²
	Demolitions	135,000	82		
1	Substructure	75,000	45	122	161
2A	Frame			153	202
2B	Upper Floors			81	107
2C	Roof			71	94
2D	Stairs			26	34
2E	External Walls			190	251
2F	Windows & External Doors			76	100
2G	Internal Walls & Partitions			54	71
2H	Internal Doors			49	65
2	Superstructure	2,608,000	1,579	700	924
3A	Wall Finishes			57	75
3B	Floor Finishes			52	69
3C	Ceiling Finishes			33	44
3	Internal Finishes	0		142	187
4	Fittings			58	77
5A	Sanitary Appliances			24	32
5B	Services Equipment (kitchen, laundry)			13	17
5C	Disposal Installations			11	15
5D	Water Installations			30	40
5E	Heat Source			23	30
5F	Space Heating & Air Treatment			97	128
5G	Ventilating Systems			22	29
5H	Electrical Installations (power, lighting, emerg lighting)				
5I	Gas Installations			5	7
5J	Lift Installations	75,000	45	35	46
5K	Protective Installations (fire fighting, sprinklers, lightning)			11	15
5L	Communication Installations (burglar, panic, fire alarm, cctv, door entry, data cabling, telecoms tv/satellite)			30	40
5M	Special Installations - (window cleaning, BMS, medical gas)			26	34
5N	BWIC with Services			9	12
5O	Builders Profit % Attendance on Services			4	5
5	Services	75,000	45	422	557
6A	Site Works	65,000	39		
6B	Drainage	18,000	11		
6C	External Services	66,000	40		
6D	Minor Building Works - tree surgery	5,000	3		
6	External Works	154,000	93		
	Roof terracing & balconies	100,000	61		
	SUB TOTAL	3,147,000	1,905	1,444	1,906
7	Preliminaries 14%	441,000	267		
	Overheads & Profit 8%	253,000	153		
	SUB TOTAL	3,841,000	2,325		
	Price & Design Risk				
	Contingencies 5%	158,000	96		
	TOTAL	3,999,000	2,421		
	Add Design fees 8%	253,000	153		
	Grand Total	4,252,000	2,574		
		4,300,000	2,603		

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

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	13 September 2016	NON-EXEMPT

Application number	P2015/1958/FUL
Application type	Full Planning Permission
Ward	Clerkenwell
Listed building	Within vicinity of Listed Buildings at 42 Roseberry Avenue (Grade II), 94 Farringdon Road (Grade II), 10 & 16 Bowling Green Lane (Grade II) and 17 Pine Street (Grade I).
Conservation area	Adjoins Clerkenwell Green Conservation Area and Roseberry Avenue Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Bunhill and Clerkenwell Core Strategy Key Area - Finsbury Local Plan (FLP) Area - Finsbury Local Plan (FLP) Site Allocation BC46: 68-86 Farringdon Road (NCP Carpark) - Exmouth Market Employment Priority Area (General) - Central Activities Zone - Adjoins Farringdon/Smithfield Intensification Area - Adjoins Local Shopping Centre on northeast side of Farringdon Road - Adjoins Archaeological Priority Area to the southeast - LV7 Local View from Kenwood viewing gazebo to St. Paul's Cathedral. - Within vicinity of locally listed buildings at 159 Farringdon Rd and 17 Bowling Green Lane - Within vicinity of Heritage Sites in Historic Clerkenwell at 20 Bowling Green Lane, 143-157 Farringdon Road and 159 Farringdon Road.
Licensing Implications	Not Applicable
Site Address	NCP Car Park, 68 - 86 Farringdon Road, London, EC1R 0BD
Proposal	Demolition of existing multi-storey car park and redevelopment to provide a part 5 (plus basement)/

	part 6-storey building comprising 3647sqm (GEA) office floorspace (Class B1 use), 180 bedroom hotel (Class C1 use) and 407sqm (GEA) retail/restaurant floorspace (Class A1/A3 use) with associated facilities, plant, landscaping and servicing [Revised Drawings/Further Information].
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Case Officer	John Kaimakamis
Applicant	Endurance Land (Farringdon) Ltd
Agent	GVA Grimley

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 Subject to a contribution towards securing offsite housing provision the redevelopment of this site to provide a mix of hotel, office and retail accommodation in the CAZ would be entirely appropriate in this highly accessible location. Whilst development plan policies and designations seek a maximum of business floorspace with an element of housing, the proposal has been accompanied by a financial viability appraisal to demonstrate that an element of housing is not viable on the site, whilst the level of business floorspace proposed is the maximum reasonable possible.
- 4.2 The proposed building respect the heights of buildings in the immediate context 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. No part of the proposed development would

block, detract from or have an adverse effect on any significant strategic or local protected views.

- 4.3 The revised proposals have limited the extent of loss of sunlight and daylight losses and when balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is accepted. Further, the proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of sense of enclosure or privacy.
- 4.4 Subject to appropriate conditions, including submission of a feasibility study for connection to a shared heating network, the development would comply with relevant planning policies relating to sustainability and energy efficiency.
- 4.5 The proposed development would be serviced on site 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 comprehensive s106 planning agreement and contributions related to and mitigating impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is acceptable subject to conditions, informatives and the s106 legal agreement

5. SITE AND SURROUNDING

- 5.1 The application site comprises a purpose built 4-storey car park within a 0.21ha plot. The building is operated by NCP and provides 294 car parking spaces. The south eastern end of the building incorporates an ancillary office unit at lower ground floor. The site is above the Thames Link, which is serviced by a vertical air shaft through the main building. The London Underground runs under Farringdon Road (5.5m from the site boundary).
- 5.2 The building is not listed, but straddles two designated conservation areas – Rosebery Avenue Conservation Area and Clerkenwell Green Conservation Area. The local area has undergone some significant changes in recent years, namely at Farringdon Station, with introduction of Crossrail which is due for completion in 2018.
- 5.3 The locality comprises a range of different land uses, both commercial and residential. To the south of the site is a mix of non-residential institutions and office floorspace. To the north is Clerkenwell Fire Station (Grade II listed) and Mount Pleasant where a large mixed used development secured approval from the Mayor. To the east of the site is private car park (owned by LBI), which is fronted by a terrace of two and three storey residential dwellings (No's 1-16 Catherine Griffiths Court). Opposite the terrace is Finsbury Health Centre, which is a Grade I listed building.

5.4 The site has a PTAL rating of 6b through having an excellent level of accessibility to public transport. It is approximately 475 metres from Farringdon Road Station, which provides both national and London Underground links. In front of the building is a bus stop which serves the 63 & N63 bus routes to Crystal Palace.

6. PROPOSAL (IN DETAIL)

6.1 The proposals as originally submitted sought planning permission for the demolition of the existing multi-storey car park and the erection of a part-five (plus basement)/part-six storey building. The new building would have provided for Use Class A1/A3 retail/café/restaurant units on the ground floor level fronting Farringdon Road, whilst the ground and upper floors of the building would provide office accommodation (Class B1a) and a hotel (Class C1).

6.2 The proposed building can be broken up into three sections with Block A proposed at a height of 6 storeys (24.7 metres) containing the office accommodation and fronting both Farringdon Road and Bowling Green Lane. Blocks B and C contained the hotel accommodation with retail at ground floor level. Block B which is located in the middle of the site fronting Farringdon Road was also proposed at 6 storeys but with an overall height of 20.6 metres. Block C which fronts both Farringdon Road and Vineyard Walk was proposed at 5 storeys with an overall height of 17.23 metres.

6.3 Conservation/design and planning officers expressed concerns in relation to the proposal with regard to the overall built form and impact on the amenity of surrounding properties and as a result the applicant amended the application to reduce the volume and massing of the proposed building.

6.4 The amendments consisted of reducing the volume of the sixth storey of Block A and introducing setbacks from Farringdon Road and Bowling Green Lane, along with a greater setback from the properties to the rear at Catherine Griffiths Court. The overall height of Block A was reduced to 23.6 metres. Additionally, the proposed volume of Block A at third and fifth storey levels was also reduced opposite the neighbouring residential properties at Catherine Griffiths Court.

6.5 Block B was amended from a 6-storey building to a 5-storey building along Farringdon Road (with a consequential reduction in height from 20.6 to 15.4 metres), whilst the rear elevation of Block B was also set further back from the properties to the rear at Catherine Griffiths Court. Block C was maintained at 5-storeys but with a reduction in height from 17.23 to 15.8 metres in height.

6.6 Therefore, as amended, the application seeks planning permission for redevelopment involving demolition of the existing multi-storey car park and redevelopment to provide a part 5 (plus basement)/ part 6-storey building comprising 3647sqm (GEA) office floorspace (Class B1 use), 180 bedroom hotel (Class C1 use) and 407sqm (GEA) retail/restaurant floorspace (Class A1/A3 use) with associated facilities, plant, landscaping and servicing.

6.7 Servicing of the office, hotel and retail units would take place in small service yard located to the rear of the property, accessed off Bowling Green Lane.

7. RELEVANT HISTORY:

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

Application Ref(s)	Proposal	Decision	Date
862128	Erection of four storey and basement multi-storey car park containing 306 spaces.	Approved with 5 conditions	18/05/1989
970102	Change of use from office, ancillary to car park, to general office use.	Approved	12/03/1997
P2013/4361/FUL	Replacement and upgrade of existing public telephone kiosk with kiosk combining public telephone service and ATM service (opposite car park)	Approved	09/01/2014

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to the occupants of 259 adjoining and nearby properties including Catherine Griffiths Court, Vineyard Walk, Bowling Green Lane, Exmouth Market, Farringdon Road, Topman Street, Rosebery Avenue, Baker's Row, Northampton Road and Pine Street. Site notices and a press advert were displayed on 21/05/2015. The first period of public consultation closed on 11/06/2015.
- 8.2 The revised proposals were also subject to a re-consultation period. The same occupants of 259 adjoining and nearby properties along with all those who had submitted representations were consulted, which began on 19 May 2016 and ended on 09 June 2016. A site notice and press advert were also displayed on this date.
- 8.3 In response to both consultation periods, a total of 18 objections were submitted along with one petition against the proposal. This also included an objection from the Mount Pleasant Association. Two (2) letters of support were also submitted and one petition by the agent with support from local businesses.

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

- The height and size of the buildings is excessive and looms over the residential dwellings in Catherine Griffiths Court;
[Whilst the proposal presents itself as a part 5/part 6- storey building along the Farringdon Street, the proposal steps back towards the rear opposite the residential properties in Catherine Griffiths Court. The volume and massing opposite these properties has been revised since the original submission, which has minimised the impact in amenity terms and provides an appropriate response in this inner urban context]
- Proposed retail units will bring about noise and traffic disturbance;
[The site is located within a Priority Employment Area (general), which seeks to maximise office use and some retail uses at ground level to provide for active frontages. Additionally, this is reinforced by the site's allocation within the Finsbury Local Plan. These uses have also been conditioned in terms of their hours of operations to ensure they do not have a detrimental impact on neighbouring residential properties].
- Traffic concerns arising from the hotel use;
[The proposed hotel is a use that complies with the strategic function of the Central Activities Zone. A delivery and Servicing Plan has been conditioned to ensure that the site is serviced without having a detrimental impact on the highways, whilst the existing highway restrictions within the area will require to be adhered to].
- Proposal will have an impact on the daylight and sunlight surrounding properties receive;
[The modelling for sunlight/daylight assessment provided by the submitted study considers all residential properties around the site. It concludes that the properties to the rear at Catherine Griffiths Court would be impacted upon in terms of daylight distribution, whilst to a lesser extent the properties opposite the site along Bowling Green Lane would have BRE transgressions in terms of VSCs. Any development at the application site would affect daylight levels to the low level rear properties. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has minimised the levels of daylight and sunlight transgressions. Any redesign of the application proposals would bring the rear of the buildings much closer to Farringdon Road and potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site. In recognition of the poor design of the existing building, the densely developed urban context and the attempts to minimise transgressions from the BRE guidance as much as possible, the development would not result in a degree of harm that would warrant refusing planning permission and in view of the planning policy presumption that sites should be developed in such a way as to maximise their potential is considered to be acceptable in this regard].

- The proposal would overlook neighbouring residential properties;
[In terms of Bowling Green Lane it is not considered that there would be an impact on the amenity of these properties, as the Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London. In terms of the properties to the rear at Nos. 1~18 Catherine Griffiths Court, it is considered that overlooking to these properties would not occur given the design detail and angled nature of the minimal windows to the rear elevation. Given the distances between the rear of these properties varies due to the changing nature of the pattern of development, it is not considered unreasonable that the privacy of the residential properties is protected. Therefore, a condition is included requesting details of the windows and their angled nature to ensure that no overlooking takes place to the properties to the rear].
- Traffic congestion, pollution and dangerous site and servicing;
[The application has been referred to both TfL and the Council's highway department. Both authorities have not raised objections with regard to whether the site can accommodate the proposed uses, and have recommended conditions in order to ensure that there is no impact on the highways].
- Density of the hotel inappropriate;
[The floorspace of the hotel may have been maintained despite the revisions to bulk and massing with an increase in room numbers. However, the layout of the rooms is considered acceptable and as such does not have a negative impact on the external built form of the building. There is no policy basis to limit the size of the hotel, however a financial viability appraisal was submitted with the application to ensure the maximum reasonable amount of business floorspace was being provided].
- Lack of housing being provided within the development;
[Whilst development plan policies and designations seek a maximum of business floorspace with an element of housing, the proposal has been accompanied by a financial viability appraisal to demonstrate that an element of housing is not viable on the site, whilst the level of business floorspace proposed is the maximum reasonable possible. The provision of a hotel is not at odds with the strategic function of the CAZ and as such, the redevelopment of this site to provide a mix of hotel, office and retail accommodation in the CAZ would be entirely appropriate in this highly accessible location].
- Loss of existing car park;
[The application is allocated within the Finsbury Local Plan as a designated site for business floorspace and an element of housing along with retail uses at ground floor level. Whilst, an element of housing is not part of the proposal given financial viability considerations, no objection is raised to the loss of the existing car park use given the site allocation].

- Disruption during the course of construction;
[Conditions have been imposed by both TfL and the Council's Noise Pollution team in order to minimise disruption during the construction phase]

External Consultees

- 8.5 **Lead Local Flood Authority** raised no objection subject to the proposed recycling system to be secured by condition. It was recommended that a further condition be imposed to secure a maintenance plan for the management of the sustainable drainage system for the lifetime of the development in accordance with the new national requirements.
- 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 2 conditions requiring details of impact piling method statement, as impact studies of the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. They have also recommended informatives relating to minimum pressure in the design of the development and a Groundwater Risk Management Permit from Thames Water will also be required for discharging groundwater into a public sewer.
- 8.7 **Transport for London (TfL)** have stated that the development is car free and any proposed works on the TLRN (Farringdon Rd) would require further approval in the form of a s278 Highways legal agreement. TfL also welcome the provision of a disabled car space on the site. They have stated that a Delivery and Service Plan (DSP) and Construction and Logistics Plan (CLP) should be secured by condition. The level of cycle parking proposed fails to comply with London Plan (2015) standards with regard to the proposed office use. The minimum number of spaces should be secured by condition. TfL also recommended an informative advising the applicant to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 8.8 **London Underground** raised no objection subject to a condition requesting detailed design and method statements for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).

Internal Consultees

- 8.9 **Policy Officer** advised that the proposal should be revised to provide an office-led development, and the potential for the inclusion of an element of housing fully explored. These matters along with the level and type of business floorspace will need to be justified by a viability appraisal. The Islington Planning Obligations SPD provides guidance on the type of evidence required to justify a viability argument.

- 8.10 **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.
- 8.11 **Design and Conservation Officer** stated they are more comfortable about the proposed massing, height and bulk of the proposal as a result of the revised plans. Their previous concerns with regard to views have been overcome with a significant reduction in the impact on these views. They feel there is still some impact, to a certain degree undesirable, but on balance, and accepting that the site is situated in a heavily built urban area, they are of the view that the proposed massing, bulk and heights are generally acceptable. The plant strategy seems more neat and we would require further details of appearance as I believe there would be long views of it. With the reduction in height, the ground floor particularly on the corner with Pine Street has suffered as it now looks squat and will be inaccessible from street level. This is not ideal, however, the reduction in height is welcomed and I believe the ground floor can be properly detailed to ensure a high quality streetscene. We will need further details to ensure this is properly resolved. Another area they felt needed resolution is the of the roof structure to the office block. Given it is now proposed as a separate set back structure, it must be detailed to be a crisp, unfussy structure to ensure it does not affect the quality of the design of the main body of the building and to provide a coherent roofline to the scheme together with the plant enclosures.
- 8.12 **Energy Conservation Officer** has recommended a condition to state the reductions in total CO₂ to be met. Have also recommended s106 obligation requiring the submission of a feasibility study into being supplied with low carbon heat from a local heating network appropriate S106 clauses for a Shared Heat Network (if viable) is made. The on-site CHP proposed is acceptable provided that a shared heat connection is not possible and viable. A condition was also recommended for thermal modelling to be redone without the inclusion of mechanical cooling.
- 8.13 **Public Protection Division (Air Quality and Noise Team)** have recommended conditions with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable demolition, ground works and construction proposed in order for the methods and mitigation to be carefully considered. Finally, conditions are recommended to limit the hours of use of the retail and restaurant uses and an air quality assessment is also requested.
- 8.14 **Spatial Planning and Transport (Transport Officer)** has stated that all vehicles entering the servicing yard should enter and exit the yard in forward gear. The current proposals do not comply with Islington's transport policies. If the current arrangements are pursued, strong and robust management arrangements are required and must be secured via planning conditions. Deliveries should be limited outside of peak hours. Deliveries should not take place during the morning and afternoon peak when cyclists are expected to

arrive at the site. Also a qualified banksman should supervise all deliveries. Any highways alterations must be agreed via a S278 with LBI Highways.

- 8.15 **Sustainability Officer** has stated that further details are required with regard to sustainable urban drainage systems, green/brown roofs, rainwater harvesting, materials and bird and bat boxes. They support commitment to achieving 'Excellent' BREEAM rating and recommend a condition for this to be secured, whilst they also support the commitment to reduce the notional baseline water efficiency level by 55%. A Site Waste Management Plan to be conditioned.

Other Consultees

- 8.16 Islington's Design Review Panel considered the proposed development at application stage on 9 December 2015. The panel's written comments (issued on 12 January 2015) are summarised below and their response in full is attached under Appendix 3:

Height and massing

There were no concerns in relation to the proposed heights particularly fronting Farringdon Road in terms of townscape impact. However, panel members indicated appropriate daylight/sunlight studies would be necessary and evidence presented.

Officer's Comments: The proposal has been revised since it was presented to the DRP with reductions in volume, height and the overall mass as it presents itself to neighbouring residential properties. These revisions came about after design and planning officers expressed concerns with the overall built form in design terms and the impact on amenity of neighbouring properties with regard to sunlight and daylight. Whilst it is acknowledged that the BRE daylight/sunlight guidelines are only recommended levels and require to be applied flexibly in a tight urban context such as the application site, it was felt that the proposal as originally presented to the DRP had not minimised the impact on neighbouring properties as far as is reasonably possible. The revised plans reduced the extent of built form which in turn lessened the impact on the amenity of neighbouring properties.

Privacy & Amenity

Panel members were of the opinion that there would be significant impact on neighbouring amenity and privacy of the residential properties to the rear in particular. Although there may be no direct view onto bedrooms, the impact of a great number of rooms looking onto gardens must be taken into account and mitigated through considered design development.

Officer's Comments: The proposal has revised the rear elevation to minimise the amount of windows required. Further, the proposed rear windows that look onto these properties have been designed in a manner to allow for angled views and minimise the intrusion on privacy. Notwithstanding the above, officers have recommended a condition for further design details of the rear windows to ensure that any overlooking is minimised to acceptable levels.

Elevations & materiality

The Panel appreciated there had been development of materiality and appearance on the Farringdon Road frontage but thought further resolution of the rear elevation was required.

The rear elevation is also very exposed, it should be treated as a front elevation in terms of architectural refinement. The panel acknowledged the references to the 19th Century buildings that previously occupied the site and commended the coherence, articulation and rhythm of those elevations with a limited pallet of materials which made a positive contribution to the streetscape.

The panel suggested that these characteristics might inform the elevations of a new building on the site. Some concerns were raised in relation to the impact of the room layouts on the façade. They felt that the default solution in hotels for the appearance of glazing with most of it opaque should be avoided. Further detailing to demonstrate the quality of the elevations was required.

Officer's Comments: *The rear elevation has been revised to reflect the articulation and materiality of the proposal as it front Farringdon Road.*

Servicing & Landscaping

The Panel had concerns about the managing of the servicing of the site in general and between the two uses in particular. Panel members felt that a strategy which depended on the manoeuvring of service vehicles on the public highway to access the service bay was both impractical and detrimental to the functioning of the immediate area. They stressed the importance of more dialogue with Islington regarding the vacant/un-used piece of land at the rear and also encouraged the consideration of a lay by. It was felt that resolving the ownership of the land at the back could unlock some of the issues particularly surrounding servicing.

Officer's Comments: *The delivery and servicing of the site shall take place on-site albeit without vehicles being able to enter and exit in a forward movement. Given the constraints of the site and its potential impact on the overall urban design and perimeter approach adopted, this arrangement is considered acceptable subject to a condition requiring a Delivery and Servicing plan to ensure there are no impacts on the highways.*

Environmental performance

The Panel felt that more information was required in relation to BREEM and required plant as this may have an impact on massing, materiality and overall appearance of the proposed scheme.

Officer's Comments: *The proposal was accompanied by a BREEM assessment that the development would achieve an 'Excellent' rating. Notwithstanding the above, a condition has also been recommended to ensure that this rating is achieved.*

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 and Clerkenwell Core Strategy Key Area
- Finsbury Local Plan (FLP) Area
- Finsbury Local Plan (FLP) Site Allocation BC46: 68-86 Farringdon Road (NCP Carpark)
- Exmouth Market Employment Priority Area (General)
- Central Activities Zone
- Adjoins Farringdon/Smithfield Intensification Area
- Adjoins Local Shopping Centre on northeast side of Farringdon Road
- Adjoins Clerkenwell Green Conservation Area and Roseberry Avenue Conservation Area
- Adjoins Archaeological Priority Area to the southeast

- LV7 Local View from Kenwood viewing gazebo to St. Paul's Cathedral.
- Within vicinity of Listed Buildings at 42 Roseberry Avenue (Grade II), 94 Farringdon Road (Grade II), 10 & 16 Bowling Green Lane (Grade II) and 17 Pine Street (Grade I).
- Within vicinity of locally listed buildings at 159 Farringdon Rd and 17 Bowling Green Lane
- Within vicinity of Heritage Sites in Historic Clerkenwell at 20 Bowling Green Lane, 143-157 Farringdon Road and 159 Farringdon 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:

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

Land-use

10.2 Development Plan Policies and Designations

10.3 The existing building on the site provides for 9,600 square metres (GEA) of floorspace for use as a car park, which allows for the parking of 294 vehicles.

10.4 The revised application seeks permission for the redevelopment of the site to provide a 4,899 m² (GEA) of Class C1 hotel accommodation consisting of 180 hotel rooms, 3,647 m² (GEA) of Class B1 office floorspace and ground floor Class A1-A3 flexible retail, café and restaurant uses of 407 sq m (GEA) on a site located within the London Central Activities Zone (CAZ).

10.5 London Plan (LP) Policy 2.10 recognises the 'mixed' nature of much of the CAZ and seeks to enhance and promote the unique international, national and London wide role of the CAZ through the promotion of a range of mixed uses including: ensuring that development of office provision is made for a range of occupiers, and; supporting and improving the retail offer of the CAZ to meet the needs of its residents, workers and visitors.

10.6 LP Policy 2.11 indicates that boroughs should ensure that development proposals to increase office space within the CAZ incorporate a mix of uses including housing, subject to compliance with other policies of the London Plan. This is reiterated in LP Policy 4.3. Additionally, LP Policy 4.5 supports hotel provision in or around the CAZ.

10.7 Islington Core Strategy (CS) Policy CS13 encourages the location of new employment floorspace, particularly business (B) use, to locate in the CAZ and town centres. CS Policy 14 Part (G) recognises that hotels and visitor accommodation will help to support the retail and service economy. The appropriate location for hotels and other visitor accommodation is within town centres.

10.8 CS Policy 7 identifies the Bunhill and Clerkenwell key area as Islington's most important employment location. There is an estimated need to

accommodate 14,000 additional B-use jobs by 2025 (paragraph 2.8.2). Part A of the Policy identifies Farringdon Road as one of the major routes for contributing to this growth outside of the concentration south of Old Street and Clerkenwell Road.

- 10.9 The North Clerkenwell and Mount Pleasant area framework in the Finsbury Local Plan (Policy BC6) identifies the site (as one of four) to help deliver within the framework area:
- Around 700 homes including 245 social rented.
 - Approximately 22,500m² of business uses, including 9,500m² of workspace suitable for smaller businesses and start –ups.
 - Approximately 3,500 m² of retail and leisure uses
- 10.10 Policy BC8 of Finsbury Local Plan (FLP) provides guidance on the type of development sought from Employment Priority areas to achieve a balanced mix of uses within the Central Activities Zones, consistent with strategic London Plan, and Islington CS/FLP policy.
- 10.11 Part A ii) requires provision of the maximum amount of business floorspace reasonably possible on the site. Demonstration is to be provided in the form of market demand assessment (para 11.1.3).
- 10.12 Part B states that within Employment Priority Areas (General), the employment floorspace component of a development should not be unfettered commercial office (B1a) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or
 - ii. Office (B1a) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or
 - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.
- 10.13 Part D states that where there is a net increase in office floorspace, proposals should incorporate housing consistent with LP Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, equivalent contribution will be sought for provision of off-site housing.
- 10.14 Part H indicates that visitor accommodation may be appropriate in proximity to Farringdon Station, and refers to criteria for visitor accommodation in LBI Development Management Policies (Policy 4.11).
- 10.15 As mentioned above, the site is identified as one of four within the North Clerkenwell and Mount Pleasant area framework for development and is allocated as Finsbury Local Plan Site Allocation (BC46). The site allocation provides an explicit expression of the above development plan priorities in

relation to this site. Business development is identified as the appropriate employment development on the site, with retail at ground floor. The allocation also provides for an element of residential accommodation to be provided at the site. In other words, the allocation is for a business-led development, with retail at ground floor, and an element of housing. The site is not allocated for hotel development, which would be described as “employment” not “business” use.

- 10.16 Therefore, the proposal for a hotel-led development at the expense of provision of more business floorspace, and an element of residential accommodation is not consistent with the site allocation and the strategic policy it seeks to deliver.
- 10.17 With regard to guidance on the appropriate locations for hotels, Policy DM 4.11 directs the development of hotels to town centres first and then parts of the CAZ in close proximity to national railway hubs (generally considered to be a walking route of 300 meters or less). Para 4.55 of the supporting text emphasises the importance of ensuring that other planning objectives are met: in particular ensuring that hotels do not limit the achievement of other priorities (including economic and housing growth). FLP Policy BC8 Part H allows for the possibility of visitor accommodation in proximity to Farringdon Station.
- 10.18 The site is approximately 475 metres from Farringdon Station. This clearly does not fall within the prescribed distance but given that it is still in close proximity and a reasonable walk to Farringdon Station, objection is not raised on the basis of this policy element alone. However, hotel provision also needs to be considered against the locational component of the range of criteria set out in Policy DM4.11 B that hotel development must meet. In accordance with criterion ii, hotels will only be supported where they support the area’s primary retail/business/cultural role and do not compromise economic function/growth.
- 10.19 Application of this criterion turns on the question of prioritisation between hotels and offices in the area. Leaving aside the allocation for the specific site which prioritises business use to the exclusion of visitor accommodation, the clear thrust of the Islington Local Plan employment policy is to encourage business use, predominantly office B1(a), at this location, as exemplified by the above-cited levels of growth in business floorspace sought in the North Clerkenwell and Mount Pleasant area.
- 10.20 In the planning submission, the applicant has stated that an office-led scheme (without a hotel) is unlikely to come forward on the site in this locality without a pre-let, however this assertion was not supported by a financial viability appraisal when the application was originally submitted. Nevertheless, officers also consider that the potential for a speculative office scheme, without pre-letting, being viable and coming forward should also be explored in detail. In short, for the proposal to be considered acceptable a viability assessment is required to demonstrate that an office-led development is not reasonably possible on the application site and the development appraisal should be supported by evidenced costs and value

estimates. The viability assessment should also consider the maximum amount of business floorspace that is possible on the site, along with the inclusion of an element of housing to be fully explored.

10.21 Viability Scenarios

10.22 Given the above policy designations and site allocation requirements for an office led scheme with active retail ground floor uses and an element of residential accommodation, it was considered the following viability scenarios should be considered when undertaking the financial viability assessment. The following scenarios have also taken into account independent advice provided by BPS Surveyors and Crossland Otter Hunt in response to the applicant's 'Office Market Report'.

(Office, element of Residential and ground floor Retail)

10.23 **Scenario 1A**

10.24 This looked at providing office, an element of residential and retail at ground floor.

- The office was tested on a Multi-letting basis (e.g. floor-by-floor) of 2,000-5,000 square feet units. This was catered for in 2 or 3 separate buildings, arranged in a manner that would maximise values and achieve the maximum amount of lettable office floorspace within these parameters.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.
- A benchmark for the residential element accounted for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail provided at ground floor level for active frontages.

10.25 **Scenario 1B**

10.26 The same as above but the office element was tested differently.

- The office was tested at circa 40,000 square feet, thus 2-3 offices buildings, some or all assumed to be let to single occupiers, were explored.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.
- A benchmark for the residential element accounted for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail provided at ground floor level for active frontages.

(Office and ground floor Retail)

10.27 **Scenario 2A**

10.28 This looked at providing an office led scheme, with retail at ground floor.

- The office was tested on a Multi-letting basis (e.g. floor-by-floor) of 2,000-5,000 square feet units. This was catered for in 2 or 3 separate buildings, arranged in a manner that would maximise values and achieve the maximum amount of lettable office floorspace within these parameters.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.
- An off-site contribution factored in towards off-site affordable housing for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail provided at ground floor level for active frontages.

10.29 **Scenario 2B**

10.30 This looked at providing an office led scheme, with retail at ground floor but the office tested in another way.

- The office was tested at circa 40,000 square feet, thus 2-3 office buildings, some or all assumed to be let to single occupiers, was explored.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.
- An off-site contribution factored in towards off-site affordable housing for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail provided at ground floor level for active frontages.

(Office, Hotel and ground floor Retail)

10.31 **Scenario 3A**

10.32 This looked at providing office, an element of hotel and retail at ground floor.

- The office was tested on a Multi-letting basis (e.g. floor-by-floor) of 2,000-5,000 square feet units. This was catered for in 1 or 2 separate buildings, arranged in a manner that would maximise values and achieve the maximum amount of lettable office floorspace within these parameters, and taking into account the hotel element.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.

- An off-site contribution factored in towards off-site affordable housing for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail provided at ground floor level for active frontages.
- The hotel element as determined by the first bullet point in that office space has been maximised.

10.33 In essence, this scenario tested that the maximum amount of office floorspace that could be achieved by factoring in the above bullet points.

10.34 **Scenario 3B**

10.35 This should look at providing office, an element of hotel and retail at ground floor.

- The office should be tested at circa 40,000 square feet, thus 1 office building.
- Provision of 5% of the above office space as affordable workspace at peppercorn rent for at least 10 years.
- An off-site contribution will need to be factored in towards off-site affordable housing for 20% of the net increase in office floorspace of the development in accordance with London Plan Policy 4.3 and Finsbury Local Plan Policy BC8.
- Retail should be provided at ground floor level for active frontages.
- The hotel element as determined by the first bullet point in that office space has been maximised.

10.36 The six scenarios above tested the possibilities of achieving a viable scheme that would meet the cascade of development plan policies and designations for the site. In effect, the viability appraisal tested whether a viable scheme could still be achieved by increasing the office floorspace of the current proposal and reducing the floorspace of the hotel part of the proposal.

10.37 In general for all scenarios, the viability appraisal was conducted in a manner to demonstrate that these are indeed the best possible options in terms of value maximisation, and that there is not an office scheme that could generate considerably higher values via a different design/different mix of unit sizes etc.

10.38 Financial Viability Appraisal

10.39 The Local Planning Authority appointed BPS Chartered Surveyors to undertake an independent review of the submitted financial viability report

and was asked to consider and comment on the above scenarios. The BPS report is appended to the end of this report at **Appendix 4**.

- 10.40 In summary, BPS commented that they agreed with the conclusion that Scenarios 1a, 1b, 2a and 2b, are all unviable and show a substantial financial deficit when the residual values of these schemes are compared against the Site Value (i.e. benchmark land value) based on their assessment of the costs and values that have been applied in the applicant's appraisal. Further, they stated that the results indicate that all of the scenarios are unviable except Scenario 3a (the application scheme), when the target profit of 17.5% Profit on Cost is adopted. Scenario 3B generates marginally less profit than 3A, which indicates that a scheme with *multi*-let offices is marginally more viable than a scheme with *single*-let offices (albeit the latter still has some affordable workspace let to a separate tenant at a nominal rent for 10 years).
- 10.41 However, whilst BPS were generally in agreement with the above values, they did identify some areas where they would expect different inputs to those applied. These include the yields applied to the offices, and the build costs.
- 10.42 Factoring in the suggested changes by BPS to build costs and office yields into the appraisal, they produced the following table:

Scenario	Build Cost in GVA appraisal	BPS cost estimate, based on BCIS adjusted benchmarking exercise	Difference in costs	Yield applied by BPS	Profit in GVA's appraisal (total £)	Profit in GVA's appraisal (% on Cost)	BPS revised profit output (total £)	BPS revised profit output (% on Cost)
1A	23,228,548	21,449,958	1,778,590	5.25%	-£1,900,689	-3.29%	2,382,452	4.30%
1B	23,228,548	21,449,958	1,778,590	5.75%	-2,535,705	-4.47%	-2,075,352	-3.81%
2A	21,739,389	20,614,704	1,124,685	5.25%	-4,105,729	-7.20%	-349,530	-0.63%
2B	21,739,389	20,614,704	1,124,685	4.75%	-6,180,658	-11.14%	2,597,619	4.79%
3A	27,186,726	25,044,936	2,141,790	5.25%	11,056,472	17.82%	15,203,656	25.61%
3B	27,186,726	25,044,936	2,141,790	4.75%	10,052,122	16.29%	17,344,722	29.31%

- 10.43 Having taken into account the above alterations, BPS made the following conclusions:

“The above results clearly demonstrate that the scenarios 1A, 1B, 2A & 2B all remain unviable by a substantial margin, including when compared against our revised profit target of 19%. For 3A and 3B, a significant profit surplus is shown vis-à-vis our 16% target; this surplus totals £7.88m (using our 16% profit target). However, we note that if a landowner premium were to be added to the EUV, this would partly counteract the improvement in availability that have resulted from our adjustments – for example, a 20% landowner premium would increase the benchmark by £3.34m and leave limited surplus available to accommodate an increase in office floor area. Moreover, it appears that the applicant's hotel values are somewhat optimistic, and while we are not suggesting that lower hotel values should

be adopted, it is important to consider the viability assessment as a whole and recognise where the applicant has been reasonable.

Whilst scenarios 3A and 3B may arguably show a (relatively minor) profit surplus, it remains to be seen whether these surpluses could be converted into additional office floorspace. This would involve a re-design of the scheme; and it would reduce the amount of hotel floorspace, thereby potentially compromising the commercial feasibility of the hotel. Hotels depend on generating sufficient 'economies of scale' therefore the overall size (by room number) is an important commercial consideration. In conclusion, it will probably be constrained by the design of the buildings, as it may not be possible to provide only a small amount of extra floorspace; whilst providing a large amount of additional floorspace has been demonstrated to be unviable."

10.44 In conclusion, BPS have concluded that the financial viability appraisal has demonstrated that maximum reasonable amount of office accommodation that can be provided on the site with retail uses at ground floor level, whilst an element of housing to the scheme would render it unviable. For this reason the proposals are considered to maximise the amount of office accommodation that the site can afford to deliver and therefore accords with the development plan policies outlined above.

10.45 Other Land Use Considerations

10.46 The incorporation of ground floor level retail floor space in this location 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 BC6 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 on Farringdon Road. The proposed ground floor retail uses have been designed as three separate units and subject to a condition prohibiting obscuring the shopfront glass would provide natural surveillance and an active frontage to the two public elevations of the building.

10.47 London Plan Policy 4.3 B (b) states that local planning authorities should "develop local approaches to mixed use development and offices provision taking into account the contribution that 'land use swaps', 'housing credits' and off-site contributions can make, especially to sustain strategically important clusters of commercial activities such as those in the City of London...."

10.48 Development Management Policy DM 5.1 (New Business Floorspace) Part E states that "*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 4.3. 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.*"

- 10.49 Furthermore, Finsbury Local Plan Policy BC8 Part D states that “throughout the area, major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. 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.”
- 10.50 The site is located in the Central Activities Zone with no housing provided as part of the proposal. Therefore, the proposal would be subject to a financial contribution towards securing greater offsite housing provision than could be provided on the site itself. This is to be secured via an obligation in the section 106 Agreement.
- 10.51 Part B states that within Employment Priority Areas (General), the employment floorspace component of a development should not be unfettered commercial office (B1a) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside.
- Office (B1a) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management.
- 10.52 The applicant’s submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and design, however the submitted floorplans have areas that could accommodate business floorspace divided into units of 90sqm (GIA) or smaller. This would allow for suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided. Therefore, a condition is recommended requiring the submission of floorplans demonstrating how a minimum of 5% of the business floorspace would be subdivided to provide accommodation for such enterprises.
- 10.53 With regard to appropriate locations for hotels, Policy DM 4.11 directs the development of hotels to town centres first and then parts of the CAZ in close proximity to national railway hubs. Para 4.55 of the supporting text emphasises the importance of ensuring that other planning objectives are met: in particular ensuring that hotels do not limit the achievement of other priorities (including economic and housing growth). FLP Policy BC8 H allows for the possibility of visitor accommodation in proximity to Farringdon Station. However, hotel provision also needs to be considered against the locational component of the range of criteria set out in Policy DM4.11 B that hotel development must meet. In accordance with criterion ii, hotels will only be supported where they support the area’s primary retail/business/cultural role and do not compromise economic function/growth. In this instance, the financial viability appraisal submitted has demonstrated that the maximum reasonable amount of office accommodation has been provided on the site, along with retail uses at ground floor level, and as such the proposed hotel would not compromise the economic function and growth of the area.

- 10.54 Additionally, the proposed hotel would comply with the set of criteria on hotel development set out in Policy 4.11B covering issues including incorporation of ancillary facilities for public use, impact on residential amenity, servicing, wheelchair accessible rooms and other considerations. Some of these matters are assessed in detail elsewhere in the report under sections relating to accessibility and neighbourhood amenity.
- 10.55 On the basis of the above assessment, including consideration of the financial viability appraisal submitted, 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 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)

- 10.56 The existing building on the application site is a 4-storey purpose built car park building of no architectural or historic merit. The site itself is not located within any heritage designations, but it does adjoin two designated conservation areas – Rosebery Avenue and Clerkenwell Green Conservation Areas and is within the setting of some important listed buildings such as Clerkenwell Fire Station (Grade II listed) and Finsbury Health Centre (Grade I listed).
- 10.57 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.
- 10.58 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).
- 10.59 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.

- 10.60 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.
- 10.61 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.
- 10.62 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).
- 10.63 Core Strategy Policy CS9E states: "*New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported*".
- 10.64 The proposed scheme as originally submitted included a 6-storey element (24.7 metres) element at the corner of Farringdon Road and Bowling Green Lane to the south, a lower 6-storey element in the middle section of the building along Farringdon Road (approximately 20 metres given the slope in the land) and a 5-storey element at the corner of Farringdon Road and Vineyard Walk to the north.
- 10.65 Planning and Design officers expressed concerns in relation to height, massing, bulk, its general setting amongst adjoining and surround designated heritage assets, as well as its prominence from certain protected views. Consequently, there have been amendments to the scheme since its submission, as outlined above in Section 3 of the Report.

The most notable amendment to the proposed scheme included a revision so that the overall building height (Block A) was reduced to the south at the corner of Farringdon Road and Bowling Green Lane to 5-storeys with a parapet height of 20.5 metres with a 6th-storey substantially setback from the two road frontages at a height of 23.6 metres. Additionally, the proposed volume of Block A at third and fifth storey levels was also reduced opposite the neighbouring residential properties at Catherine Griffiths Court. The middle section of the proposed building (Block B) was reduced in height to 5-storeys (with a consequential reduction in height from 20.6 to 15.4 metres), while the 5-storey corner at Farringdon Road and Vineyard Walk (Block C) was reduced in height by 1.4 metres (17.23 to 15.8 metres in height).

- 10.66 The assessment below in terms of design is based on the revised drawings.
- 10.67 The site is located on the eastern side of Farringdon Road between Bowling Green Lane and Vineyard Walk and its relationship with the existing townscape is articulated by its three street frontages. To the north-east the site fronts Vineyard Walk and the junction with Farringdon Road. Opposite the site at this junction to the northeast is a three-storey Victorian building with mansard roof. Further to the northeast along Vineyard Walk at the junction of Pine Street is a block of 4-storey terraced units. The site also has a long street frontage along Farringdon Road runs along the northwest perimeter of the site. Opposite the site along Farringdon Road are buildings at a height of 4-6 storeys with this height increasing as one moves south along Farringdon Road to 7-8 storeys. Given the sites' long frontage, it is located in a section of Farringdon Road that represents a transition between the cluster of higher density developments to the south as it approaches the important transport links towards Farringdon Station and the lower density developments further to the north. Immediately to the rear of the site are low rise 2-3-storey residential buildings that front Catherine Griffiths Court.
- 10.68 The application site also has a frontage to the southeast along Bowling Green Lane. The townscape in this location is characterised by residential buildings of 6-7 storeys on the south side of the road that reduce in scale as one heads further east, however it should be noted on the north side of Bowling Green Lane immediately to the rear of the site is a 3-storey building.
- 10.69 The application site is bounded by the Roseberry Avenue and Clerkenwell Green Conservation Areas, however the site itself is not within either of them.
- 10.70 In light of the above townscape surrounding the site, the proposed scheme has adopted a perimeter block approach to respond to the three different frontages and relationship with the residential development immediately abutting the rear of the site. This has resulted in a building that would be part 5/part 6-storeys in height at the junction of Farringdon Road and Bowling Green Lane, with the volume of the building dropping and being

setback from the residential properties fronting Catherine Griffiths Court. The proposed building would drop to 5-storeys in height along Farringdon Road, whilst the building would present to Vineyard Walk as a part 3/part-5 storey building. The proposed volume of the building to the rear is less than that proposed along the frontage, with heights varying between 3 and 5 storeys depending on the closeness of the rear residential properties opposite the site at Catherine Griffiths Court.

10.71 The proposed building would be in the form of a contemporary design and it is considered that the proposal has been designed in a manner to ensure that it would sit comfortably and harmoniously integrate with the site and within the streetscene and not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings.

10.72 As stated above, Farringdon Road is characterised by a townscape of 6 ~ 8 storey developments to the south of the site. The proposed building would be part 5/part-6 storeys in height at the junction with Bowling Green Lane and it would not be much higher than the buildings on the south side of Bowling Green Lane and at the southern junction with Farringdon Road. Additionally, the proposed corner would be less in height than the buildings on the southwest side of Farringdon Road. The proposed building is reduced to 2-storeys along Bowling Green Lane to the rear of the site to respect its relationship with the properties at 1-2 Catherine Griffiths Court. The 5-storey element of the building at the junction with Vineyard Walk would also appear as only one storey higher than the part 3/part 4-storey building to the north given the smaller floor to ceiling heights. The dropping of height along Farringdon Road responds to the different townscapes that define the north and south borders of the site and allows for an appropriate contemporary response to the transition of density that takes place along this section of Farringdon Road. Furthermore, the proposal would integrate into the immediate streetscene at an overall height between the heights of its two neighbours, whilst it would also be respectful of the immediate context on the opposite side of Farringdon Road. Along Vineyard Walk the proposed building would drop to 3-storeys to reflect the adjoining residential built form so as not to have an impact on the residential amenity of the neighbouring properties. In conclusion, the general distribution of heights presents a reasonable response to surrounding context, with the highest part of the proposal on the corner of Farringdon Road and Bowling Green Lane, and the height dropping on the Vineyard Walk end. As such, the proposed development would be respectful of its immediate context and the wider adjoining Conservation Areas in terms of its scale, massing and height, and generally reflects the prevailing streetscene scale and does not dominate the streetscene or public realm.

10.73 The proposed contemporary design would respect the existing significant characteristics of the site in terms of its plot widths and the treatment of the elevations has been developed to assist in breaking the mass with the use of different materials with some fundamental constraints of providing office and hotel accommodation building. Furthermore, the site is constrained by the loading on the tunnels and ventilation shaft below the site. The

proposed massing and bulk has been articulated to respond to the grain of the area and the distribution of fenestration has responded positively to the consistent fenestration pattern which is typical of the surrounding area. It is considered that this interpretative design approach using contemporary architecture and innovative design is an important part of the new built form because it adds to the existing diversity and layering of styles through time. It is considered that the contemporary approach employed would not have a detrimental impact on the character and appearance of the neighbouring Conservation Areas.

10.74 Due to the nature of the use of the building as office and hotel accommodation and the constraints and parameters it brings with it, the proposed elevations are a reflection of the repetitive nature of the floor plans but the use of varied materials and articulation of the elevations has assisted in bringing a degree of interest to the appearance of the proposed scheme. However, its acceptability and appropriateness relies on the quality of implementation, including the materials used and detailing. Therefore, it is recommended that stringent conditions be imposed to ensure the delivery of an appropriate scheme of high quality design detail is achieved on the site. In particular, it is important to ensure that appropriate materials form part of the design. The predominant materials proposed consist of zinc, anodised aluminium and reconstituted stone. As such, samples of all facing materials along with details of reveals, window panels and frames shall be secured through the imposition of a condition.

10.75 In addition to the above, further conditions are recommended with regard to design detail elements so as to ensure the proposed scheme results in an acceptable appearance and delivers a high quality design. A part of the proposal which requires further details is the resolution of the roof structure to the office block. Under the revised drawings it has become a separate set back structure. It will require to be detailed to be a crisp, unfussy structure to ensure it does not affect the quality of the design of the main body of the building and to provide a coherent roofline to the scheme together with the plant enclosures. These details along with further details of the proposed plant enclosures are to be secured by condition.

10.76 Strategic Views

10.77 The site lies within the foreground of the strategic viewing corridors of Kenwood and Parliament Hill to St. Paul's Cathedral and also within Local View corridor LV7 (Local View from Kenwood viewing gazebo to St. Paul's Cathedral). 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 with the exception of one viewpoint (where the building does not encroach into the viewing plane any further than the previous planning permission) 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. Therefore, it is considered that the proposal would not harm the characteristics and composition of the above strategic view in accordance with London Plan Policy 7.12 and Local Development Management Policy DM 2.4.

10.78 Further to the above strategic views, Conservation and Design officers considered the proposed building in terms of its impact on views from the surrounding area. As originally submitted, concerns were expressed that there would be a significant increase on the background of the existing housing as it is seen in the context of Finsbury Health Centre. It was also felt that there would be an undesirable impact on the open feel of Spa Fields and setting of Finsbury Health Centre. Further, the proposed parapet lines of the proposal would need to relate to the parapet lines of the properties in the Conservation Area. These above considerations were taken into account by the applicant when reviewing officer concerns. The revised proposal, which forms the subject of this assessment, reduced the massing and volume across the site and the revised drawings (including views) demonstrate that there has been a significant reduction in the impact on the above views. Whilst some minor impact is maintained, it is considered that on balance the proposed massing, bulk and heights are acceptable given the site is situated in an inner urban area with heavily built form along Farringdon Road.

10.79 **Accessibility**

10.80 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.

10.81 The provision of level access throughout the building 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.

10.82 As it is not possible to provide all the required disabled parking spaces on site as required by policy, 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.

10.83 **Neighbouring Amenity**

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

10.85 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

10.86 **Daylight and Sunlight**

10.87 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.

10.88 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and designs should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.

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

10.90 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

a. Nos. 62-66 Farringdon Road

b. Nos. 16-17, 18-19, 20, 21 & 32 Bowling Green Lane

- c. Nos. 1 ~ 18 Catherine Griffiths Court
- d. Nos. 1 ~ 6 Levyne Court
- e. Nos. 88, 159, 167-169 & 171 Farringdon Road.

10.91 The 'Vertical Sky Component' assessment (VSC) is a measure of the amount of daylight available at the centre point to the external pane of a window. However this assessment does not take into account room dimensions or other windows which may also provide daylight to the room. A good level of daylight is considered to be 27%. Daylight will be adversely affected if after a development the VSC is both less than 27% and less than 80% of its former value. The 'no sky line' method (daylight distribution) assesses the impact which a development will have on the position in an affected room where the sky is no longer visible.

Nos. 62-66 Farringdon Road and 21 Bowling Green Lane.

10.92 The submitted and daylight report concludes that the only surrounding properties that as a result of the development would have breaches of the Vertical Sky Component (VSC) test as set out in the BRE guidance are located to the southeast of the site at Nos. 62-66 Farringdon Road and 21 Bowling Green Lane. The windows would experience losses between 20% and 33% of their former values. Notwithstanding the impact of the development on VSC, the No Sky Line (NSL) test demonstrates that all of the above affected windows (serving habitable room) would retain a good level of daylight distribution with no reductions further than 20% of their former value. Additionally, all windows on this floor would meet the recommended BRE thresholds for APSH and winter sunlight

Nos. 1 ~ 18 Catherine Griffiths Court & Nos. 1 ~ 6 Levyne Court

10.93 The submitted and daylight report assessed 104 windows at Nos. 1~18 Catherine Griffiths Court and 40 windows at Nos. 1~6 Levyne Court. It concludes that only 3 of the 104 windows at the properties in Catherine Griffiths Court would have losses over 20% of their former values and these are limited to between 20.53% and 23.89%. With regard to Levyne Court, only 4 of the 40 windows assessed would have transgressions above 20% of their former value (20.35%, 21.80%, 22.83% and 29.96% respectively).

10.94 With regard to sunlight, only one of the windows at Nos. 1~18 Catherine Griffiths Court and only one of the windows at Nos. 106 Levyne Court would have a reduction in sunlight over the whole year to figures below the recommended 25% and in excess of the 20% threshold in the BRE guidelines of its former value (27.3% and 33.3% respectively).

10.95 With respect to the No Sky Line (NSL) test, the study demonstrates that 30 of the 58 rooms assessed would have reductions of 20% of their former value. These transgressions range between 20 ~ 29 % for the properties between Nos 5 ~ 18 Catherine Griffiths Court and represent 20 of the

affected rooms. The remaining 10 affected rooms would have transgressions between 21% and 50%. None of the rooms at Nos. 106 Levyne Court would have transgressions greater than 20% of their former value.

- 10.96 All other properties tested beyond those mentioned above would meet the BRE Guidelines with transgressions less than those recommended.
- 10.97 When looking at all of the above sunlight/daylight assessments with regard to Nos. 62-66 Farringdon Road and 21 Bowling Green Lane, the affected windows are at the lower levels of the buildings. Whilst the daylight (VSC) losses to these properties are greater than 20% of the existing levels, the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The proposed development is not significantly taller or out of character at this corner of the site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 10.98 Further, the proposed 6th-storey element has been set back from the properties and opposite and the proposed 5th-storey parapet of the development is very similar in height to the roof top height of Nos. 62-66 Farringdon Road. Further, the existing built form conditions of both the application site and Nos. 62-66 Farringdon Road and 21 Bowling Green Lane result in a situation whereby the neighbouring occupiers currently enjoy a largely uninterrupted amount of sky above the application site, due to the application site not making best use of its central location. The existing daylight and sunlight levels experienced at present are therefore particularly high for a location such as this.
- 10.99 With regard to the above sunlight/daylight assessments to Nos. 1~18 Catherine Griffiths Court and Nos. 1~6 Levyne Court, it is considered that the transgressions with regard to VSC and sunlight are relatively minor, however there would be harm with regard to daylight distribution. It is considered that all three tests should be considered when assessing the impact of the development on the properties at Catherine Griffiths Court. The application site is located in a dense inner urban context and the existence of 2-3 storeys residential development at the rear of the site is atypical of the patterns of development in this wider location. Furthermore, design and planning officers have considered the extent of built form proposed and ensured that this has been reduced as much as reasonably possibly so as not to affect the delivery of the site. This is reflected in the significantly reduced volumes of the proposal to the rear in the revised proposals after concerns were raised by officers with the original proposal as submitted.
- 10.100 Any development at the application site would affect daylight levels to the low level rear properties. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has minimised the levels of daylight and sunlight transgressions. Any redesign of the

application proposals would bring the rear of the buildings much closer to Farringdon Road and potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site

- 10.101 In recognition of the poor design of the existing building, the densely developed urban context and the attempts to minimise transgressions from the BRE guidance as much as possible, the development would not result in a degree of harm that would warrant refusing planning permission and in view of the planning policy presumption that sites should be developed in such a way as to maximise their potential is considered to be acceptable in this regard.

Overlooking

- 10.102 Objections have been received mainly from the surrounding occupiers stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, and number of windows.
- 10.103 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Therefore, with regard to the properties along Bowling Green Lane it is not considered that there would be an impact on the amenity of these properties. The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London.
- 10.104 With regard to the properties to the rear at Nos. 1~18 Catherine Griffiths Court, it is considered that overlooking to these properties would not occur to the design detail and angled nature of the minimal windows to the rear elevation. Given the distances between the rear of these properties varies due to the changing nature of the pattern of development, it is not considered unreasonable that the privacy of the residential properties is protected. Therefore, a condition shall be imposed requesting details of the windows and their angled nature to ensure that no overlooking takes place to the properties to the rear. Subject to the above, it is not considered that any neighbouring properties would experience an unacceptable loss of privacy.

Noise Mitigation

- 10.105 The application site is in a particularly noisy location with the high flows of traffic along the Farringdon Road. There's also the issue of the Thameslink line under the development – whereby the Council have received complaints historically about the ground borne train noise on this section of railway. The application includes a noise assessment with airborne and groundborne noise along with vibration. Potential mitigation of noise

sources with prospective sound insulation spec and treatment of the pile caps for structure borne noise is outlined within this report. Nevertheless, a condition has been recommended by the Council's Pollution officer to protect nearby residential from plant noise.

- 10.106 Further, the application proposes the installation of a gas powered CHP. All of Islington has been designated an Air Quality Management Area and the GLA have produced "Air Quality Neutral" guidance for new developments. Council's Pollution Officer has recommended a condition to ensure air quality neutral policy is followed.
- 10.107 The development will involve demolition of the existing substantial structure and then a considerable construction period with the inevitable impact upon the nearby residential and commercial occupants. To mitigate these impact it is recommended that a Construction and Environmental Plan is conditioned.
- 10.108 Finally, Council's Noise Pollution team have advised that the proposed Use Class A1/A3 space have its hours of operation conditioned. Given the licensing policy for cumulative impact areas, the policy closing hours for Restaurants and Cafes are 11pm - Sunday to Thursday & Midnight - Friday and Saturday and Off Licences 11pm – Monday to Sundays.
- 10.109 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.
- 10.110 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

- 10.111 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.

- 10.112 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.
- 10.113 The BREEAM pre-assessments submitted demonstrate that the office, retail and hotel parts of the development would be capable of achieving a BREEAM 'Excellent' rating, which is supported and in accordance with planning policies requiring all development to meet the highest standards of design and construction. It is also noted that the office element of the scheme could also potentially achieve an 'Outstanding' rating which is also welcomed. It is recommended that the requirement to achieve a minimum BREEAM 'Excellent' rating is required by condition.
- 10.114 The proposal includes a commitment to integrate greywater recycling and the use of low flow fixtures and fittings in order to reduce water use and more efficient use of water re-use. These aspects of the proposal are supported and these details are to be sought and secured via the imposition of a condition.
- 10.115 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. The commitment to target a high number of materials BREEAM credits is supported and policy compliant. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided. These details are to be sought via condition seeking a Site Waste Management Plan (SWMP) setting out how these targets will be achieved. The above SWMP should include a brief assessment of the feasibility of reusing or recycling demolition waste on and/or off site.
- 10.116 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. The existing site is of no biodiversity or ecology value and although the proposed buildings would occupy 100% of the site, thereby precluding any potential for mature tree planting, proposals to incorporate ecology and green infrastructure would represent an improvement over the existing situation. Four small areas of the proposal would incorporate brown roofs, however these areas in comparison to the total roof area are limited. Additionally, the revised scheme reduced the extent of plant on the roof given it has now been located in the basement and as such there is further opportunity to incorporate green infrastructure at roof level. No green roofs have been put forward as part of the proposal. In summary, the scheme requires to

maximise the roof areas across the scheme for biodiversity enhancement including underneath any array of photovoltaics and no justification has been put forward as to why the limited brown roof areas have maximised all opportunities. Furthermore, the roof should also be biodiversity based green roof with a varied substrate depth of 80-150mm and no justification has been submitted why green roofs have not been incorporated. A condition shall be imposed for details of the proposed green/brown roofs along with further details demonstrating that green/brown roofs have been maximised across the site. Further, the provision of bird and bat boxes across the site will be sought via condition.

- 10.117 Planning proposals are required to prioritise sustainable drainage solutions before relying on hard engineered solutions such as that which is proposed. Green/brown roofs are one SUDS option amongst others that should be fully explored as part of any justification for not being able to meet DM Policy 6.6 or London Plan Policy 5.13. It is acknowledged that the site has constraints such as tunnels underneath, and the submission states that its drainage strategy is reliant on living roofs, however as noted above, there are ample further opportunities at roof level for potential green/brown roofs to accommodate additional attenuation. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given the extent of roof area proposed, there are areas to provide further opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A revised drainage strategy will be sought via condition in order for the quantity and quality standards of DM Policy 6.6 to be met.
- 10.118 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation. The submitted draft does not include clear indicators to be monitored and provisions to monitor that monitoring.

Energy Efficiency and Renewable Energy

- 10.119 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.
- 10.120 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building regulations 2013.
- 10.121 The application submission material present the base line (2013 Regs.) regulated carbon emissions and the reduction equates to a 36% reduction

in relation to London Plan policy which is supported, and therefore meets the London Plan target of 35%. With regard to Islington Core Strategy Policy, the reduction in total carbon emissions (regulated and unregulated equates to a 28% reduction and therefore meets the Council's target on the provision that connection to a decentralised energy network is not possible.

- 10.122 In accordance with the Council's Zero Carbon Policy, the Council's Environmental Design SPD states "after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO₂ to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.123 In this instance, the total remaining carbon emissions for the development are 318 tCO₂. Therefore, the figure associated with regulated CO₂ emissions equates to £188,600 (205 * 920). The figure associated with unregulated CO₂ emissions equates to £103,960 (113 * 920). The total figure for the unregulated and unregulated CO₂ emissions is therefore £292,560. This is to be secured via a s106 legal obligation whilst the above target reductions will be conditioned so that the targets are met.
- 10.124 The applicant has also requested consideration for a reduction on the carbon offset payment as a result of Whitbread's (developer) pro-active energy policies. It is claimed that these additional measures could equal to a further reduction of £26,622 of the carbon off-set figure on the basis of previous experience by the developer elsewhere, and as such requested that should further improvements to the proposed design be incorporated at a later date, the Section 106 agreement should allow for further discounts to the off-setting payment.
- 10.125 This request for potential further discounts to be contained in the section 106 agreement is not agreed by planning and energy officers. Whilst, Whitbread's energy and sustainability policies are acknowledged, and of which we are supportive, officers note that reductions in regulated and unregulated emissions have been demonstrated in the evidence provided by the applicant – and some of these reductions will have been driven by development plan policies. Additionally, the offset calculation is based on modelled emissions, and this element of Planning Policy does not include a mechanism to take account of applicant energy and sustainability policies, which may be subject to change. Therefore, it is recommended that any further amendment to the offset contribution (£292,560) on this basis is not supported.
- 10.126 Should the applicant want reconsideration of the offset contribution, then a section 73 planning application would be required to vary the secured energy strategy condition targets along with a Deed of Variation to the legal agreement. A retrospective reduction cannot be accommodated within the legal agreement at this stage without the need for the above planning application to vary the condition and accompanying Deed of Variation.

10.127 With regard to the development plan energy hierarchy of 'be lean, be clean, be green', the proposal addresses these matters in the following way:

BE LEAN

Energy efficiency standards

10.128 Council policy DM 7.1 (A) states "Development proposals are required to integrate best practice sustainable design standards (as set out in the *Environmental Design SPD*), during design, construction and operation of the development." The energy strategy proposes a number of energy efficiency measures for the new build which would result in an overall reduction in total carbon emissions from energy efficiency measures equating to 16%.

BE CLEAN

District Heating Connection

10.129 The site is not within 500m of an existing or planned heat network. It is however within an area of opportunity where district heating is anticipated to be developed in the short-medium term as evidenced in the Energy Masterplan study. However energy officers agree with the conclusion of the Energy Report that it is not currently feasible for connection to a heat network.

Combined Heat and Power

10.130 The proposal includes an onsite CHP to serve the base space heating and domestic water demand of the hotel, while an onsite micro CHP is to serve the base space heating and domestic water demand of the office component. Council energy officers have reviewed the documentation and recommended a condition is imposed regarding provision of further details of plant rooms, heating systems and CHP specifications.

Shared Energy Network

10.131 The Energy Report does not consider any opportunities for shared heating with other local sites. The site is located in close proximity to recently approved development and it is recommended that the applicant review opportunities for supplying or importing low carbon heat to neighbouring sites, such as the approved development at Mount Pleasant (ref: P2013/1423/FUL). This shall include investigating the viability of being supplied with heat from another CHP energy centre rather than creating a new energy centre, in accordance with council policy DM Policy 7.3. This is to be secured via the section 106 agreement.

10.132 Should following the above investigations, the development is proposed to supply low carbon heat to neighbouring sites, this is one method for off-setting the developments carbon emissions (and thereby reduce the liability for carbon offset levy). However, for this to be imposed, as discussed above for any reduction in the carbon figure, a section 73 application would

be required at a later date to vary the secured energy strategy condition targets along with a Deed of Variation to the legal agreement. A retrospective reduction cannot be accommodated within the legal agreement at this stage without the need for the above planning application to vary the condition and accompanying Deed of Variation.

Shared Futureproof District Heating Connection

- 10.133 The legal agreement shall include an obligation to require a commitment to ensuring that the development is designed to allow future connection to a district heating network should it become feasible at a later date, in accordance with the Development Plan.

BE GREEN

- 10.134 *Renewable energy technologies*

- 10.135 The Energy Report states solar photovoltaics could be installed and a system of 6.9kWp of 20 high efficiency 345W monocrystalline PV panels, which requires around 32m² of unshaded roof

- 10.136 The hotel component incorporates high efficiency photovoltaic panels with a roof area of 75 m². The office component incorporates high efficiency photovoltaic panels with a roof area of 27 m². This aspect of the proposal is supported and a condition is recommended for further design details on the proposed installation.

- 10.137 In addition to the above energy hierarchy, London Plan Policy 5.9 and Islington Core Strategy Policy 10 require proposals to reduce potential for overheating to occur and reduce reliance on air conditioning. Local planning policy and guidance states:

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

- 10.138 Results from thermal modelling of the building have been provided by the applicant. These are based on a current, 2030s and 2050s Design Summer Year, in line with Islington requirements. However, the results shown are based on a cooled building. Council’s Energy officers have recommended that the applicant also provide similar results for the building as modelled without artificial cooling, in order to demonstrate a requirement for cooling. Therefore, a condition shall be imposed for the non-installation of artificial cooling until the need has been demonstrated with further information on thermal modelling as outlined above.

- 10.139 In summary it is considered that should connecting to a shared network (subject to feasibility) prove unfeasible then the option of a CHP with additional energy measures to achieve a Council target of 28% under a

revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

Highways and Transportation

- 10.140 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating (www.webptals.org.uk). The site 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. Being located on Farringdon Road, which forms part of the TLRN, TfL are responsible for highway considerations along this road.
- 10.141 The site is currently occupied and used as a multi-storey car park. The applicant has estimated that the car park generates on average around 178 two way vehicle movements per day. The proposal is seeking to demolish the existing multi-storey car park and replace with a mixed use development comprising of a hotel, office space and retail.

Pedestrian Access

- 10.142 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. Furthermore, in line with Development Management Policy DM2.1 (Design), Part A and DM2.2 (Inclusive design), new developments should be safe for pedestrians.
- 10.143 The PTAL of the site to bus and train services maximises the opportunity for visitors and employees to walk all or part of their trips to the site. However, the applicant is proposing to significantly intensify the use of the site. In light of this, the footways around the site will need to be upgraded to cope with the intensity of use, with particular regard to Bowling Green Lane and Vineyard Walk. A contribution for public realm improvements is captured through Islington's Community Infrastructure Levy (CIL) and as such no separate s106 obligation is necessary.

Cycle access and parking

- 10.144 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. The level of cycle parking proposed for the hotel and office use is in accordance with development plan policies, an uplift in cycle parking is required for the proposed B1 office accommodation proposed. This is to be secured via the imposition of a condition.
- 10.145 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. Additionally, Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts and separate cycle lanes should be delineated within developments. Conditions

will be imposed to ensure cycle access arrangements are in line with CS10 and DM 8.4 with regard to the above.

- 10.146 Under the current plans, there is a potential risk that cyclists and delivery vehicles use the servicing yard at the same time. Ideally, the proposal should incorporate delineated cycle lanes. Should this not be feasible, then no deliveries should take place during the morning and afternoon peak when most cyclists will be expected to arrive/leave for work. This can be secured via condition in the Delivery and Servicing Management Plan.
- 10.147 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).

Vehicle parking

- 10.148 For non-residential developments, Development Management Policy DM8.5 (Vehicle parking), Part B (Non-residential parking) states that parking will only be permitted where this is essential for operational requirements and integral to the nature of the business/service (such as a car hire or storage/distribution use). Normal staff parking will not be permitted. No car parking is being proposed as part of the development other than disabled parking spaces.
- 10.149 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). The proposal is in line with this policy, and includes the provision for two wheelchair parking spaces within the servicing yard and additional bays on Vineyard Walk. The additional bays would be subject to agreement with Council's Highways Authority.
- 10.150 As such, the development would be car-free and consistent with policy CS10 of the Core Strategy.

Physical impacts on the on-street network

- 10.151 Any alterations to the Council managed highways of Bowling Green Lane and Vineyard Walk will be required to be secured via a section 278 agreement with all works to be carried out by LBI Highways. Further, any works proposed on Farringdon Road would require further approval from TfL in the form of a section 278 highways legal agreement.
- 10.152 It is noted within the planning application submission that the proposed highways alterations, include a proposed drop-off bay on Vineyard Walk and making Vineyard Walk one-way. In their current form, these two aspects of the proposal would not be supported by LBI Highways and as such planning officers have not considered them as part of the application.

Refuse and Recycling

10.153 Storage is appropriately located within the development for all uses. 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 condition.

Servicing and Deliveries

10.154 The application includes a detailed delivery and servicing management plan alongside the submitted transport assessment. For commercial developments over 200 square metres and some larger residential developments, delivery/servicing vehicles should be accommodated on-site.

10.155 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). In line with this policy and supporting paragraph 8.39, details should be submitted to establish the delivery/servicing needs, including hours, frequency, location/s and size of vehicles.

10.156 The application proposes that vehicles would reverse into the on-site servicing bay and exit in forward gear. Vehicles would enter from Bowling Green Lane via Farringdon Road and then exit onto Bowling Green Lane and then onto Farringdon Road. The local road network would be not used. This aspect of the proposals is welcomed.

10.157 However, the proposed servicing arrangements do not comply with Islington's adopted planning policies on delivery and servicing. The proposed bay is not large enough to enable vehicles to enter and exit in a forward gear. In transport terms, it is practical to provide a large servicing bay. However, in this instance it would be impractical urban design terms and have an impact on how efficiently the remainder of the site can be used. Nevertheless, the requirement to provide an appropriate servicing bay is a clear policy requirement.

10.158 The applicant has stated that the policy does not entirely apply in this instance given there is estimated to be a low number of deliveries, however officers consider that the policy should be applied if a commercial development is above 200sqm regardless of the number of deliveries. Therefore, in light of the above policy and the constraints imposed by the site in terms of its efficient use to maximise other policy objectives, it is considered that given the size of the proposed servicing bay (which doesn't meet the above policy), then as a minimum requirement, all deliveries would need to be supervised by a qualified banksman at all times. The applicant's assertion that a member of staff will be nominated to supervise each delivery is inadequate and the member of staff will require to be a qualified banksman. This shall be secured via condition and contained within a resubmitted Delivery and Servicing plan.

- 10.159 The proposed delivery bay will be set alongside two wheelchair parking bays. These spaces will be used by vulnerable road users. Importantly any servicing and delivery arrangements, set out within a Delivery and Servicing Plan, will need to prioritise the needs of these users above those of the delivery and servicing needs of the hotel, office and retail space. It is unclear how the applicant is intending to prioritise the needs of these users. Further detail will be requested prior to occupation in the condition requesting an updated Delivery and Servicing Plan.
- 10.160 Finally, it should also be noted that an updated Delivery and Servicing Plan has also been recommended by TfL with regard to Farringdon Road, and any such condition imposed would be considered in consultation with TfL.

Construction and Logistics Plan

- 10.161 Any impacts arising from the construction of the building in highway and transport terms would be controlled by the submission of a Construction and Logistics Plan. This has also been recommended by TfL, who have also stated that such a plan should also address buses and ensure their operation is not adversely affected during construction.
- 10.162 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 28 accessible parking bays or a contribution of £56,000 towards bays or other accessible transport initiatives given 28 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

- 10.163 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.
- 10.164 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.

- 10.165 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.
- 10.166 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.
- 10.167 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 10.168 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.
- 10.169 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 10.170 CIL
- 10.171 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).

- 10.172 Developments in the Central Activities Zone (CAZ) must also make a separate contribution towards Crossrail in the section 106 agreement. However, Mayoral CIL will be treated as a credit towards the section 106 Crossrail liability and this is to be reflected in the wording of the section 106 agreement.
- 10.173 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.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The redevelopment of this site to provide a mix of hotel, office and retail accommodation in the CAZ would be entirely appropriate in this highly accessible location. Whilst development plan policies and designations seek a maximum of business floorspace with an element of housing, the proposal has been accompanied by a financial viability appraisal to demonstrate that an element of housing is not viable on the site, whilst the level of business floorspace proposed is the maximum reasonable possible.
- 11.2 The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of surrounding listed buildings or the character or appearance of surrounding conservation areas.
- 11.3 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing.
- 11.4 The revised proposals have limited the extent of loss of sunlight and daylight losses. When balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is on-balance accepted. Further, the proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of sense of enclosure or privacy.

- 11.5 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

- 11.6 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:

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Facilitation, during the construction phase of the development, of 13 work placements: Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/'15). If these placements are not provided, LBI will request a fee of £65,000.
4. Compliance with the Code of Construction Practice, including a monitoring fee of £12,895 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
5. The provision of an additional number of accessible parking bays (28) or a contribution towards bays or other accessible transport initiatives of £56,000.
6. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: to be confirmed by Energy Team (£292,560 tCO2 X £920) – based on information submitted in Energy Strategy.
7. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has

been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

8. Submission of a Green Performance Plan.
9. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
10. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
11. Payment towards employment and training for local residents of a commuted sum of £50,651.
12. For proposals with an increase in office floorspace in the Central Activities Zone, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £277,720.
13. Crossrail contribution of £800,882 minus any Mayoral CIL credit.
14. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos.:</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	Materials – Further Details Required
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Zinc, anodised aluminium and reconstituted stone including manufacturer’s details; b) window treatment (including sections and reveals); c) balustrading treatment (including sections); d) detailed drawings showing the principal entrance and service entrances e) glass samples f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Design Detail – Roof Extension
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the detailed design of the sixth storey roof extension including the type of glazing and sealing of the glazing shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high</p>

	standard.
5	Inclusive Design
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
6	Micro and small enterprises (Details)
	<p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for occupation by micro and small enterprises.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
7	Use Class A1/A3 – Restrictions on Use
	<p>CONDITION: The retail/restaurant café uses (A1/A3) shall not operate outside the following times: Sunday to Thursday – 07:00 to 23:00 Friday to Saturday – 07:00 to midnight.</p> <p>REASON: To ensure that the operation of the above uses do not have a detrimental impact on residential amenity.</p>
8	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
9	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including</p>

	<p>dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
10	Air Quality Assessment
	<p>CONDITION: An air quality assessment using dispersion modelling shall be carried out to demonstrate that the stack height of the biomass boilers is sufficient to prevent emissions having a significant impact on the air quality objectives for nitrogen dioxide (NO₂) and particulate matter (PM₁₀). A report shall submitted to the local authority prior to commencement of the development outlining details of the modelling software chosen, emissions and stack parameters, building parameters, meteorological data, method used to calculate background and predicted concentrations. The location and grid reference of maximum pollution concentrations shall be identified, with distance from the stack. A full discussion of any potential breaches of air quality criteria shall be provided and a discussion of model sensitivity."</p>
11	BREEAM
	<p>CONDITION: Evidence confirming that the development achieves a BREEAM rating (2008) of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <ul style="list-style-type: none"> a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation. <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
12	Rainwater recycling (Details)
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level</p>

	<p>of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
13	Green Procurement Plan (Site Waste Management Plan)
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
14	Sustainable Urban Drainage System (SUDS)
	<p>CONDITION: No development shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ol style="list-style-type: none"> i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.

	<p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
15	Nesting Boxes (Details)
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	Green/Brown Biodiversity Roofs
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

17	Renewable Energy
	<p>CONDITION: The energy measures which shall together provide for no less than a 36% on-site total CO₂ reduction in comparison with total emissions from a building which complies with Building Regulations 2010 as detailed within the Energy Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved energy measures be found to be no-longer suitable:</p> <p>a) A revised Energy Strategy, which shall provide for no less than a 40% on-site total CO₂ reduction in comparison with total emissions from a building which complies with Building Regulations 2010, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and 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 sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO₂ emission reduction targets are met.</p>
18	Thermal modelling
	<p>CONDITION: Details of passive design and other measures incorporated within the scheme (including details of the feasibility of using external solar shading and of maximising passive ventilation, including through the atrium) to ensure adaptation to higher temperatures (taking climate change projections into account) should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be operational prior to the first occupation of the development hereby approved. These details shall include the results of thermal modelling (under the higher future temperatures projected as a result of climate change) for non air conditioned internal spaces to demonstrate that the likelihood of internal overheating has been minimised. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of adapting to climate change and to secure sustainable development.</p>
19	Cycle Parking Provision
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than the amount of cycle spaces required for all</p>

	<p>proposed uses in accordance with London Plan (2015) standards.</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>
20	Cycle Facilities
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
21	Refuse and Recycling
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
22	Delivery & Servicing Plan
	<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>
23	<p>Construction Logistics Plan (CLP)</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 construction period. The CLP shall provide details of:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. loading and unloading of plant and materials 3. storage of plant and materials used in constructing the development 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 5. wheel washing facilities 6. measures to control the emission of dust and dirt during construction 7. a scheme for recycling/disposing of waste resulting from demolition and construction works 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>REASON: In order to secure highway safety and free flow of traffic on Farringdon Road, local residential amenity and mitigate the impacts of the development.</p>
24	<p>No Plumbing or Pipes</p> <p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
25	<p>Roof-Top Plant & Lift Overrun</p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ol style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; c) lift overrun; and d) photovoltaics <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
26	<p>No Obscuring of Ground Floor Frontage</p> <p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level 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>
27	<p>Overlooking – Rear Elevation</p> <p>CONDITION: Notwithstanding the approved plans, details of the rear elevation windows in order to prevent overlooking to the properties at Catherine Griffiths Court shall be submitted to the Local Planning Authority and agreed in writing prior to commencement of that part of the development.</p> <p>The approved details shall be installed prior to first occupation of any of those units identified and shall be maintained as such permanently thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
28	<p>TfL (London Underground)</p> <p>CONDITION: 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"> • provide details on all structures • accommodate the location of the existing London Underground structures • demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land • demonstrate that there will at no time be any potential security risk to our railway, property or structures • accommodate ground movement arising from the construction thereof • mitigate the effects of noise and vibration arising from the adjoining operations within the structures <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</p>

	<p>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: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.</p>
29	Thames Water
	<p>CONDITION: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.</p> <p>REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.</p>
30	Thames Water
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be:</p>

	when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Thames Water
	<p>WATER COMMENTS</p> <p>There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.</p>
5	Thames Water
	<p>WASTE COMMENTS</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
6	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute</p>

	development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.
7	TfL (London Underground)
	<p>LONDON UNDERGROUND INFRASTRUCTURE PROTECTION</p> <p>The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.</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

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 4.10 New and emerging

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

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

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 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Design and Heritage

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

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops
DM4.2 Entertainment and the night-time economy

large buildings
Policy 7.8 Heritage assets and archaeology
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 7.19 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

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

Infrastructure and Implementation

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

DM6.2 New and improved public open space

DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

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

DM4.3 Location and concentration of uses

DM4.6 Local shopping Areas

DM4.8 Shopfronts

DM4.11 Hotels and visitor accommodation

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC7 Historic Clerkenwell

BC8 Achieving a balanced mix of uses

BC9 Tall Buildings and contextual considerations for building heights

BC10 Implementation

BC49 Site Allocation – 68-86 Farringdon Road (NCP Carpark)

4. 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 and Clerkenwell Core Strategy Key Area
- Finsbury Local Plan (FLP) Area
- Finsbury Local Plan (FLP) Site Allocation BC46: 68-86 Farringdon Road (NCP Carpark)
- Exmouth Market Employment Priority Area (General)
- Central Activities Zone
- Adjoins Farringdon/Smithfield Intensification Area
- Adjoins Local Shopping Centre on northeast side of Farringdon Road
- Adjoins Clerkenwell Green Conservation Area and Roseberry Avenue Conservation Area
- Adjoins Archaeological Priority Area to the southeast
- LV7 Local View from Kenwood viewing gazebo to St. Paul's Cathedral.
- Within vicinity of Listed Buildings at 42 Roseberry Avenue (Grade II), 94 Farringdon Road (Grade II), 10 & 16 Bowling Green Lane (Grade II)

II) and 17 Pine Street (Grade I).

- Within vicinity of locally listed buildings at 159 Farringdon Rd and 17 Bowling Green Lane
- Within vicinity of Heritage Sites in Historic Clerkenwell at 20 Bowling Green Lane, 143-157 Farringdon Road and 159 Farringdon Road.

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

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

APPENDIX 2: Design Review Panel

APPENDIX 4: BPS Report on Financial Viability Assessment

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Our ref: **DRP/46**

Date: 12 January 2015

Dear Georgina Church,

ISLINGTON DESIGN REVIEW PANEL

RE: 68 - 86 Farringdon Road, London (pre-application ref Q2014/3634/MJR)

Thank you for coming to Islington's Design Review Panel meeting on 9 December 2014 for review of a proposed development scheme at the above address. The proposed scheme under consideration was for Redevelopment of the site comprising the demolition of existing multi-storey car park and the erection 6/7 storey building providing hotel (Class C1), office (Class B1a) and retail uses (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 Dominic Papa (Chair), Paul Reynolds, Stephen Archer, Charles Thomson, Stafford Critchlow on Tuesday 9 December 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Municipal Offices 222 Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's Observations

Concept

The Panel welcomed the contextual studies and general design concept in particular in relation to distribution of massing subject to further assessment of impact on daylight and sunlight. Panel members appreciated the constraints of the site including the tightness of the plot, the finer grain of 2/3 storey housing at the rear, the loading on tunnels amongst other factors but felt some aspects of the scheme needed to be better resolved. As with most hotel proposals (due to floor to ceiling heights), the panel questioned the proposed building's potential for conversion and therefore the long term sustainability of the structure. Although the panel understood the challenges of delivering residential on site there was some discussion over the amount of hotel compared to the need for small floor plate office space in the area.

Height and massing

No concerns were raised in relation to the proposed heights particularly fronting Farringdon Road in terms of townscape impact. However, panel members indicated appropriate daylight sunlight studies would be necessary and evidence presented.

Privacy & Amenity

Panel members were of the opinion that there would be significant impact on neighbouring amenity and privacy of the residential properties to the rear in particular. Although there may be no direct view onto bedrooms, the impact of a great number of rooms looking onto gardens must be taken into account and mitigated through considered design development.

Elevations & materiality

The Panel appreciated there had been development of materiality and appearance on the Farringdon Road frontage but thought further resolution of the rear elevation was required. Given that the rear elevation is also very exposed, it should be treated as a front elevation in terms of architectural refinement. The panel acknowledged the references to the 19th Century buildings that previously occupied the site and commended the coherence, articulation and rhythm of those elevations with a limited pallet of materials which made a positive contribution to the streetscape. The panel suggested that these characteristics might inform the elevations of a new building on the site. Some concerns were raised in relation to the impact of the room layouts on the façade. They felt that the default solution in hotels for the appearance of glazing with most of it opaque should be avoided. Further detailing to demonstrate the quality of the elevations was required.

Servicing & Landscaping

The Panel had concerns about the managing of the servicing of the site in general and between the two uses in particular. Panel members felt that a strategy which depended on the manoeuvring of service vehicles on the public highway to access the service bay was both impractical and detrimental to the functioning of the immediate area. They stressed the importance of more dialogue with Islington regarding the vacant/un-used piece of land at the rear and also encouraged the consideration of a lay by. It was felt that resolving the ownership of the land at the back could unlock some of the issues particularly surrounding servicing.

Environmental performance

The Panel felt that more information was required in relation to BREAM and required plant as this may have an impact on massing, materiality and overall appearance of the proposed scheme.

Summary

The Panel was generally supportive of the concept of replacement of the existing building and raised no direct objections to the proposed height and massing. However, Panel members felt that further work was required in relation to a series of aspects particularly in relation to servicing, landscaping, treatment of elevation, plant, environmental performance requirements and impact on amenity. They also debated the suitability of proposed uses on site and encouraged the design team to continue discussions with the local authority to ensure compliance with aspirations of adopted policy.

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

Confidentiality

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

Yours sincerely,

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

Luciana Grave

Design Review Panel Coordinator/
Design & Conservation Team Manager

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66-86 Farringdon Road, London, EC1R 3EA

Independent Viability Review

28th June 2016

1.0 INTRODUCTION

- 1.1 We have been instructed by Islington Borough Council ('the Council') to undertake an independent Viability Review of an April 2016 Viability Assessment that has been prepared by GVA Bilfinger ('GVA'), in respect of a proposed redevelopment of 66-86 Farringdon Road, London, EC1R 3EA ('the Site').
- 1.2 Together with office agency Crossland Otter Hunt, we previously provided an "Independent Assessment of Office Market Report", in September 2015, which concluded essentially that the office market is buoyant in the Site's location and that there is the potential for an office-led scheme in this location to be feasible, subject to this being viability-tested and taking into account site specific circumstances.
- 1.3 The Site is 0.52 acres and accommodates a multi-storey car park located in the Clerkenwell area, on the eastern side of Farringdon Road. It is *circa* 1 mile north-west of the City of London and is close to Farringdon Underground Station. It is an 'island site' and is bounded by Vineyard Walk to the north, Farringdon Road to the west, Bowling Green Lane to the south, and two-storey terrace houses (known as Catherine Griffiths Court) to the east.
- 1.4 The current planning application has been submitted by Whitbread Group (the applicant), in collaboration with their development partner, Endurance Land, and entails the following works:
- "Demolition of existing multi-storey car park and redevelopment to provide a five (plus basement)/ six storey building comprising 3,647 (GEA) / 3,350 (GIA) sq m office floor space (Class B1 Use), 180 bedroom hotel (Class C1 Use) and 407 (GEA)/ 373 (GIA) sq m retail/restaurant floor space (Class A1/A3 Use) with associated facilities, plant, landscaping and servicing".*
- 1.5 The Site is subject to a site-specific allocation in the Council's Site Allocations document, which requires, "*Redevelopment to provide business uses, retail at ground floor and an element of residential uses*". Planning Officers have requested that the applicant demonstrate that the Site cannot viably deliver a greater proportion of office floorspace than has been included in the current application scheme.
- 1.6 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. We can confirm that we have no conflict of interest in relation to the provision of viability advice in respect of this property.

2.0 APPRAISAL SCENARIOS & RESULTS

2.1 The applicant has, at the request of the Council, undertaken viability testing of six scenarios:

- 1A - Office led redevelopment with an element of residential and retail at ground floor. Offices multi-let on floor-by-floor basis.
- 1B - The same as Scenario 1A but for the office element - office single let.
- 2A - Office led redevelopment scheme with retail at ground floor - Offices multi-let on floor-by-floor basis.
- 2B - Office led redevelopment scheme with retail at ground floor - offices buildings single-let rather than multi-let.
- 3A - Mixed use redevelopment providing office, an element of hotel and retail at ground floor - office let floor-by-floor.
- 3B - Mixed use redevelopment providing office, an element of hotel and retail at ground floor - office single-let buildings.

2.2 These scenarios are aimed at determining whether the application scheme maximises the provision of office and residential floorspace. Scenario 3A is effectively the application scheme, and has the same floor areas for each use type. The results of all these scenarios are:

Table 1: scenario results

Scenario	Profit (total £)	Profit (% on Cost)
1A	-£1,900,689	-3.29% (Loss)
1B	(2,535,705)	-4.47% (Loss)
2A	(4,105,729	-7.20% (Loss)
2B	(6,180,658)	-11.14 (Loss)
3A	11,056,472	17.82%
3B	10,052,122	16.29%

2.3 These results indicate that all of the scenarios are unviable except Scenario 3a (the application scheme), when the target profit of 17.5% Profit on Cost is adopted.

2.4 Scenario 3B generates marginally less profit than 3A, which indicates that a scheme with *multi*-let offices is marginally more viable than a scheme with *single*-let offices (albeit the latter still has some affordable workspace let to a separate tenant at a nominal rent for 10 years).

2.5 It is apparent from these scenarios that the office/retail option (2A & 2B) is the least 'valuable' option, and has the greatest deficit in viability; while 1A and 1B are slightly more valuable (in terms of their residual land values) although still result in a substantial profit deficit.

Scheme Revisions - appraisal results

2.6 Following our initial, draft report, Scenarios 1&2 have been altered by the applicant at the request of the Council. The changes made to Scenarios 1a &1b are:

Scenarios 1a &1b changes

- Increased the floor area of the retail unit in Building
- Increased the floor areas of the residential accommodation in Building 1 and added an additional floor (4th floor), increasing the total residential units from 12 to 18
- Increased the sales rate per sq ft for the residential units from £1,122 to £1,124 per sq ft to reflect the new areas and configuration of the residential units
- Increased the ground rent income to reflect the additional units
- Updated the planning obligations payment to take into consideration the larger floor areas

Scenarios 2a & 2b

- Removed the retail unit from Building, this becomes office accommodation
- Increased the floor areas of the office accommodation in Building 1 and added an additional floor (3rd floor)
- Amended the Affordable Office space areas based on the revised floor areas
- Updated the Planning obligations payment to take into consideration the larger floor areas

2.7 We have detailed the impact of the above changes upon the appraisal results, below:

Table 2: updated scenario results

Scenario	Original Version		Updated Version
	Profit (total £)	Profit (% on Cost)	Profit (% on Cost)
1A	-£1,900,689	-3.29% (Loss)	1.67%
1B	(2,535,705)	-4.47% (Loss)	0.59%
2A	(4,105,729	-7.20% (Loss)	-3.05% (Loss)
2B	(6,180,658)	-11.14% (Loss)	-7.78% (Loss)
3A	11,056,472	17.82%	17.82%
3B	10,052,122	16.29%	16.29%

2.8 The changes in viability are relatively minor, and do not change the overall outcome in respect of 1a/1b/2a/2b, which is that these scenarios are unviable and each generate a substantial profit deficit.

3.0 CONCLUSIONS & RECOMMENDATIONS

- 3.1 Based on our assessment of the costs and values that have been applied in the applicant's appraisal, we agree with the conclusion that Scenarios 1a, 1b, 2a and 2b, are all unviable and show a substantial financial deficit when the residual values of these schemes are compared against the Site Value (i.e. benchmark land value).
- 3.2 The Site is in a major growth area, and will likely benefit from substantial improvements in viability as a result of market improvements (including to offices rents, for example). However, it is apparent that the site has a substantial existing use value, and that this significantly restricts the types of scheme that can viably be delivered on the site. There is substantial demand for car parking in this location, and the landowner benefit from a lease to a high quality tenant, NCP.
- 3.3 No landowner premium has been applied to the existing use value in order to reach a Site Value. It is reasonable to assume that some level of landowner premium could be justified in this case, given that the existing car park is in an optimum location and let to a national company with a strong covenant strength, and generates a reliable income.
- 3.4 With respect to the inputs into the 6 scenarios, we are generally in agreement with these, although we have identified some areas where we would expect different inputs to those applied. These include the yields applied to the offices, and the build costs. Our Cost Consultant, Neil Powling, has suggested that the costs for all the scenarios should be lowered, as shown in the following table:

Table 3: difference in build costs estimates

Scenario	Build Cost in GVA appraisal	BPS cost estimate, based on BCIS adjusted benchmarking exercise
1A	23,228,548	21,449,958
1B	23,228,548	21,449,958
2A	21,739,389	20,614,704
2B	21,739,389	20,614,704
3A	27,186,726	25,044,936
3B	27,186,726	25,044,936

- 3.5 All the figures in the Table 3 are exclusive of contingency and demolition costs (which are added separately into the Argus appraisals), and are considered by Neil Powling to be reasonable.
- 3.6 Leaving aside the matter of build cost inflation, Neil Powling's benchmarking totals closely match those of the applicant's Cost Consultant, Quantem; the differences shown in Table 3 are the result of Neil excluding Quantem's projection of costs beyond the current date to Q1 2017.
- 3.7 The target adopted by GVA is 17.5% on Cost. We note that as there would typically be a strong possibility of securing a hotel, which would result in significantly lower risk for the developer, therefore we have assumed a lower profit target of 16% for the scenarios 3A and 3B. But we have increased the profit on the other scenarios to 19%.

- 3.8 With respect to our suggested reductions to office yields, this has been informed by recent comparable transaction in this location, which is a major growth area. It may, however, be the case that GVA can provide specific reasons - related to the constraints and disadvantages of this particular site - why higher yields are more likely, therefore we are open to further discussion.
- 3.9 We have incorporated our suggested changes (to build costs and office yields) into the appraisal, and the results are:

Table 4: appraisal results after BPS adjustments

Scenario	Build Cost in GVA appraisal	BPS cost estimate, based on BCIS adjusted benchmarking exercise	Difference in costs	Yield applied by BPS	Profit in GVA's appraisal (total £)	Profit in GVA's appraisal (% on Cost)	BPS revised profit output (total £)	BPS revised profit output (% on Cost)
1A	23,228,548	21,449,958	1,778,590	5.25%	-£1,900,689	-3.29%	2,382,452	4.30%
1B	23,228,548	21,449,958	1,778,590	5.75%	-2,535,705	-4.47%	-2,075,352	-3.81%
2A	21,739,389	20,614,704	1,124,685	5.25%	-4,105,729	-7.20%	-349,530	-0.63%
2B	21,739,389	20,614,704	1,124,685	4.75%	-6,180,658	-11.14%	2,597,619	4.79%
3A	27,186,726	25,044,936	2,141,790	5.25%	11,056,472	17.82%	15,203,656	25.61%
3B	27,186,726	25,044,936	2,141,790	4.75%	10,052,122	16.29%	17,344,722	29.31%

- 3.10 The above results clearly demonstrate that the scenarios 1A, 1B, 2A & 2B all remain unviable by a substantial margin, including when compared against our revised profit target of 19%. For 3A and 3B, a significant profit surplus is shown *vis-à-vis* our 16% target; this surplus totals £7.88m (using our 16% profit target). However, we note that if a landowner premium were to be added to the EUV, this would partly counteract the improvement in viability that have resulted from our adjustments - for example, a 20% landowner premium would increase the benchmark by £3.34m and leave limited surplus available to accommodate an increase in office floor area. Moreover, it appears that the applicant's hotel values are somewhat optimistic, and while we are not suggesting that lower hotel values should be adopted, it is important to consider the viability assessment as a whole and recognise where the applicant has been reasonable.
- 3.11 Whilst Scenarios 3a and 3b may arguably show a (relatively minor) profit surplus, it remains to be seen whether these surpluses could be converted into additional office floorspace. This would involve a re-design of the scheme; and it would reduce the amount of hotel floorspace, thereby potentially compromising the commercial feasibility of this hotel. Hotels depend on generating sufficient 'economies of scale' therefore their overall size (by room number) is an important commercial consideration. In conclusion, it will probably be constrained by the design of the buildings, as it may not be possible to provide only a small amount of extra office floorspace; while providing a *large* amount of additional floorspace has been demonstrate to be unviable.
- 3.12 The yield estimates we used in our appraisal revisions pre-date the recent EU Referendum Leave vote, which is expected to lead to a softening of office yields. For example, the Estates Gazette report on 27th June that M&G Real Estate has predicted that City of London offices will be the sector worst affected by the Brexit vote. This provides further support to the conclusion that it is highly unlikely that the level of office floorspace shown in Scenario 3b can viably be increased.

- 3.13 With respect to the adjusted results shown in Table 4 (above), these are based on the original versions of the scenarios. As detailed in para 2.6 to 2.8, the appraisals have been updated to reflect revisions that have been made to the scenarios, which would lead to changes to the 'BPS revised profit output' figures shown in Table 4, although these changes would be relatively minor and would not affect our overall conclusions regarding these scenarios.
- 3.14 It is standard practice - enshrined in policy guidance and planning appeal decisions - for viability to be tested on the basis of *present-day* costs and values, when undertaking assessments for planning purposes. This is the approach taken by GVA. It is, nevertheless, important to note the strong potential for growth in values, and consequent improvements in viability, in this location, especially in respect of office values as this is a major growth area for the office market. On the other hand, the significant market uncertainty result from the EU Referendum may result in the optimistic forecasts for Farringdon office market growth being revised downwards.
- 3.15 In the remainder of this Section, we summarise our conclusions in respect of the different scenarios.

Values for Scenario 3A & 3B

- 3.16 We summarise our conclusions regarding the values applied in Scenario 3A & 3B:
- We agree with the office rents applied in 3A and 3B.
 - The office yields for 3A and 3B appear to be higher than recent comparable investments transactions we have viewed suggest are achievable. In addition, GVA's yield evidence is somewhat historic (mostly from 2014), therefore they have not in our view fully evidenced their estimated yield. We suggest that yields (gross) of 4.75% and 5.25% could be achieved for scenarios 3B and 3A, respectively.
 - We agree with the rent free periods applied in the appraisal.
 - We agree with the valuation approach taken to reach the value of the affordable workspace.
 - Hotel values are supported by good evidence, and suitably reflect the excellent location of this site.
 - We agree that the retail values are reasonable.

Values for Scenario 1A & 1B

- We agree with the office rents applied to these scenarios.
- We suggest that a higher office yield is suitable for 1A/1B than for 3A/3B, to reflect the disadvantages (from an investor's point of view) of office space sharing a building with residential, thus we estimate a yield of 5.25% and 5.75% for 1B and 1A respectively - by adding 0.5% to the yields suggested above for scenarios 3A and 3B. These yield estimates pre-date the recent EU Referendum Leave vote, which is expected to lead to a softening of office yields. For example, the Estates Gazette report on 27th June that M&G Real Estate has predicted that City of London offices will be the sector worst affected by the Brexit vote.
- We agree that the retail values are reasonable.

Values for Scenario 2a & 2b

- We agree with the office rents applied to these scenarios.
- We would apply similar office yields as those that we have suggested for 3A/3B.

- We agree that the retail values are reasonable.

Development costs for all scenarios

- Our cost consultant suggests that that lower build costs are suitable (see Appendix One and Table 2)
- The profit target of 17.5% on Cost is within the range of acceptable profit targets. We would, however, expect some difference between the scenarios. For 3a and 3b, which both include a hotel, this in our view de-risks the scheme substantially, as it is common to achieve pre-lets, which give more development certainty over the main construction period.

Site Value

- 3.17 We accept the basis upon which the Existing Use Value of £16.17m has been estimated - i.e. based on capitalising the passing rent, disregarding development potential and the fact that the landlord recently negotiated a break option in order to allow for redevelopment. After analysing the yield evidence provided, we agree with the yield that has been applied and therefore agree that the EUV is reasonable.
- 3.18 No landowner premium has been applied to the existing use value in order to reach a Site Value, therefore the proposed site value is £16.17m. We agree that the Site Value of £16.17m is reasonable, and note that the applicant could potentially have justified adding a substantial landowner premium to this. This should clearly be taken into account when assessing viability, and balanced against our suggested changes, including our suggested reduction to build costs and office yields.
- 3.19 For example, a premium of 15% would increase the benchmark to £18.60m and substantially increase the viability deficit and/or reduce any surpluses. Based on recent Appeal decisions, it would be likely that an Inspector in any future Appeal would accept the application of a premium if this were to be proposed by the appellant.

4.0 SCENARIOS 3A & 3B - BPS ANALYSIS

4.1 In this Section, we discuss all the cost and value inputs into the Scenario 3A & 3B appraisals, then in the following two sections we will focus on how the costs and values in 1A, 1B, 2A & 2B differ from these - and whether these differences are justified.

Office rents

4.2 The office rents are £65-£72.50 per sqft for the 1st-5th floors of the multi-let scenario (3a). Highly relevant comparable lettings evidence has been provided by GVA in support of these rents. We have analysed these rents and conclude that these are evidently in line with the local market - as discussed further below.

4.3 For the single-let scenario (3b), the £65-£72.50 per sqft rents are discounted to £60-£69.50. GVA have informed us that these differences are partly driven by the different unit sizes by floor, such that some of the smaller units have higher rents per sqft. This is said to be shown in Appendix Two of GVA's report; however, it appears that the floor area sizes would be the same in both scenarios. The other reason cited by GVA is that single-occupiers tend to secure lower rents by virtue of their stronger 'bargaining power' and the benefits to a landlord or having a single occupied building. We have discussed this matter with office agency Crossland Otter Hunt (who were previously instructed by BPS in relation this site's economic assessment), and they have agreed that a small reduction in rents is reasonable to allow for a single letting.

4.4 It is typical for the receptions of single let offices to be rentalised, whereas for multi-let offices this is not the case. In the GVA appraisal, the multi-let scenarios' reception/common parts on the ground floor have not been rentalised; and for the single-let scenarios, a half-rent has been adopted on the ground floor/reception area. We therefore agree with this approach.

4.5 We detail below some of the lettings evidence that we have considered:

- **151-153 Farringdon Road, EC1:** immediate proximity to Site, converted warehouse, recently refurbished. **£58.50 per sqft**, 6 week rent-free. This let unit is on the 5th floor (top floor). Would expect higher rents per sqft for the application site's offices, to reflect a 'new-build premium'. On the lower ground floors (which are worth less due to limited natural light) the passing rent **£33.08/ft²** per annum.
- **138 Fetter Lane, EC4:** renovated 2014, rivalling new build quality, this unit is on the lower ground floor, and hence lacks natural light. 7,552ft² achieved a rent of **£43.50/ft²** in February 2016, but we would expect a premium on this for the subject on account of its being newly built.
- **Clover House, 147-149 Farringdon Rd EC1:** 2nd hand Grade B, achieved **£72.50 per sq ft** for 4th floor in January 2016, 5 year lease. This suggests that somewhat higher rents that this could be achieved for the application site's offices.
- **35 Alfred Place, WC1:** self-contained office, leased recently at **£51.37/ft²** on a 10 year lease with 11 months' rent free and 10 months half rent, Grade A. The application site is arguably in a superior location, close to Farringdon Station.

- 4.6 We have taken into account the positioning of the building, which will not give the most prestigious aspects to tenants as it overlooks railway tracks. In view of the factors discussed above, we view GVA's estimated rents as being realistic.

Office yields

- 4.7 A gross yield of 5.5% has been applied in the appraisal, and GVA have provided investment transactions to support this yield, some of which are highly relevant in terms of location, although most of these date from 2014. In GVA's report little commentary directly relating to these transactions and how they support 5.5%.
- 4.8 This yield has been applied to both scenarios (3A and 3B), which we question as it is common for single-occupation buildings to be more attractive to investors than multi-occupied buildings - suggesting that 3B should have a lower yield (or 3A, higher).
- 4.9 This location has seen strong growth recently, and has seen a growth in investor confidence that is linked to the impending opening of Farringdon Crossrail. It is therefore important to base any yield estimate upon up-to-date evidence. We analyse some of the key transactions below:
- **1 Tudor Street, EC4Y 0AH** - Close to Farringdon Crossrail. Second-hand Grade A, a modern building, constructed 2009. Multi-let to high quality tenants, large modern reception. Sold at **4.16%** yield, in July 2015. This is a 70,591 sq ft office, which compares to the 3A&3B scenarios' building, which has just under 30,000 sqft of offices.
 - **16-17 Bowling Green Lane** - located to the east of the John Street site, and in close proximity. Sold at a **3.76%** net initial yield, in August 2015. Multi-let property. Grade-II listed building, Grade A specification. This suggests that a higher yield should be applied to the John Street property.
 - **2 Pear Tree Court, EC1R 0DS** - property refurbished in 2000. Close to Farringdon Road tube station. This is a growth area due to the construction of Farringdon Crossrail Station. **3.74%** net initial yield. Single let to Euromonitor International. Sold in August 2015.
- 4.10 This yield of 5.5% has been applied to both scenarios (3A and 3B), which we question as it is common for single-occupied buildings to be more attractive to investors than multi-occupied buildings. For example, in respect of an office building near Regent's Park, Crossland Otter Hunt recently advised us that a 4.25% would apply to the single-let option, and 4.75% to the multi-let option - reflecting the views of office agents regarding the greater attractiveness of single-let buildings to investors.
- 4.11 In view of the above evidence, it appears that a 4.75% yield (gross) is achievable for 3B (single-let), and we would increase this to 5.25% for 3A (multi-let). It may, however, be the case that GVA can provide specific reasons - related to the constraints and disadvantages of this particular site - why higher yields are more likely, therefore we are open to further discussion.
- 4.12 In conclusion, we suggest that yields (gross) of 4.75% and 5.25% could be achieved for scenarios 3B and 3A, respectively.

Office Rent free periods

- 4.13 The rent free is 6 months for the multi-let scenario and 13 months for the single-let scenario. We assume that this is due to the longer lease that would be typically secured by a single letting, and the longer incentives typically secured when offices are pre-let. We accept that these rent-free periods are reasonable, although we note that the longer lease length should be reflected in the yield applied to the single-let office.

Affordable office values

- 4.14 All the scenarios have an affordable unit, located on the 1st floor, which has been assigned a rent of £65 per sqft by GVA. We have enquired into the affordability criteria that have been used in this case to reach this rent, and subsequently we have been informed that this is a full market rent, and that the affordable workspace has been incorporated by way of a 120 month rent free period for this particular unit - reflecting a 10-year period during which this unit will be let to the Council at a 'peppercorn' (i.e. nominal) rent. This is as advised by the Council's Guidance on Affordable Workspace. We agree with the valuation approach taken.

Hotel values

- 4.15 The 180 rooms have been valued at £225,000 each, and a figure of £40,500,000 has been applied in the appraisal. This is based on advice from JLL. Whitbread consider c180 to be close to the minimum required for operational purposes; a smaller hotel would, it is argued, not achieve the necessary economies of scale. It is unclear how a smaller hotel would in architectural terms be delivered and how the office floorspace would be increased, given that there are major constraints on how the buildings are arranged on the site. This would require further discussion with Planning Officers. A small selection of comparable transactions are provided by GVA, which include:

- **62-68 York Way, N1:** granted planning permission in 2014 for a 408 room hotel and 316m² retail in Kings Cross, part completed, to be tenanted by a new company with a guarantee from Whitbread Group, £3.5m per annum including three sublet units, lease spans 26 years with 1 year rent free, rent subject to 0-4% cpi uplifts payable every five years from the sixth year, equating to a capital value of **£200,000 per key**.
- **Spitalfields, Brick Lane, E1:** forward sale was agreed for a 189 bedroom 'hub' hotel let to Premier Inn Hotels Ltd with Whitbread as a guarantor, sold 14th October 2014 for £33.6m (**£185,000 per key**), due for completion March 2016.

- 4.16 The two comparables do suggest that £225,000 per key (i.e. per room) is reasonable, and perhaps somewhat optimistic - i.e. based on an optimistic assessment of this location. However, this optimism is justifiable, given the excellent location of the Site, which will benefit from the Crossrail-led regeneration of the area.

Retail values

- 4.17 Both 3a and 3b have been assigned a £55 per sqft rent, and both are capitalised at 5.5%. These assumptions reflect the fact that this is a 'secondary' retail location, which we agree is the case. The lettings and investment evidence that has been provided by GVA is detailed and relevant, and does suitably demonstrate that their estimated rents and yields are reasonable. Some of the provided examples were on Farringdon Road itself. With respect to the yield evidence, we discuss this below:

- **68 Fortune Green Road, West Hampstead, NW6 1DS,** within a retail parade with flats above. Price paid was £281,000; with an annual rent on the property is

cited as £17,000 (although according to EGi records the most recent agreement set the rent at £17,500 per annum). This gives us a gross yield of 6%. This is a more suburban location and arguably does not have the gross potential of Farringdon Road.

- **66/68 High Road, Wood Green, N22** houses chained brand Holland and Barrett, a low-risk tenant located along a busy high street with more big name brands very close by. The brand will keep the unit in excellent condition and the unit will provide premium revenue to the other examples. This explains the yield of 5% - justifiably lower than what is proposed for the subject.
- **Barfly, 49 Chalk Farm Road, NW1** is the only comparable provided that is less than 4 miles away from the site. The Barfly is the highest valued of the examples. As we have not been given sales areas, we cannot see if this has been justified by the size of the property. A sales value of £5m and a rent of £231,000 per annum conclude at the lowest yield of the examples, 4.37%. This will reflect the superiority of revenue to the subject and the solidity of the business.

4.18 We are satisfied that these comparables give a good idea of yields in the retail market, despite their extended locality to the site. The examples provided are in a variety of different locations and circumstances, meaning that they provide a broad view of the market.

4.19 In conclusion, we agree that the retail values are reasonable. In any case, the retail space is a relatively minor proportion of the scheme as a whole, therefore adjustments to this valuation would have a minor impact on overall viability.

Build costs

4.20 Our cost consultant, Neil Powling, has reviewed the Cost Plans that have been provided by Quantem, and has compared them to BCIS average tender prices on an 'elemental' level. Neil's full report is in Appendix One. His main conclusion is that the costs for all the scenarios should be lowered (see Table 2, above). With respect to contingency and demolition costs, which are added separately into the Argus appraisals, these are considered by Neil Powling to be reasonable.

4.21 Leaving aside the matter of build cost inflation, Neil Powling's benchmarking totals match closely those of the applicant's Cost Consultant, KTS Group; the differences shown in above table are the result of Neil excluding the projection of costs beyond the current date to Q1 2017.

4.22 Professional fees of 12.5% are in line with typical benchmark rates, and take into account the complexities of redeveloping this constrained urban site. In addition, the Marketing and Letting fees are in line with typical rates.

Developer's Profit

4.23 A target of 17.5% profit on Cost has been set by the applicant. This is the same for all the scenarios. We would, however, expect different profit levels to reflect the different levels of risk of these schemes; those scenarios with high levels of pre-letting should in theory have lower profit targets. We have discussed this with the applicant's advisers.

4.24 In view of the high levels of profit that are commonly agreed by Inspectors in appeal decision (with 20% on GDV being the norm), we view 17.5% on cost as being reasonable

for a scheme that does not have the benefit of a hotel (which would have a pre-let on this hotel). Therefore we have sought to create a differential between the scheme's profit target, we view 17.5% as being a realistic 'midpoint'.

Whilst mixed use residential is relatively unavoidable in this area, it doesn't change the fact that residential units will negatively impact the investment appeal of office space. There is a high demand for offices continuing into Q3 2016, but the investment market stands as fairly unpredictable according to Collier's research in particular. A possible option would be to ask an office agency, as their opinion is more specialised than ours would be. If we are asking the Applicant to consider additional office space (see your question below), residential elements will be even less advisable. In an ideal world, we would be able to fit all elements onto one site, but realistically this is a tall ask in terms of viability.

- 4.25 It is standard practice in viability assessments, that one should disregard any benefits or dis-benefits that are unique to the applicant, whether landowner, developer or both, and instead adopt a 'generic' approach which seeks to establish the approach of a *typical* landowner/developer. With respect to profit targets, Whitbread would, we understand, likely be willing to proceed with the scheme at a lower profit target than 17.5%, as it is primarily focussed upon securing a hotel asset for operational reasons, therefore maximising developer's profit is not its primary objective. For the purposes of assessing viability, we agree that the fact that Whitbread are the developer should effectively be disregarded.
- 4.26 It has been suggested by GVA that it should not be assumed that a pre-let is in place for the hotel, as this would effectively mean that the specifics of the applicant were being taken into account in the assessment. We would respond by pointing out that pre-lets are very common within the hotel development market (it is in our experience rare for hotel developments to be entirely speculative), and that it is possible to be 'generic' in approach (disregarding the specifics of the applicant) while still assuming a pre-let. The securing of a hotel pre-let would substantially de-risk the scheme - by giving more certainty over outturn values, voids etc - prior to the developer committing to and commencing the scheme. As securing a pre-let would result in significantly lower risk for the developer, we have assumed a lower profit of 16% for the scenarios 3A and 3B.

Finance costs & development period

- 4.27 An interest rate of 6.5% has been applied to Scenarios 3A and 3A (as well as to the remaining scenarios). This is a reasonable interest rate in the current lending market, and is lower than the default rate shown in the GLA Toolkit.
- 4.28 We have considered the development period of 35 months, which is realistic for a scheme of this complexity, which will include major works to address the fact that the site is above the Thames Link (which is serviced by a vertical air shaft through the main building), and that the London Underground runs under Farringdon Road (5.5m from the site boundary).

5.0 SCENARIOS 1A & 1B - BPS ANALYSIS

Office values

- 5.1 For Scenario 1A, the appraisal has broadly the same rents as have been applied to 2A and 3A, the logic being that these are all multi-let offices that will provide similar specification of offices, to similar sized occupiers. Likewise, 1B's rents are the same as

2B and 3B. We agree that parity between these similar office provisions is a suitable approach.

- 5.2 The same yield has been applied to all the scenarios' office space. We have considered whether offices that are in mixed use buildings would be more, or less, attractive to investors. In respect of a nearby scheme on New Oxford Street, the applicant's specialist adviser suggested an upward yield shift of 0.5 to account for the impact of including residential in a building that would otherwise have been entirely offices. We therefore suggest that yields of 5.25% and 5.75% are suitable for 1B and 1A respectively - by adding 0.5% to the yields suggested above for scenarios 3A and 3B.

Retail values

- 5.3 We agree with the approach of applying the same rents, yields and other assumptions to these scenarios as to 3A and 3B.

6.0 SCENARIOS 2A & 2B - BPS ANALYSIS

Offices

- 6.1 We agree with the rents that have been applied in these scenarios, which are rightly consistent with the other scenarios 3A and 3B.
- 6.2 We would expect a similar yield as for scenarios 3A and 3B.

Retail

- 6.3 We agree with the approach of applying the same rents, yields and other assumptions to these scenarios as to 3a and 3b.

7.0 SITE VALUE

- 7.1 A Site Value of £16.17m has been adopted, which is GVA's estimate of its Existing Use Value (EUV). An Existing Use Value approach to determining Site Value is commonly used and is supported by planning policy including the GLA's Housing SPD.
- 7.2 The subject property currently comprises a purpose built, multi-storey car park situated on a broadly rectangular site of approximately 0.21 hectares (0.53 acres). The building is of framed construction with brick façades. The existing accommodation comprises 7,508 sq m (80,815 sq ft) GIA arranged over five storeys and provides 294 car parking spaces and two office suites.
- 7.3 We have received a rent schedule which details how the passing rent of £723,002 has been arrived at, by increasing the 2003 passing rent in accordance with the method prescribed by the lease. This rent is 'reversionary' as it will be subject to increase from June 2016.

The tenant is NCP, which is party to a lease dated 24th January 2003, in which the rent was prescribed to be determined by fixed annual increases, partly linked to RPI. The lease term is 34 years and there is just over 20 years left to run, with no break option. Given the excellent location of this car park, it benefits from high parking demand and is likely to see increased demand as a result of the Farringdon Crossrail Station.

- 7.4 An Option to Surrender Agreement is in place, and creates a right for the Landlord to determine the lease upon service of written notice to the tenant at any time prior to 31 December 2020. However, this can only be exercised if the property is to be redeveloped. GVA states, “*a Deed of Variation dated 27 April 2012 was...entered into which significantly reduced the rent in exchange for the insertion of a landlord option to determine the lease in the event that they wished to redevelop the site*”. We agree that this has placed the rent in an ‘artificial’ position which does not reflect the position of a typical site that has *not* yet been released for development.
- 7.5 As the 2012 rent reduction is a *result* of the site being ‘released for development’ we agree that this rent reduction should be disregarded when establishing the Site Value, as Site Value is defined as the price at which the owner will actually *release* the site for development, thus it is logical to assume for valuation purposes that this ‘releasing’ has not yet taken place.
- 7.6 No premium has been added to this Existing Use Value. Given that this is an income producing asset with a high level of income security and fixed-increase yearly rent reviews, this is an asset that would require a substantial landowner incentive to release the land for development.
- 7.7 GVA have taken three different approaches to estimating the Site’s EUV:
- 1) Value using the rent in place *before* the rent reduction in 2012
 - 2) Value based on market rent, capitalised at suitable yield
 - 3) Value based on market value per parking space using comparable sales transactions
- 7.8 Applying approach 1), this gives a £723,002 rent which has been extrapolated from the 2012 rent as prescribed by the lease’s rent review provisions. This increases to 739,269 from 29th June 2016, and once capitalised this gives a capital value (EUV) of £16.42m. We agree with this valuation. This is higher than the £16.17m that has been adopted by GVA, who describe how they reached the latter figure:

We conclude that having reviewed all three bases, that the car park value should reasonably reflect an underlying value of £50,000/£60,000 per space, equating to £14.7m to £17.64m which is at the lower end of the range for London car parks, but above car park values outside of London. We have adopted the mid-point figure of £16,170,000 (rounded)

- 7.9 The above is a reasonable approach, and we agree with the £16.17m existing use valuation.

Yields

- 7.10 GVA have provided a schedule of highly relevant car park sales, which details the yields achieved. A capitalisation rate of 4.50% has been adopted which is lower than many of the comparable transactions’ yields (many of which are in the 5.0-5.5% range). We agree that the marginally longer term unexpired could improve (lower) the yield.
- 7.11 With respect to the comparable sales evidence provided, we have not taken into account the Saffron Hill Car Park as it did appear to have been purchased with residential development potential in mind. Given the excellent growth potential of this area, and that there is a ‘turnover kicker’ in the lease which gives the landlord a share of any increased parking revenues, we agree that this should have a reasonably low

yield. The fact the term of years unexpired for the subject site's car park is longer than the comparables, does suggest that the yield reduction is appropriate.

- 7.12 The yields of those comparable transactions we focussed on achieved net yields of 5.26-5.52%, and are all arguably in inferior locations, with shorter terms unexpired. There is limited closely comparable evidence (which is to be expected for this type of asset) so there is uncertainty over yields. It is therefore reasonable to adopt a yield within the 4.5-5.0% realistic range. With the yield of 4.5% applied, the result is £16.42m. However, the benchmark applied by GVA is £16.17m, which implied a marginally higher yield.
- 7.13 From June 2016, the rent will be £739,269. A simple capitalisation of the rent of £739,269 using 4.5% gives a gross value of £16.428m which is close to the £16.424m gross value shown in GVA's Argus valuation.
- 7.14 Purchaser's Costs total 6.43%, and reflect the recent increase to Stamp Duty. We note that purchaser's costs have increased for commercial property to a top rate of 5%.

Comparable method

- 7.15 We have also considered the other two valuation methods that have been employed by GVA. With respect to approach c), i.e. "Value based on market value per parking space using comparable sales transactions", the following are provided:
- **Saffron Hill Car Park:** larger than the subject (353 spaces compared to 294), sold August 2015 for £13m, six stories, with additional two stories of ancillary office space being sublet by NCP, £180,000 per annum, gross yield of 1.4%. The site benefits from facing four different streets (Saffron Street, Saffron Hill, St Cross Street and Farringdon Road), which is an excellent opportunity for retail developments.
 - **Carrington Street:** £224,574 per annum rent, £75m purchase price, gross yield 2.9%, development potential, having achieved planning permission in 2001 for a mixed use scheme, and following pre-application discussions considering its use as residential units, a boutique hotel, serviced apartments, casino's, galleries, a gym, restaurants and government embassies. Estimated to be worth c. £500m on completion. NCP are to let the car park until 2037, but vacant possession is achievable on 20 working days' notice.
- 7.16 It is apparent that the sales evidence provided does support GVA's overall conclusion of £50,000/£60,000 per space.

Landowner premium

- 7.17 No premium has been added to this Existing Use Value. Given that this is an income producing asset with a high level of income security and fixed-increase yearly rent reviews, this is an asset that would typically require a substantial incentive to release the land for development.

BPS Chartered Surveyors

Appendix One

66-86 Farringdon Road, London, EC1R 3EA

Independent Cost Review

1 SUMMARY

- 1.1 An allowance of 9% has been made for pre-construction inflation from 2Q2015 to 1Q2017. We are satisfied that any difference in inflation from 2Q2015 to a current cost of 2Q2016 is reasonable, but not to project the costs beyond the current date. The BCIS all-in TPI (updated 27th May 2016) for 2Q2015 is 277 (forecast); the current 2Q2016 figure is 276 (forecast). We do not therefore consider there should be any allowance for inflation. The inflation allowance for the Hotel element is £1,197,181 and the allowance for the Office element is £933,194. The construction costs should therefore be reduced by £2,130,375 plus contingency and professional fees: a total reduction of £2,516,505.
- 1.2 Our adjusted benchmarking yields a figure for the Hotel element of £3,490/m² that compares to the Applicants £3,379/m²; we are therefore satisfied that the Hotel costs are reasonable.
- 1.3 Our adjusted benchmarking yields a figure for the Offices element of £3,181/m² that compares to the Applicants £3,112/m²; we are therefore satisfied that the Offices costs are reasonable.
- 1.4 The scenario input costs for the Offices and Hotel excluding the inflation addition we calculate as £264/ft² and £284/ft² respectively. We have no information on how the scenario costs for retail and residential flats have been calculated; we assume the costs have been projected to 1Q2017 on a similar basis to the Hotel and offices and have made a deduction in the rates we have used in our calculations. Our costs are therefore less than the Applicant's for all of the scenarios. We calculate the area for scenarios 3A and 3B as 91,020ft² compared to the Applicant's 92,439ft².

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's 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 occasionally upper quartile for benchmarking. The outcome of the benchmarking is little affected, as BCIS levels are used as a starting point to assess the level of cost and specification enhancement in the scheme on an element by element basis. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average

prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.

- 2.3 BCIS average prices are available on an overall £ per sqm and for new build work on an elemental £ per sqm basis. Rehabilitation/conversion data is available on an overall £ per sqm and on a group element basis ie. substructure, superstructure, finishings, fittings and services - but is not available on an elemental basis. 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 ideally keep the estimates for different categories separate to assist more accurate benchmarking. However if the Applicant's cost plan does not distinguish different categories we may calculate a blended BCIS average rate for benchmarking based on the different constituent areas of the overall GIA.
- 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 BCIS 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 from the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Nor do average prices per sqm or 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.

- 2.10 We undertake this adjusted benchmarking by determining the appropriate location adjusted BCIS average rate as a starting point for the adjustment of abnormal and enhanced costs. We review the elemental analysis of the cost plan on an element by element basis and compare the Applicants total to the BCIS element total. If there is a difference, and the information is available, we review the more detailed build-up of information considering the specification and rates to determine if the additional cost appears justified. If it is, then the calculation may be the difference between the cost plan elemental £/m² and the equivalent BCIS rate. We may also make a partial adjustment if in our opinion this is appropriate. The BCIS elemental rates are inclusive of OHP but exclude preliminaries. If the Applicant's costings add preliminaries and OHP at the end of the estimate (as most typically do) we add these to the adjustment amounts to provide a comparable figure to the Applicant's cost estimate. The results of the elemental analysis and BCIS benchmarking are generally issued as a PDF but upon request can be provided as an Excel spreadsheet.

3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Viability Assessment dated April 2016 prepared by GVA together with its appendices. We also received a corrected version of Appendix 4 Build Cost plan with office costs included.
- 3.2 The cost plan is based on a current day basis base date 2Q2015 with an allowance for increased inflation to the expected start on site 1Q2017. Our benchmarking uses current BCIS data which is on a current tender firm price basis.
- 3.3 Preliminaries have been costed at 14%, overheads and profit at 5% and a contingency allowed of 5%. We consider all these allowances reasonable.
- 3.4 An allowance of 9% has been made for pre-construction inflation from 2Q2015 to 1Q2017. We are satisfied that any difference in inflation from 2Q2015 to a current cost of 2Q2016 is reasonable, but not to project the costs beyond the current date. The BCIS all-in TPI (updated 27th May 2016) for 2Q2015 is 277 (forecast); the current 2Q2016 figure is 276 (forecast). We do not therefore consider there should be any allowance for inflation. The inflation allowance for the Hotel element is £1,197,181 and the allowance for the Office element is £933,194. The construction costs should therefore be reduced by £2,130,375 plus contingency and professional fees: a total reduction of £2,516,505.
- 3.5 Sales for the residential element applicable to Scenario 1A and 1B only have been referenced in the Viability at average figures of £1,122/ft² (Net Sales Area).
- 3.6 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Islington of 125 that has been applied in our benchmarking calculations.
- 3.7 Refer below to “Elemental analysis and BCIS benchmarking”.
- 3.8 Our adjusted benchmarking yields a figure for the Hotel element of £3,490/m² that compares to the Applicants £3,379/m²; we are therefore satisfied that the Hotel costs are reasonable.
- 3.9 Our adjusted benchmarking yields a figure for the Offices element of £3,181/m² that compares to the Applicants £3,112/m²; we are therefore satisfied that the Offices costs are reasonable.
- 3.10 Refer below to our BPS Scenario Construction Costs. The scenario input costs for the Offices and Hotel excluding the inflation addition as 3.4 above we calculate as £264/ft² and £284/ft² respectively. We have no information on how the scenario costs for retail and residential flats have been calculated; we assume the costs have been projected to 1Q2017 on a similar basis to the Hotel and offices and have made a deduction in the rates we have used in our calculations. Our costs are therefore less than the Applicant’s for all of the scenarios. We calculate the area for scenarios 3A and 3B as 91,020ft² compared to the Applicant’s 92,439ft².
- 3.11 Our calculation of the construction costs for each of the scenarios is:-

Scenario 1A	21,449,958
Scenario 1B	21,449,958
Scenario 2A	20,614,704
Scenario 2B	20,614,704

Scenario 3A 25,044,936
 Scenario 3B 25,044,936

66-86 Farringdon Road, Islington EC1R 3EA
 Offices - Elemental analysis & BCIS benchmarking

GIA m ²	Total		Shell & core		Fit out		Abnormals		BCIS mean	
	3,749		3,749		3,749		3,749		LF100	LF125
	£	£/m ²	£	£/m ²	£	£/m ²	£	£/m ²	£/m ²	£/m ²
Demolitions	835,422	223								
1 Substructure	915,000	244	672,300	179			242,700	65	191	239
Specialist acoustic & vibration treatment tbc		0						0		
2A Frame	945,750	252	945,750	252					95	119
2B Upper Floors		0		0					38	48
2C Roof	204,825	55	204,825	55					202	253
2D Stairs	82,000	22	82,000	22					36	45
2E External Walls	2,166,250	578	2,166,250	578					186	233
2F Windows & External Doors		0							116	145
2G Internal Walls & Partitions	99,050	26	99,050	26					74	93
2H Internal Doors	59,900	16	59,900	16		0			49	61
2 Superstructure	3,557,775	949	3,557,775	949	0	0			796	995
3A Wall Finishes	183,215	49	131,215		52,000				45	56
3B Floor Finishes	266,165	71	149,960		116,205	31			65	81
3C Ceiling Finishes	294,995	79	149,960		145,035	39			37	46
3 Internal Finishes	744,375	199	431,135	0	313,240	70			147	184
4 Fittings & WC & reception fit out	736,250	196	711,250	190	25,000	7			28	35
5A Sanitary Appliances	37,490	10	37,490			0			22	28
5B Services Equipment (kitchen, laundry)									17	21
5C Disposal Installations	82,478	22	82,478	22					22	28
5D Water Installations - Cat A fit out	771,847	206	86,227	23	685,620				46	58
5E Heat Source	26,243	7	26,243	7					61	76
5F Space Heating & Air Treatment	318,665	85	318,665	85					116	145
5G Ventilating Systems	138,713	37	138,713	37					69	86
Electrical Installations (power, lighting, emergency lighting)	337,410	90	337,410	90					213	266
5I Gas Installations	7,498	2	7,498	2					2	3
5J Lift Installations	225,000	60	225,000	60					24	30
Protective Installations (fire fighting, sprinklers, lightning protection)	104,972	28	104,972	28					9	11
Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems)	164,956	44	164,956	44		0			55	69
Special Installations - (window cleaning, BMS, medical gas)	50,012	13	50,012	13					35	44
5N BWIC with Services	33,866	9	33,866	9					16	20
5O Builders Profit % Attendance on Services									6	8
5 Services	2,299,150	613	1,613,530	420	685,620				713	891
6A Site Works	75,000	20								
6B Drainage										
6C External Services	165,000	44								
6D Minor Building Works										
6 External Works	240,000	64	0	0						
SUB TOTAL	9,327,972	2,488	6,985,990	1,738	1,023,860	76	242,700	65	1,875	2,344
7 Preliminaries 14%	1,305,916	348	978,039	261	143,340	38	33,978	9		
Overheads & Profit 5%	531,694	142	398,201	106	58,360	16	13,834	4		
SUB TOTAL	11,165,582	2,978	8,362,230	2,106	1,225,560	130	290,512	77		
Design Development risks 5%	558,279	149	418,112	112	61,278	16	14,526	4		
Construction risks										
Employer change risks										
Add/subtract rounding & to balance	-57,056	-15								
SUB TOTAL	11,666,806	3,112	8,780,342	2,217	1,286,838	146	305,037	81		
Pre-construction inflation 2Q2015 to 1Q2017 9%	933,194	249	790,231	211	115,815	31	27,453	7		
TOTAL	12,600,000	3,361	9,570,572	2,428	1,402,654	177	332,491	89		
Rounded										
Benchmarking										2,486
Add demolitions		223								
Add external works		64								
Add additional cost of substructure		5								
Add additional cost of fittings, WC & reception fit out		161								
		454								
Add prelims 14%		63								
Add OHP 5%		26								
		543								
		3,029								
Add contingency 5%		151								
Adjusted benchmark										3,181

66-86 Farringdon Road, Islington EC1R 3EA
Hotel - Elemental analysis & BCIS benchmarking

GIA m²	Total		Shell & core		Fit out		Abnormals		BCIS mean	
	4,707		4,707		4,707		4,707		LF100	LF125
	£	£/m²	£	£/m²	£	£/m²	£	£/m²	£/m²	£/m²
Demolitions	1,253,133	266								
1 Substructure	1,757,800	373	1,466,500	312			291,300	62	177	221
Specialist acoustic & vibration treatment tbc	500,000	106					500,000	106		
2A Frame	735,445	156	735,445	156					121	151
2B Upper Floors	309,130	66	309,130	66					47	59
2C Roof	326,330	69	326,330	69					117	146
2D Stairs	124,000	26	124,000	26					29	36
2E External Walls	2,298,000	488	2,298,000	488					189	236
2F Windows & External Doors	0	0							83	104
2G Internal Walls & Partitions	625,410	133	625,410	133					48	60
2H Internal Doors	513,600	109	220,200	47	293,400	62			47	59
2 Superstructure	4,931,915	1,048	4,638,515	985	293,400	62			681	851
3A Wall Finishes	0	0							49	61
3B Floor Finishes	40,500	9			40,500	9			44	55
3C Ceiling Finishes	160,210	34			160,210	34			30	38
3 Internal Finishes	200,710	43	0	0	200,710	43			123	154
4 Fittings	942,000	200	0	0	942,000	200			51	64
5A Sanitary Appliances	215,000	46			215,000	46			94	118
5B Services Equipment (kitchen, laundry)									43	54
5C Disposal Installations	230,643	49	230,643	49					9	11
5D Water Installations	235,350	50	235,350	50					66	83
5E Heat Source	23,535	5	23,535	5					20	25
5F Space Heating & Air Treatment	437,751	93	437,751	93					116	145
5G Ventilation Systems	188,280	40	188,280	40					52	65
5H Electrical Installations (power, lighting, emergency lighting)	635,445	135	635,445	135					134	168
5I Gas Installations	14,121	3	14,121	3					4	5
5J Lift Installations	210,000	45	210,000	45					28	35
Protective installations (fire fighting, sprinklers, lightning protection)	94,140	20	94,140	20					24	30
Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems)	233,280	50	188,280	40	45,000	10			66	83
5M Special Installations - (window cleaning, BMS, medical gas)	150,000	32	150,000	32					26	33
5N BWC with Services	54,939	12	54,939	12					15	19
5O Builders Profit % Attendance on Services									9	11
5 Services	2,722,484	578	2,462,484	523	260,000				706	883
6A Site Works	45,000	10								
6B Drainage										
6C External Services	275,000	58								
6D Minor Building Works										
6 External Works	320,000	68	0	0						
SUB TOTAL	12,628,042	2,683	8,567,499	1,820	1,696,110	305	791,300	168	1,738	2,173
7 Preliminaries 14%	1,767,926	376	1,199,450	255	237,455	50	110,782	24		
Overheads & Profit 5%	719,798	153	488,347	104	96,678	21	45,104	10		
SUB TOTAL	15,115,766	3,211	10,255,296	2,179	2,030,244	376	947,186	201		
Design Development risks 5%	755,788	161	512,765	109	101,512	22	47,359	10		
Construction risks										
Employer change risks										
Add rounding	31,264	7								
SUB TOTAL	15,902,819	3,379	10,768,061	2,288	2,131,756	398	994,545	211		
Pre-construction inflation 2Q2015 to 1Q2017 9%	1,197,181	254	969,126	206	191,858	41	89,509	19		
TOTAL	17,100,000	3,633	11,737,187	2,494	2,323,614	438	1,084,054	230		
Rounded							1,080,000			
Benchmarking									2,126	
Add demolitions		266								
Add external works		68								
Add additional cost of substructure		152								
Add special cost of acoustic & vibration treatment		106								
Add additional cost of façade		148								
Add additional cost of lint walls		73								
Add additional cost of lint doors		50								
Add additional cost of fittings		136								
		1,000								
Add prelims 14%		140								
Add OHP 5%		57							1,198	
									3,324	
Add contingency 5%		166							166	
Adjusted benchmark									3,490	

66-86 Farringdon Road, Islington EC1R 3EA
BCIS downloaded 31st May 2016

Islington location	125	
Date on Feasibility Estimate 3 - 16March 2016		
Cost estimate adjusted for inflation to 1Q2017 - anticipated start		
Estimate updated from 2Q2015 (date of earlier estimate?)		Change from 2Q2015
TPI 2Q2015	277 forecast	
TPI 2Q2016	276 forecast	-0.36%
TPI 1Q2017	282 forecast	1.81%

Avg prices def	LF100	LF125	sample
Shops generally mean	1,053	1,316	62
Flats 6+ storey mean	1,589	1,986	75
Offices a/c 6+ storey mean	1,989	2,486	7
Hotels mean	1,661	2,076	23

Avg prices max 5 years	LF100	LF125	sample
Shops generally mean	2,106	2,633	5
Flats 6+ storey mean	1,577	1,971	31
Offices a/c 3-5 storey mean	1,915	2,394	1
Hotels mean	1,701	2,126	9

Flats - residential - no costing provided

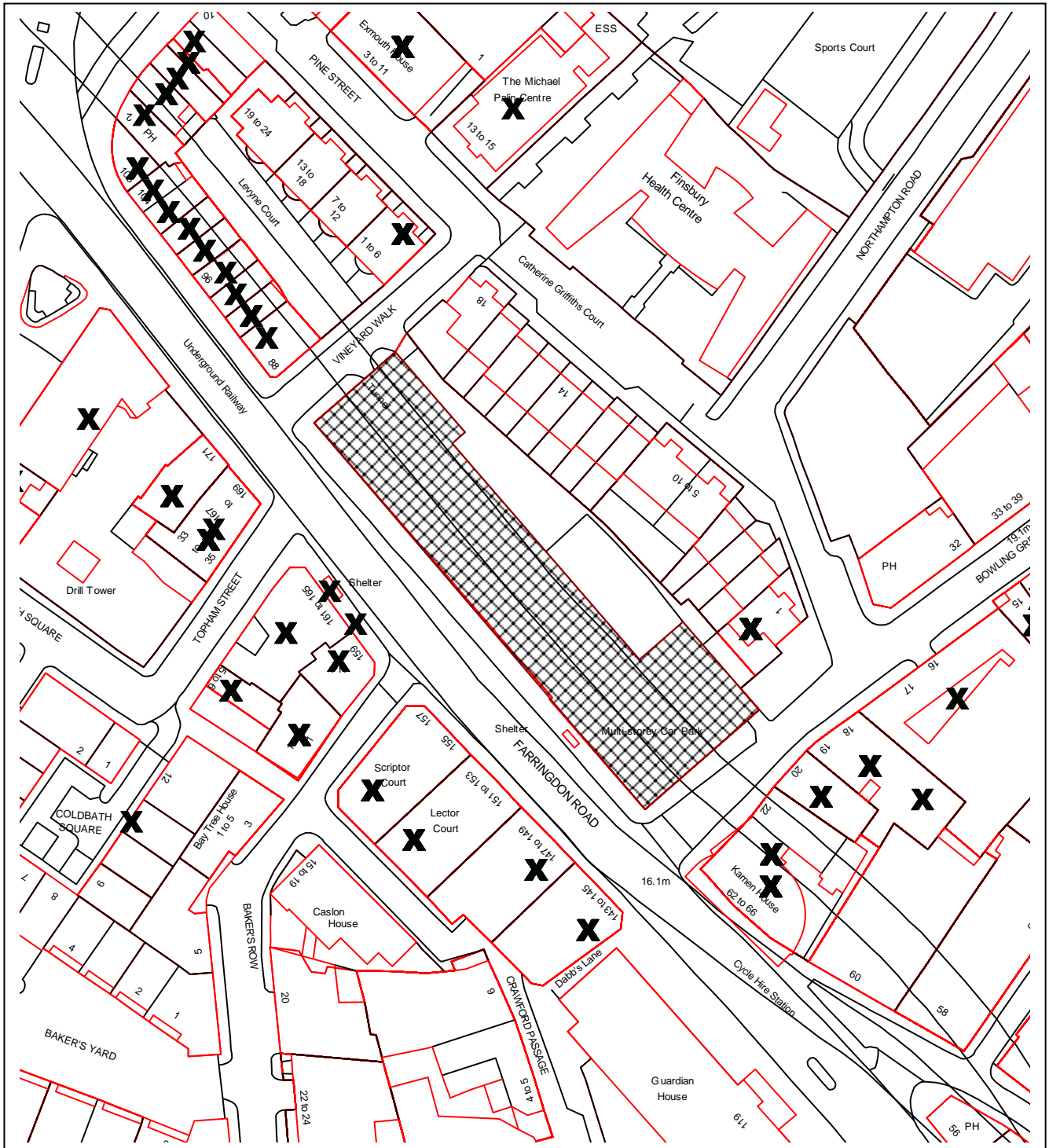
We have assumed that the apartments would reflect a high quality finish in new build apartment schemes in the area. Although the market for apc

Quantem costs are	Applicant
Hotel 308 £/ft ²	
Office 287 £/ft ²	
Retail No detailed costing	
Resi No detailed costing	350 3767.37
	327 Say ddt £23/ft
	probable inflat
	Quantem

3 Tender price inflation - estimate is priced on the basis of commencement 17 and completion in Q2 18 (18 month construction period)

1,986	185
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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	13 September 2016	NON-EXEMPT

Application number	P2016/0488/FUL
Application type	Full Planning Application
Ward	Bunhill & Clerkenwell
Listed building	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC31 & partly within BC32 Within Employment Priority Area (General) Archaeological Priority Area Central Activities Zone (CAZ) City Fringe Opportunity Area Finsbury Local Plan Policy BC8 Lamb's Passage Development Brief 2006
Licensing Implications	Restaurant / café use (A3 use class) sought for lower basement and upper basement vaults
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE.
Proposal	Demolition of the existing 'works' building at the northern end of the site and redevelopment of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults, to provide a mixed use development comprising of a 4 to 7 storey building providing 35 residential units (15 affordable and 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and ancillary gym (Class D2), along with associated landscaping and alterations to the existing access arrangements (in association with Listed Building Consent Ref: P2016/0536/LBC).

Case Officer	Matthew Duigan
Applicant	London City shopping Centre Ltd & Lamb's Passage Real Estate Ltd
Agent	Barton Willmore

3. PHOTOS OF SITE/STREET



View of site looking from the North to the South

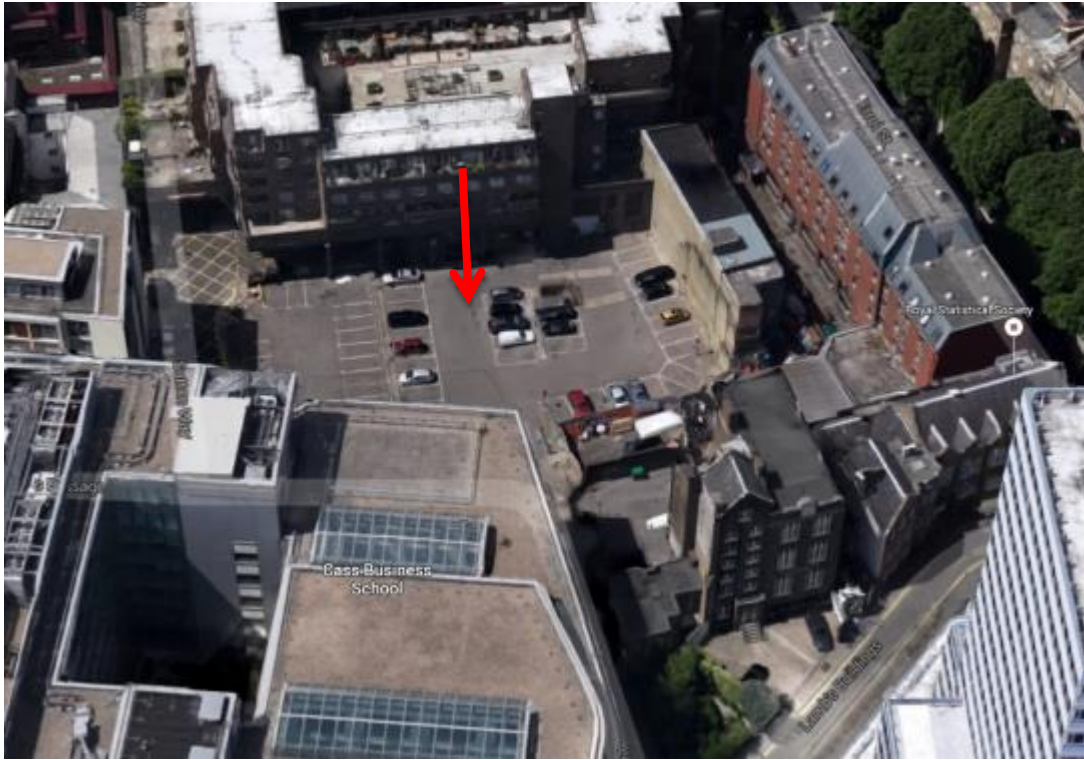




View of site looking from the West to the East



View of site looking from the South to the North



View of site looking from the East to the West



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



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



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



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



Internal view of existing grade II listed vaults



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

4. SUMMARY

- 4.1 The site has a planning history which is directly relevant to the current scheme. A similar scheme was considered at appeal in March 2015. This application is a resubmission which seeks to overcome the reason the appeal was dismissed as well as addressing changes in policy guidance introduced since the appeal.
- 4.2 A key reason the appeal was dismissed was concern that the Planning Inspector had over the mechanism to review the financial viability of the scheme. Since the previous scheme was considered at appeal, the Council has adopted the Viability SPD, which requires any uplift identified in a review to be shared between the Council and the developer (a 60% to 40% split in favour of the Council).
- 4.3 The proposal involves 35 new homes, 15 (43% by unit number) of which are to be affordable. Of the 15 affordable units, 11 (73%) units would be social rented and 4 (27%) would be intermediate. This is compared to the appeal scheme which involved 38 units, of which 14 were to be affordable units (37% by unit number). Of the 14 units 9 (64%) were to be social rented and 5 (36%) were intermediate.

Tenure	1 bed	2 bed
Market	9	11
Intermediate	1	3
Social Rented	6	5

Table 1. Proposal housing mix

- 4.4 The level of affordable housing proposed in this application is less than 50% of the total units proposed (as required by Development Plan policy), and the applicant has provided a financial appraisal to demonstrate that this level of affordable housing is the maximum that

the scheme can provide and remain viable. The financial appraisal was examined by the Council's financial consultant (BPS) who has confirmed that the appraisal is accurate.

- 4.5 The applicant has agreed to a review mechanism which would allow the scheme viability to be re-examined at a later stage to see if a higher level of affordable housing could be provided. The review mechanism accords with the requirements set out in section 7 of Islington's Development Viability SPD. Any identified uplift will be dealt with as per the Viability SPD requirements. This will be secured as part of a S106 legal agreement associated with any permission granted. The current application is considered compliant with the Viability SPD, and overcomes the concerns raised by the Planning Inspector in this regard.
- 4.6 Since the appeal in March 2015, new policy guidance has been adopted, including the Mayor of London's Central Activities Zone Supplementary Planning Guidance (March 2016) (the CAZ SPG) and the City Fringe Opportunity Area Planning Framework (December 2015) (CFOAPF). The new guidance places a greater emphasis on the provision of business floor space in the CAZ. To better align with the new guidance, the proposal has been amended to increase the proportion of business floorspace in the scheme, including affordable workspace and space suitable for small and micro sized enterprises.
- 4.7 Other changes in adopted policy guidance include the Council's Basement SPD. The scheme involves creation of additional basement space. The Basement SPD requires various investigative works to be carried out and studies undertaken to ensure that the proposed basement does not undermine the structural stability of nearby buildings or result in unacceptable impacts on groundwater hydrology. The applicant has undertaken the investigative analysis and provided requisite engineering studies and reports and it is considered that the proposal would accord with the Council's Basement SPD.
- 4.8 The main concern that the Council had about the previous application was that the new building would reduce the sunlight/daylight and outlook to nearby residential dwellings. The current proposals have been revised to reduce the height of the southern residential block by 1 storey. The reduction in height results in the scheme having less of a daylight/sunlight impact when compared to the appeal scheme.
- 4.9 The current scheme would be less harmful to the amenity of neighbours, and provide enhanced planning benefits when compared to the scheme considered at appeal. The current scheme addresses the reason the previous scheme was dismissed at appeal, it also responds adequately to changes in policy guidance since the appeal (in March 2015), and as such approval is recommended.

5. SITE AND SURROUNDING

- 5.1 The site is located on the western side of Lamb's Passage and comprises a car park connected to the Whitbread Centre and a derelict three storey 'works' building along its northern boundary. The site area, with the inclusion of the space taken up by the extensive series of underground vaults that are situated both directly below and beyond the surface level site boundary, measures 0.51 hectares.
- 5.2 There are 2 levels of basements (vaults) beneath the site, referred to in this report as the lower basement and upper basement levels. These extend below the adjacent Waitrose demise and London City Shopping Centre (which in effect is also below Shire House). The upper basement level historically formed part of the Grade II listed Whitbread Brewery building located to the south of the application site and remain intact. Given their attachment to and location within the historic curtilage of Whitbread Brewery, these vaults are subject to the Grade II listing.
- 5.3 The application site contains a redundant building to the north of the site known as 'the works' building (adjacent to the YMCA building) with the remainder of the site currently being used as a car parking area, which includes car parking for the adjacent flats in Shire House. Beyond Sutton Way is the recently constructed seven storey building of 1 Lamb's Passage, which is a residential development.

- 5.4 Access through to Errol Street to the north is currently obstructed by the rear elevation of 'the works' building.
- 5.5 The application site is not located within a designated conservation area but adjoins two conservations areas notably, the St Luke's Conservation Area to the north/north east of the site and Chiswell Street Conservation Area to the south.
- 5.6 There are a variety of building designs in the immediate locality with the modern CASS college building, modern 1 Lamb's Passage and more traditional yet visually distinctive finishes to St Joseph's RC Church Building and Shire House itself. St Joseph's RC Church is located within the adjacent St Luke's Conservation Area.
- 5.7 In terms of accessibility, the site is well connected to public transport with Barbican, Moorgate, Old Street and Liverpool Street overground and underground stations and various bus routes all within a short walking distance. A Barclays Cycle Hire docking station is also located nearby along Bunhill Row. Vehicular access is provided by Lamb's Passage, which is a one-way street that links Chiswell Street (south) (B100) with Bunhill Row (B144). As a result, the application site has a Public Transport Accessibility Level (PTAL) of 6b (with 1 being the lowest and 6b being the highest).

Land ownership:

- 5.8 The southern half of the car park is owned by Lamb's Passage Real Estate Ltd, whilst the northern half is owned by London City Shopping Centre Ltd. The northern half of the car park has been leased to the London Borough of Islington and provides car parking for existing residents of the adjacent flats and the Whitbread Centre. To the north of the car park is a derelict works building, also owned by Lamb's Passage Real Estate.
- 5.9 At the north-east corner of the application site is the rear of a Victorian building on an L-shape footprint belonging to St Joseph's Roman Catholic Church. On the eastern side of Lamb's Passage and directly opposite the application site are the three 6-8 storey components of the City University's CASS Business School building and 3 Lamb's Passage.
- 5.10 To the west is the rear of Shire House, which forms part of the Whitbread Centre and is a dark brick 1960s building between 4-5 storeys in height. The building comprises a brick façade on stilts (i.e. plus the equivalent of two storeys below), with retail uses on the ground floor and residential properties above. The residential flats on the rear (east facing elevation) of Shire House benefit from balconies, windows and verandas that overlook the application site.
- 5.11 Shire House provides social housing for Council tenants, although a number of the properties have now been privately acquired through use of the 'Right to Buy' scheme.

6. PROPOSAL (IN DETAIL)

The application is a resubmission of a previously refused scheme (ref: P2013/3257/FUL) and proposes the demolition of the existing 'works' building at the northern end of the site and redevelopment of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults, to provide a mixed use development comprising of a 4 to 7 storey building, accommodating 35 residential units (15 affordable and 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and a small gym (Class D2), along with associated landscaping and alterations to the existing access arrangements (in association with Listed Building Consent Ref: P2016/0536/LBC).

Use	Sqm	%
Residential	3,508	35%
Hotel	2,759	27%
Restaurant	1,536	15%
Offices	1,954	19%
Retail	80	1%
Gym	263	3%

Table 2. Proposed and mix of uses

- 6.1 The development would create an inverted C shaped building footprint with frontages onto Lamb's Passage and Sutton Way creating two distinct residential blocks to the north and south of the site. The 7 storey southern block would accommodate 16 residential units on the upper levels and at ground level there would also be a small amount of retail space. A small gym is proposed for residents in the basement levels below the southern residential block (accessed via lift from the southern residential block).
- 6.2 Adjoining the southern residential block to the north would be a part 4, part 5 storey structure accommodating a 61 bed hotel. At ground level, there would be the hotel entrance and lobby as well as separate areas for commercial office space.
- 6.3 Adjoining the hotel to the north would be another residential block accommodating 19 units on the upper levels and office space at ground floor level accessed from the proposed new public open space.
- 6.4 The affordable housing units would be provided within the northern residential block, which has frontages onto the proposed new public open space and Lambs Passage. This element of the proposal would rise to a height of 6 storeys. The northern residential block contains 2 lifts, with refuse storage and cycle storage all located at ground floor level.
- 6.5 The central portion of the proposed new development (containing the hotel) would utilise the upper level basement level (which is Grade II listed) to create a restaurant.
- 6.6 Lifts from the ground floor of the hotel and commercial office spaces would lead to the basement levels and provide access to the restaurant. In addition to the restaurant, there would also be commercial office space in the remainder of the upper and lower basement levels, including affordable workspace and space suitable for small and micro enterprises.
- 6.7 Planning permission is sought for the change of use of the existing Grade II statutorily listed vaults on the site for restaurant uses, gym facilities, office space and associated areas. The majority of the proposed physical alterations to these vault areas do not require planning permission but do require listed building consent and are considered within the associated listed building consent report (ref: P2016/0356/LBC).

Revisions

- 6.8 The applicant amended the proposal in June 2016 in response to concerns over impacts on the amenity of existing neighbours (due to a loss of light). The applicant amended the scheme by reducing the height of the southern residential block by 1 storey. Changes were also made to landscaping to ensure access to Shire House is not impeded.



Eastern elevation (reduction in height shown dotted in pink)

6.9 Additional concerns were raised over the mix and balance of uses proposed, given the emphasis in newly adopted guidance on provision of business floor space in the CAZ. The applicant revised the scheme to include a greater proportion of business floor space, including affordable workspace and space suitable for use by small and micro enterprises.



7. RELEVANT HISTORY:

Planning Applications:

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

P060839 – *Listed building consent application for the erection of a 4-storey office building (B1a) with basement to provide 1,617sqm of B1 floorspace, including demolition of the basement area.* The application was withdrawn by the applicant.

P060838 – *Listed building consent application for the erection of a 4-storey office building with basement to provide 1,617sqm of B1 floorspace, including the demolition of the basement.* The application was appealed for non-determination.

The Council’s statement of case indicates the scheme would result in the unacceptable loss of the grade II listed vaults. The appeal was withdrawn.

P060460 – Planning application for the erection of a 4-storey office building with basement to provide 1,617sqm of B1 floorspace. The application was withdrawn.

P060458 – Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1,617sqm of B1 floorspace. The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn.

P2013/3297/LBC dated 31 July 2014 was an application for Listed Building Consent seeking approval for the following: *"The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements."*

The application was refused for the following reason:

"In the absence of a valid planning permission for the associated redevelopment of the site, the granting of listed building consent is considered to be premature. Without an associate planning permission there is no justification for the works to the listed vaults and it is therefore considered that the provisions of section 12 of the NPPF 2012 are not met."

7.3 The Listed Building application had accompanied an application for full planning permission (ref: P2013/3257/FUL). The Council's decision was contested at a co-joined appeal (along with decision ref: P2013/3257/FUL), where the Planning Inspectorate dismissed the appeal.

P2013/3257/FUL dated 31 July 2014 refused permission for the following: Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.

The application was refused for the following reason:

"The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6 of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (Second Edition 2011) and the Lamb's Passage Development Brief dated 2006. The benefits of the scheme are not considered to outweigh this harm."

7.4 The Council's decision was contested at a co-joined appeal (co-joined with the appeal against the decision to refuse the application for listed building consent ref: P2013/3297/LBC), where the Planning Inspectorate dismissed both appeals, and noted the following:

"The building proposed on the appeal site would reduce the amount of daylight reaching widows in No.1 Lamb's Passage and flats in Shire House, with the residential units on the lower levels being affected most. Similarly, the proposal would radically close off the outlook from windows facing the appeal site, and the resulting visual impact would be significant. On that basis, there would be something of a detrimental impact on the living conditions of

affected residents in No.1 Lamb's Passage and Shire House through loss of daylight, and visual impact.

However, that is not the end of the matter, for two reasons. First, the fact that living conditions of some residents would be undermined, to a degree, does not necessarily mean that the proposal would conflict with LP Policy 7.6 Architecture which refers to unacceptable harm (my emphasis), or DMP Policy DM2.1 which requires a good standard of amenity to be maintained. In my view, the harmful effect on living conditions would not be so great that there would be conflict with either policy.

Secondly, the appeal site is clearly under-used in its current guise as a car park. It will almost certainly be developed in some shape or form, as borne out by the fact that is allocated for 'redevelopment to provide a mixed use development including small scale business uses and residential uses alongside open space' in FLP7 Site BC 31."

7.5 The Inspector acknowledged that the site is allocated for redevelopment within the Development Plan and that given demand for housing and job creation the best use must be made of the site. The Inspectors report went on to make the following statement:

"Some harm to living conditions through loss of daylight and visual impact will be inevitable if the site is to be developed. The central question is whether the harm caused would be outweighed by the benefits that the proposal would bring forward."

7.6 The Inspector then went on to evaluate the benefits of the scheme, including provision of jobs and affordable housing. The Inspector noted that the S106 legal agreement made provision for the submission of an 'Updated Viability Assessment' in the event that the proposal is not implemented after 18 months from any grant of planning permission. If this assessment showed up a 'surplus', the appellant had the option of giving half of that surplus to the Council (to be used for the provision of additional affordable housing), and retaining the rest.

7.7 Although the Council had been satisfied with the form of the viability review mechanism, the Planning Inspector concluded that the approach to the financial viability review mechanism (which involved sharing any uplift identified in an 'Updated Viability Assessment') was unacceptable as it would not ensure all of the uplift would be directed to affordable housing. The co-joined appeals were dismissed.

7.8 The current application is a resubmission of the refused scheme (ref: P2013/3257/FUL). Since the appeal, the Council has adopted the Viability SPD, which requires any uplift identified in a review to be shared between the Council and the developer (a 60% to 40% split in favour of the Council). The applicant has agreed to this, and this would be secured through a legal agreement.

7.9 The other key differences between the current scheme and the appeal scheme are:

- The southern residential block has been reduced in height by 1 storey (done to reduce amenity impacts);
- Alteration to the mix and amount of space (to better align with policy guidance adopted since the appeal).

7.10 A comparison table, showing the proportions of the overall floor space by use, is set out at Table 3. It should be noted the scheme is not identical, although it is very similar to the previously refused scheme. The situation is not one whereby the Council could decline to determine the application.

	Appeal scheme	Current scheme
Use	(%) floor area	(%) floor area
Residential	35%	35%
Hotel	29%	27%
Restaurant	19%	15%
Offices	13%	19%
Retail	1%	1%
Gym	3%	3%

Table 3. Comparison between current scheme and the previous appeal scheme

7.11 In the assessment of this current scheme, it is important to determine if alterations made by the applicant to the current scheme change the planning balance, i.e. whether (given the appeal history) the harm caused would be outweighed by the benefits that the proposal would bring forward.

Relevant Planning Applications for Adjoining Sites

1 Lamb’s Passage - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb’s Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.

YMCA, Errol Street - planning permission (ref. 2012/0637/FUL) was granted on 7th May 2014 for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 290 adjoining and nearby properties, including along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb’s Passage on the on 10 March 2016. A site notice was erected near the site and a press advert displayed in the Islington Gazette. In summary 23 objections were received raising the following issues:

- There has been insufficient time to respond to consultation **(See para. 8.8);**
- The new building will block light, outlook and result in visual impacts. The loss of light should raise mental and psychological concerns **(See para. 11.91);**
- The size of the building would be overly dominant in appearance creating an undue sense of enclosure. Any benefits such as affordable housing do not outweigh the impacts **(See para. 11.91);**
- There will be overlooking of nearby residential properties resulting in a loss of privacy **(See para. 11.92 to- 11.95);**
- The height of the building will disrupt wireless signal, and the developer should pay for relocating the antenna to prevent this from occurring **(See para. 8.9);**
- Construction impacts will affect air conditioning units in nearby existing buildings. **(See paras. 11.97, 11.187, 11.194);**
- Bollards should be installed on Lambs passage to stop construction vehicles causing damage **(See para. 11.187);**
- Construction vehicles will generate noise, smells and air pollution and damage internet lines **(See para. 11.187);**
- Construction impacts will be disturbing including drilling. If noise disrupts meetings in nearby buildings the developer should pay for neighbouring businesses to use meeting room space elsewhere **(See paras. 8.9, 11.187);**

- Damage may be caused to power and water cables and this may disrupt nearby businesses **(See paras. 8.9, 11.187)**;
- The developer should be made to take out insurance to cover the cost of disruption to nearby businesses **(See paras. 8.9, 11.187)**;
- There is concern that deliveries will take place from inappropriate locations **(See para. 11.178)**;
- Staff in nearby businesses should have access to the affordable housing **(See para. 11.156)**;
- The street will become a truck depot, hotel guests and other deliveries will impact on traffic flow **(See para. 11.187)**;
- A traffic management plan should be required **(See para. 11.187)**;
- Hotel guests will leave litter **(See para. 11.98)**;
- Noise from occupiers of nearby student and other similar accommodation is disturbing to residents. The proposal will exacerbate the issue **(See para. 11.98)**;
- The proposal will add to congestion, and reduce available parking **(See para. 11.185)**;
- There will be reduced access for emergency vehicles **(See paras. 8.14, 11.209)**;
- The proposed building will make disabled access more difficult **(See paras. 6.8, 8.22)**;
- The overall project will impact the quality of life for the residents, many of who are elderly **(See paras. 11.70 to 11.100)**;
- There is an objection to the loss of the parking (which is affordable) **(See para. 11.1)**;
- There is an objection to the destruction of the historic basements **(See paras. 11.115 to 11.116)**;
- This application is exactly the same as the application last put forward for this site **(See paras. 6.1 – 6.9)**;
- The building would hide Shire House from sight; visitors wouldn't be able to find it **(See para. 8.29)**;
- The hotel would disgrace the spirit of the Whitbread Centre **(See para. 8.9)**;
- There is already an oversupply of gyms and hotels **(See para. 11.64)**;
- Night time businesses will generate noise and disturbance when residents are wanting to sleep **(See para. 11.98)**;
- Collection of refuse generated by the new uses will result in noise and disturbance and vermin issues **(See paras. 11.97, 11.98)**;
- There should be controls over what can be put on display in the gallery (i.e. no shocking and unnecessarily sensational art pieces) **(See para. 8.9)**;
- There are already impacts on amenity from people staying in the YMCA creating noise and disturbance, the proposal will exacerbate existing issues **(See paras. 11.97-11.98)**.

8.2 The Whitbread Centre Tenants' and Residents' Association also provided a formal submission in relation to the proposal, which in summary raised the following objections:

- This application is identical to previously refused Planning Application (dismissed at appeal). As such, Islington Council should not be entertaining this new application **(See para. 7.10)**;
- The scheme is unacceptably high density and overdevelopment of the site: **(See paras. 11.128-11.131)**;
- There is already a concentration of cafés, restaurants and drinking establishments in the local area. Further restaurant and drinking establishments (for example in the hotel) will impact negatively on amenity due to noise and disturbance (including from servicing activities) **(See paras. 11.96 to 11.99)**;
- The proposed hotel and office uses (with associated occupiers) will impact negatively on amenity due to noise and disturbance (including from servicing activities) **(See paras. 11.96 to 11.99)**;
- Office workers, residents, possibly hotel workers and guests and possibly restaurant workers and guests may congregate near existing residential dwellings to smoke and converse (resulting in adverse impacts to amenity) **(See paras. 11.96 to 11.99)**;
- There would be an over concentration of hotel and restaurant uses in the area **(See paras. 11.20 to 11.28, 11.48 to 11.52)**;

- The proposed development adversely impacts on residential amenity including cumulative impacts by reason of noise, disturbance, overlooking, loss of privacy, outlook and overshadowing. Access to Shire house will also be blocked at ground level **(See paras. 6.9, 11.70 to 11.100)**;
- There will be reduced access for emergency services to Shire House post development **(See para. 8.14, 11.209)**;
- There will be reduced access for refuse and recycling collection from underneath Shire House. **(See para. 11.181)**;
- The scheme will result in confusion in terms of the mailing address. Shire House will no longer directly front Lamb's Passage. The address may even change **(See para. 8.29)**;
- There is no evidence of how any impacts on residential amenity will be mitigated **(See paras. 11.70 to 11.99)**;
- There is concern that the proposal of a 61-room hotel will result in over-concentration of hotels and similar uses in the area **(See paras. 11.20 to 11.21)**;
- The proposed development would adversely affect highway safety and/or the convenience of road users **(See para. 11.185)**.

8.3 In relation to the previously refused scheme, the Appeal Inspector did not consider that the impacts on residential amenity would be unacceptable. Notwithstanding this, the current scheme was revised to reduce the height of the southern block (to reduce impacts to the light received by nearby residents). In addition, new policy guidance has been adopted since the scheme was considered at appeal (i.e. in March 2015). For example, the Mayor of London's Central Activities Zone Supplementary Planning Guidance (March 2016) (the CAZ SPG) places a greater emphasis on the provision of office space in the Central Activities Zone (CAZ).

8.4 The applicant was requested to reconsider the balance of uses on site to better align with the newly adopted guidance. In response, the applicant provided revised plans and documentation on 15 June 2016.

8.5 The revisions to the scheme included reducing the height of the southern residential block and increasing provision of office space (including the provision of affordable workspace, along with workspace suitable for small and micro enterprises). Following receipt of the revised plans and details a second round of consultation was undertaken on 20 June 2016 (expiring on 14 July 2016). While the consultation period ended on 14 July 2016, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.6 At the time of the writing of this report a total of 8 (3 of which were from the same respondent) responses had been received from the public with regard to the revised details, which reiterated earlier concerns:

- The revised scheme does not adequately address the key concern relating to loss of light **(See para. 11.91)**;
- More weight should be given to the 2006 planning brief for the site **(See para. 9.5)**;
- The operation of the hotel (24 hours a day) will impact on residential amenity through noise and disturbance. **(See paras. 11.98)**;
- The scheme will allow overlooking to occur, resulting in a loss of privacy **(See paras. 11.92 to 11.95)**;
- The building is too bulky and the density is excessive **(See paras. 11.104 to 11.106, 11.128-11.131)**;
- Access for emergency vehicles will be impeded **(See para. 8.14)**;
- The loss of the car park will inconvenience those who currently use it **(See para. 11.1)**;
- The proposal results in harm by blocking the outlook of existing residents **(See para. 11.94)**;
- The development will result in fumes, pollution, vibration, which will adversely impact on amenity **(See paras. 11.189 to 11.194)**.

- Construction traffic may be forced to drive over the pavement, and cause damage to fibre optic cables below the pavement, and this would lead to substantial costs to affected businesses, bollards should be installed on Lambs Passage to prevent construction vehicles driving on the footpath.

Planning officer comment: Compensation for any damage caused by the developer would be a Civil issue between the affected parties and could not be controlled via the Town and Country Planning Act. Conditions are recommended to control construction traffic and impacts. Condition 25 requires the Demolition and Construction Management Plan (DCMP) and Construction Logistics Plan (CLP), which includes a requirement for the developer to introduce measures to prevent construction vehicles driving onto footpaths at any time. Recommended condition 26 requires a Construction Environmental Management Plan (CEMP) to assess and mitigate the environmental impacts of the construction phase. In this case it is considered that the concern can be dealt with via the recommended planning conditions.

8.7 The Whitbread Centre Tenants' and Residents' Association also provided a formal submission in relation to the amended proposal, which in summary raised the following objections:

- The revised scheme provides less than 50% of units as affordable housing and is therefore contrary to policy **(See para. 11.151)**;
- The density of the scheme is excessive **(See paras. 11.128 to 11.131)**;
- The balance and mix of uses does not accord with the site's allocation **(See para. 11.65)**;
- The scheme will unacceptably impact on light reaching nearby dwellings **(See paras. 11.75 to 11.91)**;
- The scheme will unacceptably impact on outlook enjoyed by neighbouring occupiers **(See para. 11.94)**;
- The scheme will result in the loss of privacy enjoyed by neighbouring occupiers **(See paras. 11.92 to 11.95)**;
- The cut through to Errol Street should not be construed as open space **(See para. 11.179 to 11.180)**;
- The materials proposed are inappropriate **(See paras. 11.107 to 11.108)**;
- There are already cafes and restaurants in the area, and the proposal will cause an over concentration **(See para. 11.46)**;
- A hotel operating 24 hours a day will cause impacts on residential amenity **(See paras. 11.96 to 11.99)**;
- Noise and disturbance associated with servicing and deliveries will have unacceptable impacts on amenity **(See paras. 11.96 to 11.97, 11.187)**
- There are a number of sensitive sites near by which would be adversely impacted by the proposed restaurant/bar **(See para. 11.98)**;
- Activity associated with guests coming and going from the hotel will generate noise and disturbance **(See paras. 11.98 to 11.99)**;
- The extra noise, traffic and commotion is unacceptable **(See paras. 11.96 to 11.99, 11.187)**;
- Hotel, restaurant and office staff as well as hotel guests will smoke outside Shire House and cause disturbance **(See paras. 11.98 to 11.99)**;
- There will be a lack of access for emergency vehicles. Refuse collection will also be impeded **(See paras. 8.14, 11.209, 11.178)**;
- The delivery of mail, post and parcels will become confused as Shire House would no longer have a street presence **(See para. 8.29)**;
- The loss of parking will inconvenience existing users of the car park **(See paras. 11.1)**;
- The additional hotel represents an overconcentration of hotels in the area **(See paras. 11.31-11.33, 11.48-11.51)**;
- The cut through to Errol Street is contrary to policy **(See paras. 11.179 to 11.180)**;
The proposed development would adversely affect highway safety and/or the convenience of road users **(See para.11.185)**.

8.8 The scheme has been subject to 2 rounds of consultation, the consultation has been undertaken in accordance with statutory requirements. A meeting was held with representatives of the Whitbread Centre Tenants' and Residents' Association to make sure that objections were clearly understood. Bearing in mind that it is the Council's practice to continue to consider representations made up until the date of a decision, it is considered that sufficient time has afforded to residents to make submissions.

8.9 When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'. There are however matters which the Council is unable to take into account in the planning assessment. Examples of matters which cannot be taken into account include compensation for damage to private property or matters controlled by other non-planning legislation.

External Consultees

8.10 **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.

8.11 **Historic England (Greater London Archaeology Advisory Service)** raised no objection to the proposal, subject to conditions and informatives.

8.12 **LAMAS – Historic Buildings and Conservation Committee:** No objection.

8.13 **Environment Agency:** No objection subject to conditions.

8.14 **London Fire and Emergency Planning Authority:** Satisfied with the proposals in relation to fire precautionary arrangements. No objection is raised.

8.15 **Metropolitan Police (Crime Prevention):** No objection. Offer the following comments:

- The increased permeability through the site increases access to the building and therefore the potential for criminals to access the site.
- The proposed use of double sets of doors makes the proposal more secure.
- Fire exits are potential entry points to the building.
- Security lighting and CCTV are required, doors and windows should meet PAS24 standards.

8.16 **Thames Water:** No objection subject to informative and conditions.

8.17 **Transport for London:** The application was referred to TfL who raised no objection subject to conditions and planning obligations to secure:

- A planning condition seeking a taxi rank for at least one cab.
- Blue badge parking is provided in accordance with London Plan (2015) standards.
- A Delivery and Service Plan and Construction and Logistics Plan and Travel Plan.
- Cycle parking in accordance with London Plan standards.

Internal Consultees

8.18 **Policy officer:** The application was referred to the Council's Policy Advisor who, in summary, provided the following advice:

There is a need to provide for a significant amount of additional office floorspace over the next 20 years, particularly in the part of the borough that the site is situated within. A key consideration in this case is whether the mix and balance of uses and if the business floorspace element can be considered to have been maximised.

The recently adopted mayoral SPGs (CAZ and CFOAPF) are relevant to the determination of planning applications. There is a clear emphasis on business floorspace on this site – through the site allocation, the site's location within an employment priority area as well as being within a Commercial Core Area within the CFOAPF.

Whilst the Finsbury Local Plan Inspector's Report allowing some flexibility for other uses, the emphasis is on delivery of business (employment uses) as well as residential uses. Whilst the modification to the site allocation introduces flexibility to include hotel use this should not undermine the emphasis on priority uses.

The site's location within the Employment Priority Area (in the Finsbury Local Plan) and Core Commercial Area (within the CFOAPF), its high levels of public accessible, its location bordering the City and high demand for business floorspace all strongly emphasise the suitability of business uses in this location.

The amended proposal does provide for an increase of office floorspace over that originally submitted, taking the office element to around 20% of the overall scheme. Whilst this is an improvement, the business element would still be subservient to both to the residential and hotel elements. The applicant refers to some scenario testing around the amount of hotel floorspace needed to increase office or residential floorspace, they suggest that they are delivering the maximum viable amount of employment/commercial floorspace and that the amount of hotel space now proposed is necessary for the viability of the scheme. No evidence to support the statement has been submitted.

Design of the business floorspace

Some concerns are raised over the viability of the business floorspace at basement level, for example – the lack of natural light and desirability of the space. A letter has been submitted from a prospective company interested in taking on the space, the letter suggests that the levels of light are unlikely to be an issue. It is not clear if the SME space will have any natural light.

Affordable/SME Workspace

Two separate units are provided at ground floor level (96m² and 134m²). These spaces are relatively small in size and could be considered "grow-on" spaces to support growing businesses.

334m² of affordable workspace is identified at lower basement level. Consistent with policy DM5.4 the affordable workspace provider should be approved by the council. In line with council's affordable workspace guidance the head lease should be secured by the council. The details of this should be set out in a legal agreement.

It is suggested that workspace for SMEs will also be secured at lower basement level. Conditions and/or planning obligations would be required to secure the affordable and SME space (to prevent the space being used as larger floorplate office accommodation). The way in which workspaces are managed is of critical importance for SMEs. Some management companies specifically promote and work with SMEs. Further information should be provided about how the space will be specifically secured for and used for SME provision – this could include lease terms, management arrangements and target sectors.

If the full amount of lower basement space (circa 1,100m²) proposed can be demonstrated to be genuinely suitable for and secured for SME provision, then combined with the affordable workspace this would represent a benefit to the scheme.

Housing

An initial revised affordable housing offer is for 15 units (11 social rented and 4 intermediate), with 20 private units provided was proposed, representing an affordable housing offer of 43% by number of units. This results in a tenure split of 73% social 27% intermediate.

Although this does not accord with the affordable housing tenure split of 70% social rented and 30% intermediate set out in CS12G, due to the pressing need for social rented accommodation in the borough, the acknowledged difficulties with delivering affordable intermediate products within high value locations, and that the scheme is being delivered by a registered provider of social housing the tenure split is considered acceptable in this

instance. All of the affordable units are 1 and 2 beds. This is contrary to unit size mix in Development Management Policies.

Hotel

A hotel market and viability study has been submitted with the revised application. This sets out why the site is considered appropriate for hotel provision as well as hotel market analysis, supply and demand. Consistent with Islington's evidence the applicants study highlights a high level of visitor accommodation provision within 500m of the site (2,780 bedrooms). It also highlights a significant number of hotels in the pipeline, including a number of grade 3-4 hotels. It is not apparent that there is lack of supply of 4 star hotels.

Within the updated planning statement the applicant has attempted to set out how the proposal responds to DM4.11, part C. The policy seeks to prevent hotels where they would adversely impact on amenity, as well as consideration of the impacts of the design it will also be important to consider the management and operation of the hotel (to prevent amenity impacts).

8.19 **Housing officer:**

The need is for 2 x bed 4-person units and the scheme would not deliver these. Rather 1 x bed and 2 x bed 3-person units are proposed. There are affordability issues with the intermediate housing in central London and as such a higher proportion of social rented housing would be preferable.

8.20 **S106 and Development Viability Officer:**

BPS have updated their report and it is clear that Scenario 3 is providing the maximum amount of affordable housing that is viable for the scheme. There is a surplus of £23,000 which will be secured in the S106 toward Carbon Offsetting. I understand the applicant has provided the statutory declarations and have also agreed to the review mechanism outlined in the Development Viability SPD. This means there will be an opportunity for additional financial contributions or to secure additional affordable housing should the revenue and costs change. In light of the above, I have no further comments to make.

8.21 **Infrastructure and S106 Officer:**

There is no objection to the proposed affordable workspace, which should be secured in the S106 legal agreement.

8.22 **Access Officer:**

No objection to the proposal. Acceptable accessibility levels are proposed for both private and affordable housing blocks and acceptable lift access and level thresholds to the proposed hotel and restaurant area are provided.

8.23 **Conservation and Design Officer:**

The proposals are near identical with regard to the effect on the special architectural or historic interest as those proposed under application the previous applications considered at appeal in 2015 (ref: P/2013/3257/FUL and P/2013/3297/LBC). No objections were previously raised subject to conditions. Again, there are no objections to the current proposals, subject to conditions.

8.24 **Energy Conservation Officer:**

I have now reviewed the revised energy statement, and I am satisfied with what is proposed. I note that this represents a slight (0.5%) improvement on the emissions reduction performance, compared to the previous iteration. Although the 38.1% reduction achieved falls marginally short of our 39% target, I consider that the applicant has made all reasonable endeavours to approach this target – so would not request any further changes or improvement. A condition should be imposed to ensure the commercial elements of the scheme accord with BREEAM standards and energy reduction is achieved. The latest energy statement given final emissions of 424.4 tCO₂, so x £920, comes to a final offset figure of £390,448.

PLANNING OFFICER COMMENT: The applicant has submitted a financial appraisal which shows that the scheme could not afford all the required planning obligations and remain viable. The same situation occurred with the appeal scheme, where it became necessary to reduce the carbon offset contribution (from £372,508 to £52,860) in order for the scheme to remain viable. Due to the pressing need for social rented accommodation in the borough, Officers sought to increase the provision of social rented accommodation by reducing the carbon offset contribution from £390,448 to £75,876.

8.25 **Tree Officer:** No objection.

8.26 **Public Protection Division:**

The site is in an area of poor air quality and NO₂ concentrations at the development are predicted to exceed the annual mean objective. Mitigation will be required at the development to enable ventilation, NO₂ filtration and a clean air supply for the new receptors. This should be secured by condition.

Regard shall be had to the guidance from the Association of London Government “Air quality assessment for planning applications – Technical Guidance Note” and EP-UK & IAQM’s “Planning For Air Quality” in the compilation of the report.

As set out in the noise assessment, the site is in close proximity to the Waitrose Cherry Tree Walk store. There have been complaints about building services plant at the shop and deliveries. There are no planning restrictions on the delivery hours of Waitrose and as such conditions should be imposed to secure a scheme for sound insulation and noise control measures.

8.27 **Spatial Planning and Transport (Transport Officer):** No objection in principle.

The scheme is identical (from a highway perspective) to the previous scheme (P2013/3257/FUL). As the Local Highway Authority, the Council requires the redundant crossover to be removed from Errol Street.

Greater detailed design would be required for the servicing and road layout change on Lambs Passage, and legal agreements (under S38 and S278 of the Highways Act (1980) will be required and must be secured via planning obligations.

In addition, unimpeded public access to the footway and public realm within the site must be secured by planning obligation.

8.28 **Sustainability Officer:** No objection subject to conditions

8.29 **Street Naming and Numbering:**

The present powers which control street naming and numbering matters in the Greater London Area derive from Part II of the London Building Acts (Amendment) Act 1939, which was subsequently amended by Section 43(1) of the London Government Act 1963.

If approved, the new development would be given a separate address (there will be no duplication with existing addresses). Royal Mail would be likely to allocate a separate post code; this would prevent any confusion with mail.

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

- 9.2 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015

Development Plan

- 9.4 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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Lamb's Passage Planning Brief 2006 and Site Allocation BC31 & BC32

- 9.5 The Lamb's Passage Planning Brief was adopted in February 2006. The council has however issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan contained within the Finsbury Local Plan 2013. Site allocation BC31 & BC32 identifies the application site as suitable for redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space provision.
- 9.6 The justification for the allocation reflects the fact that the site is an accessible site close to the boundary of the City of London, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increased access to small-scale business floorspace in this important location within the CAZ. The allocation notes proposals should respect and, if possible, make use of the (Grade II listed) underground vaults beneath the site.
- 9.7 Before the site allocation could be adopted, there was a requirement for the wording of the allocation to be tested in an Examination in Public (EIP). In the report (dated 30 April 2013) by the Planning Inspectorate following the EIP, it notes that the Council proposed to:
- "broaden the range of uses by referring to development "including", rather than "comprising", employment and residential use. Whilst it is argued that the change should go further and include hotel use as a priority, this is not necessary.*
- The proposed modification introduces sufficient flexibility for redevelopment to include hotel and other uses"*
- 9.8 The wording of the site allocation (BC31 in the Finsbury Local Plan (30 April 2013)), was changed to reflect the Inspectors comments (i.e. to introduce sufficient flexibility for redevelopment at the site to include a hotel). The rationale for allowing a hotel was the recognition that there would be a need to introduce a use which would generate sufficient value to cover the costs associated with of refurbishment and preservation of the historic vaults beneath the site. At the EIP the Inspector considered that a hotel use, with associated restaurant in the basement space, could viably cover this cost.

Designations

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

Islington Local Plan

CS7: Bunhill and Clerkenwell Key Area
Site Allocation BC31 & BC32
Within Employment Priority Area (General)
Local Plan Policy BC8
Lamb's Passage Development Brief 2006

London Plan

Central Activities Zone
Archaeological Priority Area
City Fringe Opportunity Area Finsbury

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT

- 10.1 EIA screening/scoping is not required. The proposal is not considered to fall within the regulations requiring an EIA.

11. ASSESSMENT

The main issues arising from this proposal relate to:

- Land use
- Achieving a balanced mix of uses and affordable business floor space
- Quality of proposed office space
- Neighbour Amenities
- Design, Conservation and Heritage Considerations (including Archaeology)
- Accessibility
- Landscaping and Trees
- Quality of Resulting Residential Accommodation
- Affordable Housing and Financial Viability
- Sustainability Energy Efficiency and Renewable Energy
- Highways and Transportation
- Air Quality and Contamination
- Basement
- Planning Obligations, Community Infrastructure Levy and local finance considerations

Land-use

- 11.1 The principle of the development (including the loss of the car park and introduction of 61 bedroom hotel, residential units in two distinct blocks, a gym, B1(a) office space, a gallery (retail use), and a proposed restaurant use within the existing vaults of the site) was examined as part of the previously refused scheme (ref: P2013/3257/FUL). Following assessment of the proposal itself and adopted policy it was considered that both the loss of the car park and introduction of the proposed uses would be acceptable in principle.
- 11.2 The National Government's Planning Practice Guidance is clear that similar cases should be determined in a consistent manner. In this context, unless there has been a change in circumstances, since the previously refused scheme was considered at appeal, then the same conclusion would be reached (i.e. that the loss of the car park and introduction of the proposed uses would be acceptable in principle).
- 11.3 In this case, there have been changes in policy guidance, namely the adoption of the City Fringe Opportunity Area Framework (CFOAPF) in December 2015 and the CAZ SPG in March 2016.

- 11.4 The City Fringe Opportunity Area is defined in the London Plan (2015) as being approximately 901 hectares of land covering parts of the London boroughs of Islington, Tower Hamlets and Hackney. The application site is identified as being a key site within the City Fringe Opportunity Area.
- 11.5 The CFOAPF notes that the City Fringe has a significant role in addressing London's housing need, and as such a key aim of the CFOAPF is to achieve a balanced, spatially nuanced approach to determining planning applications. One that allows for the residential development needed without compromising the opportunity for economic growth. The CFOAPF is clear that residential development should not be at the expense of the employment land and the commercial floorspace the City Fringe needs to support growth.
- 11.6 The CAZ SPG provides guidance on the implementation of policies in the London Plan (2015) related to London's Central Activities Zone (CAZ). As Supplementary Planning Guidance, the CAZ SPG does not set new policy, but rather explains how policies in the London Plan should be carried through into action. It is not a manual prescribing a universal format for development in the CAZ, but rather aims to give local authorities matters to consider in determining planning applications.
- 11.7 Neither the CFOAPF nor the CAZ SPG form part of the development plan, however they are material planning considerations when determining the current planning application. Set out below is an assessment of the current proposal, taking account of the guidance set out in the CFOAPF and CAZ SPG.

Residential

- 11.8 The National Planning Policy Framework (the NPPF) (at paragraph 47) challenges Local Planning Authorities to boost significantly the supply of housing, and further notes (at paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 11.9 London Plan (2015) Policy 3.4 relates to housing and seeks to optimise housing provision in areas of high Public Transport Accessibility Levels (PTAL) such as the application site. London Plan Policy 4.3 deals with mixed use development and offices and notes that within the CAZ increases in office space (above a locally set threshold) should provide a mix of uses including housing.
- 11.10 Relevant Local Plan policies include Policy CS12 of the Islington Core Strategy (2011) which encourages the provision of new housing of good quality to meet identified and pressing housing needs, particularly affordability and inclusivity needs. The application is considered consistent with Policy CS12. Policy CS7 relates to Bunhill and Clerkenwell and notes that a wide range of dwelling types will be encouraged in the area to cater for increased demand.
- 11.11 Finsbury Local Plan (2013) Policy BC8 (part D) links with London Plan policy 4.3 and requires that where a proposal would result in a net increase of office floorspace, the scheme should provide at least 20% of the total net increase in office floor space as housing. With an uplift in office space of 1,954sqm, the proposed 3,508sqm of residential floor space more than meets this requirement.
- 11.12 Reference is also made to the sites allocation (BC31 within the Finsbury Local Plan 2013) which notes that this site is allocated to provide a mix of uses, including residential dwellings.
- 11.13 In the Inspectors decision relating to the appeal against the previously refused scheme, the Secretary of State considered the provision of housing as part of the scheme on this site as being an important planning benefit. The appeal decision is an important material consideration in relation to assessment of the current application.
- 11.14 However the CAZ SPG and CFOAPF note that the supply of sufficient office floor space, in terms of type, size and cost within the CAZ to meet growing demand are central to London's economic success. Within the CAZ, differentials in office and residential values have led to concern over the loss of office space to housing.

- 11.15 The CAZ SPG notes that in some locations (including the application site) greater weight should be given (in determining planning applications) to the promotion and enhancement of the strategic functions of the CAZ (which are identified in the CAZ SPG as including office, leisure and hotel development) as compared to residential dwellings.
- 11.16 The priority attached to strategic CAZ uses (set out in the CAZ SPG) relative to residential accommodation does not mean that housing should be prohibited at the application site. A mix of housing provision, together with other CAZ strategic uses and activities will be essential, not only to maintain the mixed use character of the CAZ, but also to address housing need and contribute towards meeting borough housing targets. The CAZ SPG simply seeks to ensure, where possible, that the balance of uses within mixed use development is weighted in favour of CAZ strategic functions (and not housing).
- 11.17 While the need to ensure the strategic functions of the CAZ are promoted is recognised, in this case, there is both a planning history (including an appeal decision) and site specific policies (including the site allocation BC31) which are clear that residential development is appropriate at this site. Reference is made to the weight given to the CAZ SPG, which (as guidance) does not form part of the development plan and carries less weight than the site allocation BC31.
- 11.18 The introduction of a residential use to the application site would not involve a loss of any existing employment space and would assist with meeting housing (including affordable housing) need. Given the unique background (including the appeal) and Development Plan policy context relating to the application site, there is no objection in principle to the proposed dwellings.

Hotel

- 11.19 London Plan (2015) policy 4.5 relates to London's visitor infrastructure and notes that within the CAZ smaller scale hotels (i.e. less than 20,000sqm) should be located in CAZ fringe locations (such as the application site). The policy also makes it clear that additional hotels should not be allowed in areas where there is an over concentration.
- 11.20 Objections have been received from neighbours which raise concern about an over concentration of hotels in the area. To understand if the concern was valid the applicant was requested to examine the demand for and supply of hotels. In response a market and viability study was undertaken which examined the site's suitability for hotel use, its accessibility and location in relation to potential demand generators, both corporate and leisure.
- 11.21 The study identified that at this location there is pent up demand for a hotel providing accommodation for people visiting/working in businesses within the Islington and City of London. Additionally the site is well connected and centrally located, and would be popular with tourists/leisure visitors. The application submission includes the following note:

The proposed Hotel Indigo at Lamb's Passage to be well-positioned within the market. This is due to its strong location within proximity to key transportation links and commercial developments taking place, boutique product offer, market positioning and affiliation to the IHG reservation and marketing networks and system. The proposed hotel is located adjacent to some of London's most renowned event venues, The Brewery and Barbican Centre, which attract a large number of events throughout the year and are a source of significant accommodation demand for local hotels.

The proposed scheme is neither a budget brand nor a large hotel and therefore will provide additional rooms to a market segment that is arguably undersupplied. Our analysis of the existing and potential future hotels facilities in the area demonstrates that there is need for more 3 and 4 star hotels particularly in the boutique arena.

Whilst the number of potential or extant hotel schemes may appear significant, hotel use will always compete against other potentially more lucrative uses. Therefore the viability of schemes and the returns that developers are seeking will inevitably influence the number of hotel projects that actually commence.

Despite growing demand for quality accommodation (as opposed to budget accommodation), particularly during the midweek period, the Barbican area remains relatively under-supplied, presenting a clear opportunity for the proposed hotel to establish itself successfully in the Barbican hotel market.

- 11.22 There would be a synergy with the restaurant and overall the assessment indicates the proposed hotel would be in demand and be viable. Islington's Core Strategy (2011) Policy CS7 relates to development proposals in Bunhill Ward and notes that tourism related development, including hotels are encouraged.
- 11.23 Policy CS14 directs hotels (as a Town Centre use) to be located within town centres. While the site is not within a town centre, it adjoins a designated Local Shopping Area, and it is reasonable to assume that there would be some hotel guests spending in the nearby local shopping area (assisting with the viability of the Local Shopping Area). Additionally, the hotel use is not one which would have a competitive relationship with nearby retailers or cause any harm to the viability or vitality of the boroughs Town Centres.
- 11.24 Islington's Development Management Policies (2013) policy DM4.11 notes that hotels are acceptable on sites within the CAZ that are also within the designated City Fringe Opportunity Area (the application site meets these requirements). The Finsbury Local Plan (2013) Policy BC8 (H) also notes that visitor accommodation may be appropriate within the City Fringe Opportunity Area (again the application site meets these locational requirements).
- 11.25 Reference is again made to the sites allocation (BC31 within the Finsbury Local Plan 2013). In the report (dated 30 April 2013) by the Planning Inspectorate following the EIP relating to the wording of the site allocation, it notes that the Council proposed to:
- "broaden the range of uses by referring to development "including", rather than "comprising", employment and residential use. Whilst it is argued that the change should go further and include hotel use as a priority, this is not necessary.*
- The proposed modification introduces sufficient flexibility for redevelopment to include hotel and other uses"*
- 11.26 Taking account of the Inspectors comments and the final wording of the adopted site allocation, it is clear that provision of a hotel on site is consistent with the sites allocation (BC31) within the Finsbury Local Plan (June 2013). The site allocation also notes that there are vaults under the southern part of the site, and that any development will require a complete and proper survey. Proposals should respect and, if possible make use of the vaults. The hotel and associated restaurant space facilitate the refurbishment and reuse of the historic vaults in a sensitive way that would not be possible for other uses due to the inherent physical constraints of the vaults.
- 11.27 There is both the regional and local planning policy support (in principle) for the provision of a hotel on the application site. Additionally, no objection was raised in principle to the proposed hotel in the previous scheme (which was considered at appeal).
- 11.28 The CAZ SPG does not undermine the Development Plan Policy. It identifies hotels as being a CAZ strategic function, and highlights that on the application site greater weight should be given (in determining planning applications) to the promotion and enhancement of the strategic functions of the CAZ over residential development. Given the wording of adopted site allocation, as well the need to protect and enhance the heritage asset (i.e. the underground vaults), no objection is raised.

Office

- 11.29 The development of office space on site is consistent with Development Plan policy, including London Plan (2015) policies 2.10 (CAZ Strategic Priorities), 2.11 (CAZ Strategic Functions), 4.1 (Development London's Economy), 4.2 (Offices). At the local level, provision of office space as part of any redevelopment at the site is also consistent with the Council's

Core Strategy (2011), the Development Management Plan Policies (2013) and the Finsbury Local Plan (2013) including the sites allocation (BC31).

- 11.30 No objection was raised in principle to the provision of office space in the previously refused scheme. The CAZ SPG notes that office space and other CAZ Strategic Functions are preferred at the application site. There is no objection in principle to the provision of office space on site.

Restaurant

- 11.31 Concerns have been raised in relation to the proposed restaurant (and associated bar), due to the potential impacts on residential amenity and other sensitive receptors that may arise from noise and disturbance caused by patrons of the restaurant facility.
- 11.32 The location (below ground) and size of the proposed restaurant is determined by the fact that it would occupy the currently disused historic underground vaults. It is considered that the underground location of the restaurant would limit noise break out, as would the location of entrance doors away from the nearest residential dwellings. These factors would minimise potential noise disturbance to nearby sensitive receptors (such as residential neighbours).
- 11.33 Site allocation BC31 seeks to bring the vaults back into use while not undermining the architectural integrity of these features. The existing vaults (Grade II listed) are not well used and are not open to the public. The vaults are in need of significant refurbishment and repair. The proposed restaurant use offers minimal alterations to facilitate the refurbishment, and opening up of these vaults to the public (consistent with Site allocation BC31). The proposed restaurant would secure the ongoing preservation of the heritage asset and compliment the hotel, office and residential uses. The restaurant space would not displace any existing business floor space, and given the need to protect and restore the heritage asset, no objection is raised in principle to the provision of a restaurant.

Retail

- 11.34 A small retail component (80sqm) is proposed at ground level. Finsbury Local Plan (June 2013) Policy BC8 notes that within the Employment Priority Area (General) employment space should be accompanied by a mix of uses, including retail space.
- 11.35 The small size of the retail space (80sqm) is such that it would not be expected to cause harm to existing town centres (through trade diversion). It is also important to note that the sites allocation (BC31) within the Finsbury Local Plan (June 2013) notes that the site has the potential to support the retail offer in the area.
- 11.36 No objection was raised in principle to the provision of retail space in the previously refused scheme (nor was any objection raised to retail space by the Planning Inspector during the appeal). The CAZ SPG notes that retailing is a CAZ Strategic Functions, and as such is a use which is suitable (in principle) at the site.

Gym

- 11.37 The proposed gym space would be located below ground, acting as ancillary (complimentary) facilities to the residential use. No objection was raised in principle to the provision of gym space in the previously refused scheme. Given the small size and below ground location, no objection is raised in principle to the proposed gym space.

Achieving a balanced mix of uses and affordable business floor space

- 11.38 No objection has previously been raised to the mix and balance of uses proposed at the site. However, since the previous scheme was considered at appeal (in March 2015), new policy guidance has been adopted (i.e. the CAZ SPG and CFOAPF) and additional evidence has arisen (i.e. the Islington Employment Land Study) which is relevant to the consideration of planning applications at the site.
- 11.39 The CAZ is an internationally and nationally significant office location and protecting and promoting its strategic functions is highly important. The newly adopted guidance (i.e. CAZ SPG, the CFOAPF) and evidence from the Employment Land Study highlight increasing demand for employment space in the face of reducing supply (mainly as a result of permitted

development rights which allow (outside the CAZ) for the conversion of office space to residential space). The differentials in office and residential values have led to concern over the loss of office space to housing.

11.40 Given the need to accommodate projected growth in employment and ensure the CAZ remains globally competitive, the CAZ SPG suggests that Development Plan policy should be implemented in ways that promote and incentivise office and other CAZ strategic functions compared to residential development.

11.41 It is therefore appropriate to consider the acceptability of the balance and mix of proposed uses in light of the introduction of the CAZ SPG, the CFOAPF and more recently through the publication of the London Borough of Islington's Council Employment Land Study.

11.42 The table below highlights the mix and balance of uses proposed at the site.

Use	GIA (m ²)	(%)
Residential	3,508	35%
Restaurant	1,536	15%
Hotel	2,759	27%
Offices	1,954	19%
Gym	263	3%
Retail	80	1%

Table 4. Proposed mix and balance of uses

Residential space 35%

11.43 Finsbury Local Plan (2013) Policy BC8 requires that residential floor space should equate to at least 20% of the total proposed floor space (in order to ensure that the development is genuinely mixed use). As the table above shows, the application proposes 35 residential units, representing 3,508sqm of space and approximately 35% of the total development floor area (in accordance with Policy BC8).

11.44 The application site is identified in the CAZ SPG as a location where CAZ strategic functions should be given greater weight relative to new residential dwellings. The application proposes hotel, office and gym space equating to approximately 4,976sqm (49% of the total development floor area). These uses are identified in the CAZ SPG as being CAZ Strategic Functions (appropriate for the application site), and it is considered that the balance of uses proposed is weighted in favour of CAZ strategic functions. There is therefore no objection to the proportion of the development proposed as residential space.

Restaurant space 15%

11.45 The site circumstances are unique involving large areas of basement space which is of historical significance (Grade II listed). The restaurant space (1,536sqm) would be located below ground within the historic vaults. As has previously been highlighted, the vaults are not used, are not open to the public, they are also in a dilapidated state, and are in need of significant refurbishment and repair. The proposed restaurant use offers minimal alterations to facilitate the refurbishment, and opening up of these vaults to the public (consistent with Site allocation BC31).

11.46 The historic vaults have no natural light, curved ceilings, and are arranged in long tunnel like sections which limits the range of potential occupiers of these spaces. There is also a synergy between the hotel use and the restaurant space which assists in the viability of the restaurant, which in turn helps to offset the costs associated with the repair and refurbishment, and ongoing maintenance of the heritage asset. The underground nature of the restaurant means it will not have a street presence, and while there are restaurants nearby, there are none on Lambs Passage. It is not considered that the scheme will result in an overconcentration of restaurants.

11.47 Development Management Policies (2013) policy DM2.3 notes that Islington's historic environment is irreplaceable, and that they are to be conserved and enhanced, with appropriate repair and reuse encouraged. The proposed restaurant is considered in keeping with this policy aim. In this case, the below ground nature of the vaults, along with the historic listing are unique circumstances which are considered to justify the proportion of restaurant space proposed.

Hotel space 27%

11.48 In terms of the proportion of space that would be developed as hotel space (2,579sqm or 27%), it is noted that the CAZ SPG identifies hotels as a CAZ strategic function (which are promoted at the site over residential development). As an SPG, the document does not set new policy, but rather explains how policies in the London Plan should be carried through into action. The SPG does not form part of the development plan but has weight as a formal supplement to the London Plan (2015). The CAZ SPG notes that when considering potential impacts of new hotel development on the balance of local land uses, boroughs should consider whether additional hotel provision would:

- negatively impact the availability of local employment and commercial floorspace in the area (taking into account demand and viability);
- constrain the ability to meet conventional housing needs in a neighbourhood; or
- erode the mixed use / residential character of an area.

11.49 The Council's Policy Officer provided the following comment:

"There is a clear emphasis on business floorspace on this site – through the site allocation, the sites location within an employment priority area as well as being within a Commercial Core Area within the CFOAPF. There is therefore a clear policy and evidential basis for prioritising and maximising business floorspace in this location and on this site."

11.50 It is noted that the hotel would be built over a carpark and as such it would not displace any existing employment or commercial floorspace, nor would redevelopment of the car park constrain the ability to meet conventional housing needs. The area accommodates a mix of uses, and the proposed hotel would be a part of a mixed use development, and is not considered to erode the character of the area. The applicant's submission includes the following note:

Residential and small scale business uses are priority uses for the Site, however the Council and the Inspector agreed at the Finsbury Local Plan Inquiry that the hotel use (another CAZ function) could also form part of the mixed use scheme. The Proposed Development will deliver the main priority uses of residential, small scale business use and a hotel use. The mix of uses was also not considered an issue by the Inspector in the appeal decision for the site. This is a material consideration which cannot be ignored.

The heritage and townscape aspirations of the site allocation must also be delivered - to make use of the [listed] vaults and uses that support the retail offer of the area. These aspirations will require a use (or uses) that will enable them to be delivered. The proposed ground floor gallery space, office space and hotel frontage will not only create active frontage, the restaurant and office spaces will bring the listed vaults back into use and open them up to the public to appreciate. The hotel secures the delivery of the site allocation objectives and other benefits: Paying the cost of bringing the vaults back into use as a restaurant;

- *Providing a "footfall / income" to maintain a viable restaurant business and to ensure that the listed vaults remain in public use;*
- *Paying for the refurbishment of the vaults to be used as SME office floorspace;*
- *Paying for the provision of A-grade affordable office floorspace to be rented out at a peppercorn rent value for no less than 20 years; and*
- *Ensuring that the ground level open space is maintained and managed.*

If the hotel can't be delivered then the basement level restaurant and office floorspace cannot be delivered due to a lack of 'enabling finance' and footfall to maintain a viable restaurant business, which in turn means that the site allocation objectives cannot be delivered.

Furthermore, the hotel will:

- Not negatively impact the availability of local employment and commercial floorspace in the area on the basis that the Site is not currently occupied for local employment commercial purposes and will not therefore result in a net loss of existing employment/ commercial floorspace. The Site is not located in a primary office location. It is located within a mixed use area surrounded by residential, office, education, religious and retail and conference uses. Proposed Development will deliver the maximum viable amount of local employment and commercial floorspace in this mixed use location, which should be considered by the Council as a significant benefit;*
- Not constrain the ability of the Council to meet conventional housing needs in a neighbourhood on the basis that the Proposed Development will include 35 homes (including 15 affordable homes). This is a significant benefit of the proposal. It must also be noted that Site Allocation BC31 for the Site expects a mixed use development which means that other non-residential uses are expected to be delivered on the Site and the out of date Planning Brief for the Site assumed that approximately 18 homes would be delivered on the Site. As demonstrated above, the balance of uses proposed are appropriate for this mixed use location and the provision of more homes on this Site than expected should be considered by the Council as a significant benefit;*
- Not erode the mixed use / residential character of the area on the basis that the character of the area is mixed use in nature. If anything the mixed use nature of the scheme (comprising residential, offices, SME / affordable workspace, hotel, gallery and restaurant / bar uses) enhance the mixed use nature of the local area and should be considered as a benefit.*

11.51 It is acknowledged that there would be a synergy between the hotel and restaurant space, and that the restaurant space which would facilitate the refurbishment and long terms retention of the historically listed vaults beneath the site. The applicant has advised that the size of the hotel is related to its viability, inferring a smaller hotel would be unviable, in turn undermining the viability of the restaurant (and its benefits in refurbishing the heritage asset). No evidence has been provided to show a smaller hotel would not be viable, and little weight is therefore afforded to this argument.

11.52 No objection was raised by the Planning Inspector during the appeal against the previously refused scheme (ref: P2013/3257/FUL) to the proportion of total development floor space that would be in hotel use. It is noted that the size of the hotel has been reduced in the current scheme. The provision of hotel space in the CAZ does not conflict with newly adopted policy guidance or the planning appeal history and there is no objection to the proportion of the overall development which would be in hotel use.

Office space 19%

11.53 Finsbury Local Plan (June 2013) Policy BC8 is clear that proposals should incorporate the maximum amount of business floor space reasonably possible on the site. Appendix 1 of the Finsbury Local Plan (June 2013) defines business floorspace as activities or uses that fall within the B-use class (i.e. offices, manufacturing, or industrial/warehousing).

11.54 The application proposes 1,954sqm of office space (19%) and to understand if this level of provision represents the maximum amount of business floor space reasonably possible it is important to acknowledge that the Development Plan policy requires a mix of uses on site (not just office space). The site allocation seeks the provision of housing, additionally the wording of the site allocation was specifically drafted in order that a hotel could be provided,

with specific recognition that an associated restaurant space could facilitate the refurbishment and reuse of the historic vaults beneath the site.

- 11.55 No objection was previously raised to the amount of office space proposed in the scheme considered at appeal scheme, which at 1,421sqm (or 13% of the total space) was less than is currently proposed (1,954sqm or 19%). Finsbury Local Plan (June 2013) Policy BC8 was in place at the time of the appeal (i.e. the scheme was considered consistent with policy BC8 at the time of the appeal in March 2015). The current scheme includes over 500sqm of additional office space when compared to the appeal scheme, and therefore better aligns with the adopted Development Plan policies and the CAZ SPG than the previous scheme. In view of the planning history and the fact that the current scheme would provide a greater amount of office space (compared to the appeal scheme), no objection is raised.

Small, micro and or affordable workspace

- 11.56 Islington's Core Strategy policy CS13 requires development to provide either a proportion of small micro and or affordable workspace. The requirement is echoed in Islington's Development Management Policies (2013) policy DM5.4 which requires major development proposals for employment workspace to incorporate an appropriate amount of affordable workspace or space suitable for small or micro enterprises. Finsbury Local Plan (2013) Policy BC8 also requires provision of affordable workspace.
- 11.57 In terms of the proportion or amount of affordable workspace which should be provided, the supporting text to policy DM5.4 notes that 5% of proposed employment workspace should be either affordable or suitable for small or micro enterprises. The application would include 334sqm of affordable workspace (representing 17% of the proposed workspace). In addition there would be over 1,100sqm of space suitable for small or micro enterprises. The provision of this space accords with policy DM5.4 and is pivotal to the overall acceptability of the scheme, and would need to be secured via a planning obligation on any permission granted.
- 11.58 The proposals were examined by the Council's Infrastructure and S106 officer, who undertook a visit to the site to see the basement spaces and, following confirmation that the applicant would enter into a legal agreement to secure the affordable workspace, raised no objection to the proposals.
- 11.59 The application is accompanied by an 'Office Floor space Information Document', which sets out how the proposed affordable workspace and space suitable for small and micro enterprises in the basement levels would be managed and fitted out in order to secure tenants. The proposal to fit the office space out would mean the affordable and SME space is immediately available for the use of future office occupiers. The fit out of the space is considered important to the success of the below ground office space and would need to be secured via a planning obligation on any permission granted.
- 11.60 The workspace proposals were referred to the Council's Strategy and Community Partnerships advisor who has endorsed the proposals for affordable workspace and space suitable for small and micro enterprises. The council will take the head-lease and simultaneously under-lease it to a workspace provider from the Council's approved provider list and after a competitive bidding process. The applicant has explicitly agreed to these terms, and provided the following further advice:

"A security officer will be located at reception level within the office core whom will also be the key point of contact for the office management company.

The affordable workspace will be legally safeguarded to be sub-leased for a period of no less than 20 years at a peppercorn rent levels (the rental level is to be agreed with the Council).

A lightwell has been introduced from the ground down through the upper and lower basement areas to allow natural light to flood down into the space. Lighting can be designed to provide a high level of general and task lighting through the basement. The commercial

spaces will all have a direct link into the bar / lounge / restaurant space to create a 'hub' like setting.

When this bar provision is combined with the unique vaulted character of the basement floor space, its large floor to ceiling height, its flexible open plan nature, its low rental value and the location of the space in close proximity to public transport in the City Fringe, this floor space will create a vibrant "hub" for new start-up and co-working businesses.

Access will be provided via the lift / stair core or via the feature staircase located at the entrances to the ground floor office unit and affordable work space."

The day to day responsibility for managing and supervising access to the office floorspace by staff and visitors rests with the security officer located within the reception area at ground level. These responsibilities include ensuring that anti-social behaviour does not occur in the landscaped area located between the ground floor offices and the entrance to Shire House. For example, persons that wish to take telephone calls and smoke in this area will be asked to move away from this "designated quiet zone" to the Lambs Passage frontage or the smoking area located on the east side of the building."

11.61

It is of note that office space was also proposed in the basement areas as part of the previous scheme (ref: P2013/3257/FUL). The previous proposals (considered at appeal) did not include any affordable workspace or space suitable for small or micro enterprises. Nor did the previous proposal include fitting the office space out. The Council's Policy advisor raised concern that it is not apparent how the space is tailored to the needs of small or micro enterprises. It should be noted that the applicant submission includes the following advice:

The indicative floor plans shown in the 'Office floorspace Information Document' (June 2016) have been included to demonstrate how the large floorplate in the basement offers a flexible layout, which a range of small/micros business types and users can accommodate. This is in line with Policies CS13 and DM5.1 which advises that new business floorspace should be flexible to meet future business needs, allowing for a range of units types and sizes.

The layout shown is only one option and the applicant will work with an SME service provider/management company to deliver space which is tailored to the needs of small and micro enterprise.

The applicant is committed to providing 334 sqm affordable workspace (on a 20 year basis, with the Council taking the head lease) in the basement, with the remainder of the space available to SME. An indicative floor plan and design precedent examples are included within the 'Office floorspace Information Document' (June 2016).

11.62

The application proposes that the SME space be fitted out to an A grade specification and to include the following facilities which are integral to an SME environment: furniture, phone line and super-fast broadband, conference rooms, networking areas, printing/copying/scanning facilities and breakout/amenity spaces) prior to marketing and only lease to genuine small/micro enterprises. It is noted that the SME space in addition to affordable workspace, and as such the scheme provides far more than the minimum 5% of workspace as affordable or SME space. The Council's Policy advisor requested further information about how the space will be specifically secured for and used for SME provision. In response the applicant provided the following comment:

The intention is for the appointed agent to partner with an experienced SME service provider such as Workspace or Wework to deliver and manage the SME space in the basement. Given the Council's involvement in the affordable workspace element, the applicant is committed to delivering genuine SME space.

An objective of the proposal is to create a "hub space" for start-up or co-working businesses located within a unique / quirky vaulted space with access to bar/hotel facilities also proposed as part of this development.

We have reviewed the proposal with the Council's Infrastructure and S106 Officer Pascal Coyne in detail, including a site meeting. Our most recent correspondence with Pascal (email dated 6 July 2016) confirms our commitment in relation to the affordable and SME workspace delivery.

- 11.63 The Council's Infrastructure and S106 Officer has been to the site and seen the basement spaces, and has raised no objection to the proposals for affordable workspace and the spaces suitable for small and micro enterprises. The current application is considered to comply with Development Management Policies (2013) policy DM5.4 and Finsbury Local Plan (2013) Policy BC8 in relation to the provision of affordable workspace and space suitable for small or micro enterprises.

Gym and retail space

- 11.64 Given the small size and synergy between the gymnasium space and other uses on the site there is no objection to the proposed provision of gymnasium space. Similarly the small retail/gallery space proposed at ground floor level would help activate the ground floor and is considered acceptable.

Summary of balance of uses and affordable workspace

- 11.65 Since the previously refused scheme was considered at appeal, there have been changes to policy guidance relating to development at the site. The new guidance places a greater emphasis on the delivery of CAZ strategic functions at the site. The applicant has revised the proposal to include a greater proportion of office space, including affordable workspace and space suitable for small and micro enterprises. Taking account of the above, along with the planning history, there is no objection to the proposed balance and mix of uses.

Quality of proposed office space

- 11.66 The CFOAPF acknowledges that planning policy that is aimed at providing commercial space in lieu of space lost through permitted development rights has had limited success. A key issue encountered is commercial space has be provided which fails to respond adequately to demand and therefore is not marketable. This can lead to space being unoccupied and being vulnerable to conversion to other non-work related uses at a later date.
- 11.67 Given the underground nature of much of the proposed office space an assessment has been made as to whether the below ground office space would provide an acceptable quality of accommodation. It is noted that there was no objection to the use of the basement space for offices in the previously refused scheme (ref: P2013/3257/FUL). Additionally it is now proposed that some of the basement office space would be affordable workspace. The Council's Strategy and Community Partnerships advisor has visited the site (including the basement spaces) and is of the view that there would be demand for the office space, including the space suitable for small and micro enterprises. The applicant has also provided a letter from a real estate company (Newcrest Real Estate) who have reviewed the plans and have advised that they consider there to be demand for the space.
- 11.68 While it is accepted that the lower basement space would not benefit from natural light or external outlook, the floor to ceiling heights are generous (exceeding 3m) and the office spaces would be easily accessible via lifts. It is considered that there would be a synergy between the users of the affordable business floor space and the space suitable for small and micro sized enterprises. The revised Planning Statement (at paragraph 6.50) submitted in support of the current proposals confirms that the proposals include fitting the affordable work space and space suitable for small and micro enterprises to an A grade specification. This would need to be secured via a planning obligation on any permission granted. Subject to the space being fitted out and managed appropriately, and given the planning history, there is no objection to the quality of the proposed office accommodation.

11.69 Policy BC8 of the Finsbury Local Plan (2013) notes that new business floor space must be designed to allow future flexibility and provide full separation from residential floor space. The residential and non-residential components of the proposed development are sensibly separated and there would be no reason why the office floor space could not be subdivided in the future. A condition is recommended to ensure the space intended for small and micro enterprises is kept for these occupiers.

Neighbouring Amenity

11.70 Policy 7.6 of the London Plan (2015) 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 DM2.1 requires new development to provide a good level of amenity, including in terms of direct sunlight and daylight. There is a clear policy basis for seeking to prevent the adverse impacts on the amenity of nearby residential occupiers.

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

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

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or

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

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

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

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

11.74 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design

Light and outlook

11.75 The sole reason for refusal of the previous scheme (ref: P2013/3257/FUL) related to the amenity impact on neighbouring residential occupiers. The exact wording is set out below:

"The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6

of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (Second Edition 2011) and the Lamb's Passage Development Brief dated 2006. The benefits of the scheme are not considered to outweigh this harm."

11.76 The Council refused planning permission on the basis that the proposal would undermine the living conditions of existing residents in the vicinity of the appeal site through loss of daylight and visual impact. This was therefore the main issue considered by the Planning Inspector in the subsequent appeal against the Council's decision.

11.77 Having examined relevant evidence, the Inspector considered the only impacts on living conditions that could be considered sufficient to bear on the planning balance, are those that would affect some residents of No.1 Lamb's Passage, and Shire House. In relation to the impacts on occupiers in these properties the Inspector noted the following:

"the fact that living conditions of some residents would be undermined, to a degree, does not necessarily mean that the proposal would conflict with LP Policy 7.6 Architecture which refers to unacceptable harm (my emphasis), or DMP Policy DM2.1 which requires a good standard of amenity to be maintained. In my view, the harmful effect on living conditions would not be so great that there would be conflict with either policy."

11.78 Objections have been received in relation to the current application to the impact on light and the potential for this to adversely impact on the wellbeing of occupants. The concern is a material consideration relevant to the application. Notwithstanding the view taken by the Planning Inspector, the applicant was requested to reduce the built form, in order to reduce the impact on daylight and sunlight received by nearby neighbours. In response the applicant reduced the height of the southern residential block by 1 floor (involving a reduction of 3 of the private residential units).

11.79 The reduction in the height of the southern residential block has reduced the impact to the light received by nearby residential occupiers. A summary of the differences between the appeal scheme and the current scheme are set out below.

Vertical Sky Component (VSC)

11.80 A total of 72 windows are required to be (and have been) assessed at Shire House. In the appeal scheme 31 windows achieved BRE compliance, which is compared to the current scheme where 36 windows would achieve BRE compliance. The majority of other windows in Shire House (even though they would not be BRE compliant) would also experience a reduction in severity of transgression, particularly for the east facing flats, at the southern end of Shire House (where the reduction in height is proposed).

11.81 It should be recognised that some windows in Shire House are recessed beneath balconies and receive very little light in the existing situation. The reduction in height of southern residential block has very little positive impact to these recessed windows. Five of the recessed windows would see no improvement over the appeal scheme. In terms of impact to these windows, 2 would experience between 90% to 95% reductions in VSC (the same impact as in the appeal scheme). The 3 other recessed windows would see VSC reductions of between 56% and 65% (again the same impact as in the appeal scheme).

11.82 Of the remaining windows in Shire House, 29 windows would have seen a reduction in VSC of over 30% in the appeal scheme (i.e. more than a minor transgression). This is compared to the current scheme where 20 windows which would experience losses of VSC of over 30%. For the windows which experience an improvement compared to the appeal scheme, the betterment varies between 1 and 28% over the appeal scheme.

11.83 At 1 Lamb's Passage, in the appeal scheme, 40 windows failed the BRE standard in terms of VSC, which is compared to the current scheme where 30 windows would fail to comply with the BRE standards. All of the windows at 1 Lamb's Passage would receive more light (VSC) when compared to the appeal scheme. Of the windows which fail the full BRE test, 8 would

see a reduction of less than 30% (a minor transgression). The remaining windows would see a loss of VSC ranging between 31% to 50%. The worst affected being the lower level flats. The reduction in the height of the proposal improves the situation for these lower level flats by between 7% to 10% when compared to the appeal scheme.

- 11.84 The rear of Sundial Court would also see improvement in the number of windows achieving VSC compliance.

No Sky Line (NSL)

- 11.85 A total of 44 rooms are required to be (and have been) assessed at Shire House. In the appeal scheme 13 rooms failed to comply with the BRE daylight distribution test. This is compared to the current application, where 8 rooms in Shire House would still fail. Of those rooms which fail the BRE test, 4 of these would have losses of less than 30% (minor transgressions). The worst affected room would see a loss of 41%.

- 11.86 The rooms in Shire House which fail the BRE test would experience a reduction in severity of transgression (by between 1 % and 5%) in the current scheme when compared to the appeal scheme.

- 11.87 There is an improvement in the number of rooms that meet the BRE guidelines for 1 Lambs Passage, where 14 failed the BRE test in the appeal scheme compared to 10 rooms in the current scheme. Of those rooms which fail the BRE test, 2 of these would have losses of less than 30% (minor transgressions). The worst affected room would see a reduction in daylight distribution of 63%. It is of note that the rooms which fail would experience a reduction in severity of transgression (by between 1 % and 15%) when compared to the appeal scheme.

Annual Probable Sunlight Hours (APSH)

- 11.88 At Shire House, 11 rooms are required to be (and have been) assessed. The sunlight 'Annual Probable Sunlight Hours' (APSH) results demonstrate that of the 11 rooms assessed, 9 windows achieve the BRE recommended APSH level for both annual and winter in the current scheme (i.e. only 2 failures). In both cases the winter sunlight hours would be reduced by 50% and annual sunlight hours by between 13% and 50%.

- 11.89 This is compared to the appeal scheme where 3 windows failed to meet the BRE standard. Additionally the level of transgression was greater in the appeal scheme (involving 100% loss of winter sunlight and reducing annual sunlight hours by between 23% and 100%.

- 11.90 As with the appeal scheme, the sunlight Annual Probable Sunlight Hours (APSH) results for 1 Lambs Passage demonstrate that all rooms would comply with the APSH levels.

Summary of sunlight/daylight

- 11.91 The current scheme would have less of an impact (in terms of loss of light) when compared to the previously refused scheme. Even though the previous scheme was refused because of the potential amenity impacts for neighbouring residents through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure, the Planning Inspector did not think that this would be such that there would be a conflict with Development Plan policies which protect amenity. The Inspectors conclusion that the impacts on residents were acceptable on the appeal scheme must be weighed in the balance in assessing the current scheme which has demonstrated improvements in respect of sunlight and daylight.

Privacy

- 11.92 Islington's Development Management Policies Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This rule does not apply across

the public highway (overlooking across a public highway does not constitute an unacceptable loss of privacy).

- 11.93 West facing hotel rooms (i.e. facing towards Shire House) would be fitted with angled oriel windows to screen direct views to neighbouring properties. The upper level of the hotel is set back (over 22m from Shire House), providing sufficient separation to prevent privacy impacts.
- 11.94 The proposed northern (affordable housing) residential block would have windows and balconies facing west. However the proposed dwellings are located sufficiently further north of the main windows in dwellings in Shire house to avoid direct overlooking. The overlooking relationships are the same as existed in the appeal scheme, where no objection was raised. It is noted that no objection was raised by the Planning Inspector in terms of the impact on the outlook from existing dwellings.
- 11.95 The proposed southern residential block has been designed so that the principal outlook is across Sutton Way (south) or Lambs Passage (east). There are smaller (secondary) windows in the western elevation of the units which are closest to Shire House and a condition (Condition number 7) should be imposed on any consent granted requiring these windows to be obscure glazed and non-opening. In addition, there are two external balcony/terrace areas and privacy screening would be needed to prevent overlooking from the terraced areas. This is secured through Condition 7.

Noise and disturbance

- 11.96 Concerns have been raised in objections to the potential for noise and disturbance associated with servicing and deliveries to the various uses within the completed development to adversely impact on residential amenity. It is acknowledged that deliveries and servicing will need to be controlled and undertaken in a manner which does not cause unacceptable impacts. However, subject to conditions being imposed on any consent to control impacts (for example the timing of deliveries) the concerns can adequately be managed and mitigated.
- 11.97 A condition requiring submission of a Construction Logistics Plan (Condition 25) 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.
- 11.98 Objectors have also raised concern over impacts associated with the intensification of the use of the site (including from noise from hotel guests conversing and smoking etc). There would be additional activity at the site as a result of the proposal. The application is supported by a Hotel and Office Management Document which sets out the management responsibilities that the intended office occupiers and hotelier will be required to comply with. It is noted that the restaurant and bar are located underground and this would limit noise break out.
- 11.99 Management measures include 24 hour security and management staff being on site and active monitoring of public spaces by hotel reception staff. Monitored CCTV is also proposed to be utilised to detect any antisocial behaviour in the open spaces around the site. There would be a dedicated smoking area adjacent to Lambs Passage (away from Shire House). It is considered that any impacts could be mitigated via conditions being imposed on any consent to secure appropriate management of the hotel and other commercial uses (i.e. ensure the uses are managed in ways which minimise noise and disturbance).

Summary Neighbouring Amenity

- 11.100 In conclusion, a review of the daylight/sunlight impacts on neighbouring properties, show that while full compliance with the BRE standards is not achieved, there are material improvements to the light that would be received by nearby existing residential occupiers when compared to the appeal scheme. Subject to conditions (which are recommended)

overlooking would be prevented and concerns relating to noise and disturbance could be adequately mitigated.

Design, Conservation and Heritage Considerations (including Archaeology)

Policy Context

- 11.101 Relevant design policies are included in the London Plan, Islington's Core Strategy, Development Management Policies and the Finsbury Local Plan. Relevant guidance is provided in the Islington Urban Design Guide (2006).
- 11.102 Development Management Policies, Policy DM2.1 (Design), DM2.2 (Inclusive Design) and DM2.3 (Heritage) are relevant to this application. Policy DM2.1 relates to the need for development proposals to be: durable and adaptable; safe and inclusive, efficiently use the site; improve the quality, clarity and sense of spaces around or between buildings; clear distinction between public and private spaces; improve movement through areas.
- 11.103 Core Strategy policies CS7 and CS9 refer to the need for major development proposals in Bunhill and Clerkenwell to be of high quality design. There is a clear policy imperative for requiring development to be of high quality.

Character and appearance of the area

- 11.104 The appearance of the proposal is nearly identical to the previously refused scheme (ref: P2013/3257/FUL), and it is noted that no objection was raised by the Council in relation to the appearance of that proposal.
- 11.105 During the appeal against the Council's refusal of application ref: P2013/3257/FUL, the Planning Inspector noted the following:
"the appeal scheme would bring about a number of benefits in terms of enhancing the character and appearance of the area."
- 11.106 The Inspector considered the proposal would enhance views along Lamb's Passage from the south and east. The Inspector's was of the view that the proposed building would have a scale and appearance that responds well to the form of other buildings in the area. Additionally, it was considered that the provision of a pedestrian route across the site would improve permeability. No objection was made to the pedestrian link through to Errol Street. In relation to the impact of the proposal on Conservation Areas the Inspector noted the following:
"All that would be a clear benefit to the immediate area and furthermore, enhance the settings of the listed buildings in the vicinity and the St Luke's and Chiswell Conservation Areas. The extensive vaults below, and beyond, the appeal site are part of a listed building and, like the appeal site, under-used."
Finding a new use for these spaces, as part of the scheme, would be to the benefit of the listed building. It appears to me that subject to appropriately worded conditions, the works involved need cause no harm to its special interest. Bearing in mind the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the approach to designated heritage assets set out in paragraph 132 of the Framework, these factors carry considerable importance and weight."
- 11.107 As with the previously refused scheme (ref: P2013/3257/FUL) the predominant material proposed to be used is red brick. The colour, type and use of brick would vary according to the specific context and design of each building. The Council's Urban Design and Conservation advisor has raised no objection to the proposed materials. While objections from the public have been received in relation to the proposed materials, it is noted that these are the same as were proposed in the previously refused scheme, to which no objection was raised by the Council or the Planning Inspector at that time.

- 11.108 There has been no change in the policies or guidance relating to the way design should be assessed. In view of the planning history of the site, and that the Council's Urban Design and Conservation Advisor has raised no concern, no objection is raised in terms of the appearance of the proposal.

Impacts on heritage assets – listed buildings and Conservation Areas

- 11.109 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.
- 11.110 The Grade II listed Whitbread Brewery – North Side Yard building is located to the south of the application site (across Suttons Way) and forms one of the buildings of the Whitbread Brewery and was built in 1870. The building is a U-shape with a long narrow courtyard accessed off Chiswell Street.
- 11.111 In addition, Nos. 42 and Nos.43-46 Chiswell Street are Grade II listed and have historical and architectural interest as late 18th and early 19th century town houses with formal front elevations. They have group value and provide an appropriate setting for the North Yard building. It is of note that the North Side Yard building and Nos. 42 and Nos.43-46 Chiswell Street are located within the Chiswell Street Conservation Area (CA20). In this case, the design and appearance of the proposal is considered acceptable and would not detract from the setting of the heritage assets (no harm would be caused).
- 11.112 To the east of the application site is the Bunhill Fields and Finsbury Conservation Area (CA22), a large conservation area that includes a large number of listed buildings. The application site is only visible from the western edge of this conservation area (with glimpsed views from Bunhill Row), which includes the Grade II listed 21-29 Bunhill Row. Built in 1830-31, the houses in this terrace provide a rare historic streetscape among modern buildings surrounding them and face west, towards the application site which is glimpsed in views toward St Joseph's Church. Views of the application site from these neighbouring listed buildings are limited. Where views can be afforded of the application site, it is considered that the design and appearance of the proposal is adequate and would ensure that there would be no harm to the setting of nearby listed buildings (including the locally listed building at 12 Errol Street) or the character or appearance of the Conservation Area.
- 11.113 North of the site (along the north side of Errol Street and encompassing St Joseph's Church immediately east of the site) is the St Luke's Conservation Area (CA16). While the proposal includes the creation of an accessway linking to Errol Street, views from the St Luke's Conservation Area towards the development proposed on the application site would be limited. Again, it is considered that the design and appearance of the proposal is acceptable and would ensure that there would be no harm to the setting of nearby listed buildings or the character or appearance of the Conservation Area. The site includes the Whitbread Brewery vaults which are beneath the car park. The vaults are within the curtilage of the Grade II listed Brewery and are therefore considered to be a part of the listed building (curtilage listed). The historic basement vaults are proposed to be converted to a restaurant, forming part of the hotel and accessed from its southern end.
- 11.114 There would be some works to the underground vaults to facilitate the conversion into usable spaces (for example water proofing these). Turning to consider the application of the legislative and policy requirements, the first step is for the decision-maker to consider the designated heritage which would be affected by the proposed development and assess whether the proposed development would result in any harm to the heritage asset.
- 11.115 The proposed works include those which are necessary to repair and protect the historic fabric (which is in a dilapidated site). The works would result in a (limited) loss of historic

fabric as well as the subdivision of spaces. There would also be masking of historic fabric as a result of damp proofing. These works would have an impact, which needs to be weighed against the public benefits of the proposal, including securing its optimum viable use and ensuring the refurbishment and protection of the heritage asset. The heritage asset is at present unable to be accessed by the public and the proposal would open the vaults to public access.

- 11.116 The vaults are currently in a poor state of repair, and work is needed to secure their long term preservation, and there is an associated cost involved in undertaking the work. The proposed development would facilitate the refurbishment of the heritage asset in the long term (which is considered a benefit). The subterranean nature of the vaults does limit the ways in which the space can be used. It is considered that there are public benefits which would accrue as a result of the proposed works to the vaults, which would outweigh any impact to the special interest of the heritage asset. This view is consistent with the previous scheme considered at appeal.

Archaeology

- 11.117 The application site is located within a designated Archaeological Priority Area (APA). Historic England - Greater London Archaeology Advisory Service (GLASS) have assessed the application and raise no objections to the proposed redevelopment subject to the imposition of conditions and informatives which will seek approval of a 'Written scheme of Investigation' should the scheme be supported and permission be granted.

Accessibility

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

A new National Standard

- 11.119 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.

- 11.120 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

Accessibility Assessment

- 11.121 The applicants have designed 10% of the hotel bedrooms (6 rooms in total) to be fully wheelchair accessible. The hotel would provide level threshold access to all the proposed areas in the building. Accessible rooms would have the provision of interconnecting doors to allow for any carers to access the room if required.

- 11.122 The applicant has confirmed that all of the proposed residential units have been designed to meet Lifetime Homes standards and would satisfy Category 2 of the National Standard. Additionally the application proposes 4 wheelchair-accessible units (Category 3) amounting to 11% of the total number of units.

- 11.123 There is an allocated taxi drop off area in front of the hotel entrance and distances between the entrances to both the residential and commercial aspects of the scheme are considered

to be acceptable. The development includes the provision of 4 disabled parking spaces for use by the residential blocks.

- 11.124 Subject to conditions being imposed on any consent to secure an appropriate proportion of the accommodation as Category 2 and 3 units no objection is raised to the proposal in terms of equity of access and mobility.

Landscaping and Trees

- 11.125 Core Strategy policy CS7 'Bunhill and Clerkenwell' requires that major development improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 requires that biodiversity be protected and enhanced across the borough and seeks to create a greener borough by maximising opportunities for planting, green roofs and green corridors.
- 11.126 The landscaping proposals are identical to those proposed in the previously refused scheme (where no objection was raised to landscaping (subject to conditions)). A condition would be required on any consent granted to ensure that the final approved landscaping and access routes within the site are acceptable. Concerns have been raised in objections that access to Shire House would be impeded by the landscaping, and in this regard the applicant has amended the landscaping plan to ensure that access to the entrance to Shire House remains unimpeded.
- 11.127 Given constraints due to vaults below ground, this level of proposed greenery is considered to be acceptable. A planning obligation would be required to ensure the open space is publicly accessible.

Quality of Resulting Residential Accommodation

Residential Density

- 11.128 The London Plan Housing SPD notes that London's constrained land supply means it is essential to optimise the relationship between transport capacity and land use to secure sustainable development. The site is very well served in terms of public transport (with a PTAL 6b), and the London Plan density guidance suggests higher densities can be supported in such areas.
- 11.129 Objections have been received from the public in relation to the density proposed in the current scheme. However Officers are mindful of the planning history of this site, which is a material consideration in relation to the current scheme. No objection was raised in relation to density previously (in relation to application ref: P2013/3257/FUL), and there has been a minor reduction in the proposed density when compared to the appeal scheme.
- 11.130 The application site is located in a 'central' location, as defined at Table 3.2 of the London Plan. Combined with the Application Site's high PTAL rating of 6b and the ratio of habitable rooms to numbers of residential units, a density range of 650 - 1,100 hr/ha and 215-405 u/ha is specified by the London Plan. The proposed development falls within these density thresholds with a density of 610 habitable rooms per hectare or 240 units per hectare. This is slightly lower than the density proposed in the appeal scheme (664 habitable rooms per hectare)
- 11.131 The London Plan Housing SPD is clear that density is only one among a much wider range of policies to be considered. Given the guidance on density and the planning history of this site, no objection is raised.

Residential unit and room sizes

- 11.132 There is a clear policy remit for requiring development to provide adequate residential accommodation. The National Planning Policy Framework's relevant core planning principles is 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) policies relevant to the quality of residential accommodation include 3.5, 7.1 and 7.15. Core Strategy policy CS12 (part A) and policy DM2.1 (part A) in the Development Management Policies document confirm that developments should provide a good level of amenity. Policy DM3.4 sets out detailed requirements for new residential accommodation.

11.133 All of the proposed residential units comply with the minimum unit and room sizes as expressed within the Government’s nationally described space standards.

Privacy and outlook

11.134 Part D of policy DM3.4 states that “new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated”.

11.135 Subject to conditions being imposed on any consent to ensure windows in the western elevation of the southern (private) residential block are fitted with measures to prevent overlooking between units, no objection is raised.

Amenity Space

11.136 London Plan 2015 Policy 3.6 (Children and Young People’s Play and Informal Recreation Facilities) requires that proposals that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme. In this case 130sqm of play space would be required.

11.137 The proposal incorporates ‘play on the way’ features within the new public realm improvements that would provide opportunities for play for occupants of the development. The ‘play on the way’ features come together to form an informal ‘play zone’, which would total approximately 290 sqm.

11.138 It is important to highlight that the landscaping strategy prepared as part of this application adopts the same approach as the previous scheme, where no objection was raised to the proposed approach to play space.

Dwelling Mix

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

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

Table 5. Policy compliant unit size/tenure mix

11.140 The unit size/tenure mix proposed by the applicant is as follows:

Tenure	1 bed	2 bed	3 bed	4 bed+
Market	45%	55%	0%	0%
Intermediate	25%	75%	0%	0%
Social Rented	55%	45%	0%	0%

Table 6. Proposed unit size/tenure mix

11.141 The Council's Housing Officer raised concern over the mix of units (larger units are preferred in terms of addressing affordable housing need), which differs from the preferred mix set out in the Development Management Policies (2013).

11.142 The applicant was requested to address the disparity between the proposed mix of affordable unit and the preferred mix set out in table 3.1 of the Development Management Policies (2013). The applicant provided the following response:

"In terms of a specific justification for the mix of affordable units proposed, Hyde Group (who are a Registered Provider) have confirmed in writing that the mix and size of affordable units is appropriate for this location. The Viability Appraisal sets out the viability impact of proposing larger affordable apartments at the site. It confirms that by reviewing the rent levels advised by Hyde, and applying these to London Plan minimum floor areas, it can be demonstrated that as unit sizes increase, rent per sqm reduces having a direct impact on the capital value per sqm and therefore further reduces the viability scheme. In addition to this, the following is also relevant in terms of mix:

- *The mix of units proposed was not considered an issue by the Council or Inspector for the previous appeal scheme (which this scheme mirrors);*
- *The introduction of larger units would require a redesign of the proposal;*
- *The location of the site in the busy CAZ does not lend itself to 'family sized' larger units; and*
- *As acknowledged in the Council's officer report (para 17.6) for the appeal proposal, the site's constraints and relationship with adjoining buildings exerts limitations on the size, number and mix of units proposed. It is considered that the site cannot support a significant number of family units with the necessary amenity spaces.*

In these terms, it is considered that the housing mix proposed is acceptable and appropriate for the Site."

11.143 The planning application is accompanied by advice from Hyde Housing confirming support for the affordable housing (rent and shared ownership) at this location and that the proposed mix and size of homes proposed is supported. Given the planning history and the fact that a Registered Provider has confirmed that the mix would be acceptable, no objection is raised.

Affordable Housing and Financial Viability

National planning policy context

11.144 At the National level, paragraph 47 of the NPPF states that, to boost the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

Paragraph 173 of the NPPF relates to development viability and notes that the costs of affordable housing, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Regional planning policy context

11.145 London Plan (2015) policy 3.11 sets a strategic London wide goal to maximise affordable housing provision. Policy 3.12 confirms that sites should provide the maximum reasonable amount of affordable housing which can be achieved. This policy goes on to state that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation.

Local planning policy context

11.146 Core Strategy policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:

- Requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
- Requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site.
- Seeking the maximum reasonable amount of affordable housing, especially social rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
- Delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing.

Securing the maximum reasonable amount of affordable housing was of critical concern during the appeal against the Council's refusal of the previous scheme (ref: P2013/3257/FUL). In summary, the Inspectors report noted that the legal agreement put forward as part of the appeal documentation made provision for the submission of an 'Updated Viability Assessment' in the event that the proposal is not implemented after 18 months from any grant of planning permission. The clauses in the legal agreement associated with the appeal scheme allowed the appellant to keep half of any surplus with the Council being left with the remainder for affordable housing. The Inspector considered that this arrangement would, in certain circumstances, not bring forward the maximum reasonable amount of affordable housing. The issue weighed against the scheme in the planning balance and the appeal was dismissed. It is a key issue to ensure the current scheme overcomes the reason that the Inspector dismissed the previous appeal.

11.147 Since the appeal the Council has adopted the Development Viability SPD in January 2016 (the Viability SPD). The London Plan (2015) requires that developers provide development appraisals and appropriate evidence supporting assumptions to demonstrate that each scheme provides the maximum reasonable amount of affordable housing output. The Viability SPD sets out how the council will consider viability (including reviews of viability) and is a material consideration in the determination of the current application.

Affordable housing

11.148 By way of background it is helpful to understand that the appeal scheme involved 38 units, and at the time of assessment by the Council's Planning Committee 16 units (50% by habitable room and 42% by unit number) were proposed to be affordable. Ahead of the appeal itself and after the Planning Committee, the Council introduced Islington's Community Infrastructure Levy (CIL), and this financial levy altered the financial position of the scheme. The scheme was therefore unable to deliver 50% of the units as affordable housing and pay the CIL charge.

11.149 As a result of the CIL charge, in the appeal scheme, the applicant proposed a lower level of affordable housing, shown in the table below.

Tenure	Units	%
Intermediate	4	29%
Social Rented	10	71%

Table 7. Previous affordable housing mix (appeal scheme)

11.150 At the appeal, the proposed affordable housing was justified through the submission of an updated financial appraisal. The appraisal was analysed by the Council's financial consultant (BPS) and found to be an accurate. Overall 14 units were to be affordable (27% by habitable room and 37% by unit number), with 4 units (29%) intermediate and 10 units (71%) for social rented accommodation.

11.151 This is compared to the current scheme, where 15 units would be affordable. This represents 42% of the total habitable rooms and 43% of the total units proposed, and is less

than the borough-wide strategic target of 50%. The applicant provided a financial appraisal to show that the development could not provide a greater proportion of affordable housing and remain viable.

11.152 The applicant's financial appraisal relating to the current application was assessed for accuracy by the Council's financial consultant (BPS) who concluded (following provision of additional information) that the financial appraisal was accurate, and that the scheme would not be viable with a higher proportion of affordable housing.

11.153 It should be noted that the scheme was amended during the application, and the financial appraisal was updated accordingly. BPS evaluated the amended scheme, including the impact of providing affordable workspace, and reducing the height of the southern block by 1 storey. BPS also considered the viability of various development scenarios to test if a higher proportion of social rented accommodation could be provided (given that there is some concern over the affordability of intermediate housing in this location).

11.154 Of the 15 affordable housing units proposed on site, 11 units (73%) would be dedicated as social rented accommodation and 4 units (27%) being intermediate. As with the appeal scheme, the affordable housing would be located in the northern block.

Tenure	Units	%
Intermediate	4	27%
Social Rented	11	73%

Table 8. Current proposed affordable housing mix

11.155 The affordable housing offer represents a slight improvement (in the overall number and the proportion of units which would be social rented accommodation) when compared to the appeal scheme.

11.156 The applicant proposes that the Council will have 100% nomination rights for the affordable housing. Arrangements would be governed by the terms of a detailed Nominations Agreement between the Council and the Registered Provider.

11.157 The northern residential block would include private, intermediate and social rented tenures. The applicant advised that while the preference is generally for apartment blocks to be single tenure, in smaller developments it is sometimes not possible to provide a policy compliant tenure mix, and avoid mixed-tenure cores.

11.158 Officers requested clarification on how common area charges would work given the mixed tenure of the block. In response the applicant provided the following advice:

"We would anticipate the mixed tenure building will be managed by a single body, either a management company or, quite possibly, the Registered Provider. Where a private management company manages the block, the Registered Provider would pay the service charge to the management company in respect of services provided to the common parts relating to the rented units; all other residents would pay service charges direct to the management company. If the Registered Provider manages the block, then service charges would be paid by private owners and shared owners to the Registered Provider."

"In respect of service charges, Hyde have advised ULL that their standard working assumption is £25 per week for a 25-unit apartment block in London. On the basis of the scale of this proposal (15 affordable units, with no reception desk, parking or ancillary services such as a gym) the service charge is likely to be less."

In term of the affordability of the intermediate units, as previously confirmed these units will be made available to Islington residents on incomes within thresholds defined in the London Plan Annual Monitoring Report."

11.159 The application is supported by a letter from Hyde Housing (a registered social landlord) who raised no concern in terms of managing units in a mixed tenure core. It is noted that the scheme considered at appeal also had a mix of tenures in the northern block.

Viability review

11.160 With regard to viability review, paragraph 3.75 of the London Plan states that when determining applications for housing developments, boroughs need to take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, viability reappraisals may be used to ensure that maximum public benefit is secured over the period of the development.

11.161 Section 4.3 of the Mayor of London's Housing SPG (2016) notes that to maximise affordable housing output at times of economic uncertainty, and/or where there are significant changes in costs or values the Plan provides support for the review mechanisms.

11.162 The council's approach to viability review mechanisms is set out in section 7 of Islington's Development Viability SPD. At paragraph 7.5 it confirms that viability review mechanisms will be required through Section 106 agreements on all major residential / mixed use applications which do not meet the strategic affordable housing target, and for all major applications where policy requirements are not met in full at the time permission is granted.

11.163 The purpose of such reviews is to determine whether greater compliance with the Development Plan can be achieved. Paragraphs 7.11 and 7.26 state that, for all schemes requiring a review, this will be required at an advanced stage of development (an "advanced stage review") to ensure that the assessment of viability is based on up-to-date and accurate viability evidence. The Viability SPD also sets out how any identified surplus is to be used, with the majority (60%) being used by the Council for affordable housing provision and the remainder (40%) being retained by the applicant as an additional profit allowance (acting as an incentive to the applicant to derive a greater value and achieve an increase in affordable housing provision).

11.164 The applicant has agreed to an advanced stage review which accords with the requirements of the Viability SPD, with any identified uplift being dealt with as per the Viability SPD requirements. This would be secured as part of a S106 legal agreement associated with any permission granted. The current application is considered compliant with the Viability SPD and overcomes the concerns raised by the Planning Inspector.

11.165 In conclusion, the provision of 11 social rent (5 x 1b, 6 x 2b) and 4 shared ownership units on site (1 x 1b, 3 x 2b) is considered acceptable and represents the maximum reasonable amount of affordable housing that can be secured on site and this can be secured with a S106 legal agreement (with an advanced stage viability review mechanism as well).

Sustainability Energy Efficiency and Renewable Energy

11.166 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.

11.167 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies.

11.168 Under the Ministerial Statement of 25 March 2015, the government has closed down the CfSH standard. Unlike many other Local Authorities whose only sustainability requirements

are to achieve minimum levels of the Code, Islington have a separate layer of policies that run in parallel to the former Code requirements (that require an 'or equivalent' sustainability standard to be achieved). Some of these additional policies cross over with elements covered by the CfSH.

- 11.169 Islington's Core Strategy policy CS10 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. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN (as is the case with this application).
- 11.170 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.
- 11.171 The application was referred to the Council's Energy advisor who advised that there was no objection to the proposed energy efficiency and sustainability measures. The scheme was revised slightly to achieve an improvement on the emissions reduction performance, compared to the original submission.
- 11.172 There would be a 38.1% reduction achieved, which falls marginally short of the Council's target, notwithstanding this, the Council's Energy advisor considers that the applicant has made all reasonable endeavours to approach this target. The energy statement notes that a contribution of £390,448 would be required to offset the final emissions of 424.4 tCO₂.
- 11.173 Government legislation has recently changed with regards to sustainable urban drainage SUDs (6 April 2015) and the expectation is that where appropriate, SUDs should be provided for all major developments following consultation with the lead Local Flood Authority. Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and this new legislation gives additional weight to this as well as introducing the issue of maintenance of the SUDs system.
- 11.174 The proposed drainage design aims to substantially reduce the impact of the site on the public sewer system by controlling the peak rate of discharge into the sewers. A number of SUDS solutions are proposed to be used to achieve this outcome; green roofs, porous paving and below ground attenuation tanks. While the information submitted with the application is acceptable at this stage, a condition is recommended to ensure further information and detailed proposals are provided to ensure the delivery of SUDs at the site is acceptable.
- 11.175 Policy DM7.3 requires all major developments to be designed to be able to connect to a District Energy Network (DEN), and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. In this case the Citygen DEN is approximately 150m to the east of the site. The Applicant's Energy Strategy includes connection to this DEN. The Council's Energy Officer supports the approach, which would be secured by way of a planning obligation on any permission.

- 11.176 In addition, a condition should be imposed to ensure the commercial elements of the scheme accord with BREEAM standards and energy reduction is achieved.

Highways and Transportation

- 11.177 Development Management Policy DM8.6(A) (Delivery and servicing for new developments) requires that provision for delivery and servicing should be provided off-street and that delivery and servicing bays be strictly controlled, clearly signed and only used for the specific agreed purpose. Policy DM8.4 (F) states that it must be demonstrated that there are no road safety conflicts between pedestrians, cyclists and vehicles entering, parking and servicing a development.
- 11.178 The applicant has proposed that servicing vehicles would access the service yard from the new vehicular access off Lamb's Passage. The swept path analysis provided by the applicant demonstrates that all vehicles would enter the service yard and leave in forward gear.
- 11.179 The existing vehicular access from Errol Street would be removed and made into a part of the new pedestrian route between Lambs Passage and Errol Street. There is no objection from a policy perspective to creating the link to Errol Street. In terms of the acceptability of creating the link between Lambs Passage and Errol Street it is noted that the appeal decision relating to the previously refused scheme noted the following:
- "The proposal would bring a sense of enclosure to Lamb's Passage, and the eastern part of Sutton Way and it would provide closure to the views along Lamb's Passage from the south and east referred to. In design terms, the building proposed would have a scale and appearance that would respond well to the form of other buildings in the area. On top of that, the provision of a pedestrian route across the appeal site would improve permeability.*
- All that would be a clear benefit to the immediate area and furthermore, enhance the settings of the listed buildings in the vicinity and the St Luke's and Chiswell Conservation Areas."*
- 11.180 The creation of the access to Errol Street is considered to be of benefit, and allows for the introduction of external amenity spaces which would be surveyed from the ground floor hotel and commercial use (improving the safety and security of the access way). Two disabled parking bays are proposed on Sutton Way site frontage. Additionally accessible parking spaces would be located at the north-eastern end of the site.
- 11.181 There would be no change to the servicing arrangements for the Whitbread Centre. Servicing for the basement level uses would be via Sutton Way. A hotel drop off area (layby) would be created on site on the Lambs Passage (eastern) side of the site. Two further disabled car parking spaces would be created in the north-eastern corner of the site.
- 11.182 Because the servicing/delivery area interrelates with the drop off area and the access to the north-eastern disabled car parking spaces a condition (Condition 14) should be imposed on any consent granted requiring details of how servicing will be managed to avoid any conflicts between users of the spaces. A condition (Condition 37) would be imposed to limit the hours when servicing (including refuse collection) occurs in order to mitigate amenity impacts.
- 11.183 Following a request from TfL, one of the drop off spaces within the site adjacent to Lambs Passage would be dedicated for taxis.
- 11.184 Refuse storage areas for the residential blocks is located sensibly and with direct access to servicing areas for collection. Covered and secure cycle storage areas are proposed to be provided within both residential blocks. Publicly accessible cycle storage spaces would be provided under cover near the hotel entrance and also within the through route proposed to link to Errol Street Space is provided within the residential blocks for mobility scooters.
- 11.185 The application was referred to the Council's Highways advisor who advised that the scheme is identical (from a highway perspective) to the previous scheme (P2013/3257/FUL), and

consistent with advice provided previously, there is no objection in principle from a highways perspective. The Council's Highway officer and TfL examined the Transport Assessment submitted in support of the application and found it to be accurate. No objection was raised in terms of the loss of the existing parking or traffic congestion.

- 11.186 Planning obligations and conditions would need to be imposed on any consent to ensure that redundant cross overs are removed. Planning obligations would also be required to ensure that the public have unimpeded access over the hard landscaped areas, including the footway between the proposed new building and Lambs Passage.
- 11.187 Concerns have been raised in objections to damage and disturbance which could be caused by construction vehicles and the construction process itself. Conditions would be imposed on any consent to require demolition and construction to be managed. Compensation for damage caused would be a Civil issue between affected parties and the developer (i.e. not a planning matter). In terms of traffic, the construction management plans and construction logistics plans which would help to ensure construction traffic is properly managed and conditions are recommended to secure these.
- 11.188 No objection was raised by the Highway officer in terms of the number and frequency of deliveries.

Air Quality and Contamination

- 11.189 The NPPF indicates that where a site is affected by contamination, responsibility for securing safe development rests with the developer and / or landowner. London Plan policy 5.21 (Contaminated Land) states that appropriate measures should be undertaken to ensure that development on previously contaminated land does not activate or spread contamination.
- 11.190 Policy DM6.1 (Healthy Development) of the Council's Development Management DPD requires adequate treatment of any contaminated land before development can commence. Geotechnical and Geo-Environmental Desk Study prepared by Geo-Environmental Services Ltd accompanied the application. The Preliminary Risk Assessment and the Conceptual Site Model carried out as part of the Desk Study Report for the application site have identified potential pollutant linkages. A condition is recommended requiring a detailed and intrusive investigation to search for and identify contaminated material and remediation as necessary.
- 11.191 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 landscaping along the through route between Errol Street and Lambs Passage 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.
- 11.192 London Plan policy 7.14 is relevant to air quality. Development Management Policy DM6.1E states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. The application was referred to the Council's Public Protection officer, who advised that the site is in an area of poor air quality and nitrogen dioxide (NO₂) concentrations at the development are predicted to exceed the annual mean objective.
- 11.193 Mitigation measures would have to be incorporated into the development to enable ventilation, NO₂ filtration and a clean air supply for the new receptors. The Council's Public Protection officer advised that conditions should be imposed on any consent to show how the design will prevent exposure to air pollution levels exceeding the national air quality objectives (for example mechanical ventilation). Relevant conditions are recommended, which include how the scheme would reduce its impact on local air pollution and how flues from the kitchen would be controlled.
- 11.194 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.

Basement

- 11.195 The application is supported by a Structural Method Statement which assesses the construction of the new building and basement. The analysis examines the impact of the proposal on the adjacent structures, local hydrogeology, heritage assets (the existing basements) and flood risk.
- 11.196 The Structural Method Statement shows that the new basement would not have an impact on the local hydrogeology. The analysis of excavation induced movement shows that the scheme would comply within the requirements of the Council's Basement Development SPD (January 2016).
- 11.197 Structural works carried out on the vaults will not have a detrimental effect on these historic basement spaces. The Structural Method Statement sets out the sequence of works which would prevent damage and a condition should be imposed on any consent requiring the development to accord with the Structural Method Statement.
- 11.198 The Structural Method Statement notes that because of the present condition of St Joseph's school building and Shire house, condition surveys should be carried out on these building before the works begin, and monitoring should then take place during works and for up to one year after construction has been completed. This should be secured by way of a planning obligation associated with any permission granted.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 11.199 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.
- 11.200 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.
- 11.201 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 11.202 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.
- 11.203 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.

11.204 The applicant agreed to pay a package of financial heads of terms that are listed below. These obligations have been calculated based on the adopted Planning Obligations SPD (2013) or in the case of the play space and education contributions, based on the GLA child yield figures. The heads of terms are proposed to include an advanced stage review mechanism. The Carbon Offset contribution and level of affordable housing provision are less than required by Planning Obligations SPD (2013), which is on the basis that the scheme could not proceed with higher levels of obligations and remain viable. It is of note that the current package of planning obligations is slightly better than that which formed part of the appeal scheme.

11.205 The planning obligations are considered necessary, relevant and appropriate in scale and kind to the proposed development and to make the development proposals acceptable in planning terms and policy compliant.

- On site provision of affordable Housing (43% of units with 73% being social rented and 27% shared ownership). The mix and size of units should comply with the table below:

Tenure	1 bed	2 bed
Market	9	11
Intermediate	1	3
Social Rented	6	5

- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, either additional on-site affordable housing is to be provided or a financial contribution towards the provision of affordable housing off site to be paid to the council, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- All of the office floorspace (at ground level and basement level) as shown on Plans 02-03-003 O, 02-03-002 L, 02-03-001 J and the Office Space Information Document (June 2016) will be fitted out to an A-grade standard.
- Timing, delivery and management for 20 years of 334sqm of affordable workspace as shown on Plans 02-03-003 O, 02-03-002 L, 02-03-001 J and the Office Space Information Document (June 2016).
- Securing the provision of the small/micro workspace at the lower basement floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
- A contribution of £75,876 is required towards offsetting the projected residual CO2 emissions of the development, based on the established price per tonne of CO2 for Islington (currently £920/tonne).
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases

(whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
- Owner/developer to meet the costs of the delivery of the new development and its impact on the public highway. To include all associated construction, signage, demarcation, S38 works involving adoption of widened footway and drop off bay, S278 Agreement, monitoring, any necessary amendments to Traffic Management Orders (estimated at £7,500 per Traffic Order) and administration costs.
- Compliance with the Code of Employment and Training.
- Payment of a commuted sum of £35,352 towards employment and training for local residents.
- Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI Developer/contractor to pay wages (must meet London Living Wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £10,538 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 8 accessible parking bays or a contribution of £16,000 towards bays or other accessible transport initiatives.
- Removal of eligibility for residents' parking permits.
- Submission of a Green Performance Plan.
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- The approved Public Access Areas shall be maintained as an open unrestricted space at all times.

11.206 The applicant has provided a statutory declaration to confirm that the scheme can be delivered with the level of planning obligations set out above.

11.207 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £533,219 for the Mayoral CIL and £2,461,569 for the Islington CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

11.208 The site is within the Central London Crossrail S.106 contribution area and as such a contribution toward Crossrail would be of £449,059 would be required. At paragraph 8.16 of the London Plan, the Mayor sets out a commitment to ensure that developers do not have unreasonable demands made of them by having to make both CIL and section 106 payments towards Crossrail. In essence the Mayor does not require the Central London Crossrail S.106 contribution if the Mayoral CIL is a greater amount (as is the case with this application).

Other Matters

11.209 Concerns have been raised in objections to the scheme in terms of safety and security and the access for emergency vehicles to existing buildings. The London Fire Brigade and the Metropolitan Police have considered the scheme in detail and raised no objections to the development. The areas of public realm would be actively surveyed by the hotel, office

space and other ground floor uses. Appropriate lightning and CCTV systems would further increase the security of the site, as such a condition is recommended to ensure adequate provision.

- 11.210 There is adequate access to fire hydrants surrounding the site and access into the site for emergency services.
- 11.211 In terms of job creation as a result of the proposed redevelopment, there would jobs created during the construction phase for construction workers. Estimates suggest that there would be approximately 236 new jobs (on an ongoing basis) accommodated within the proposed buildings. The provision of employment generating uses was recognised by the Planning Inspector as a benefit of the scheme considered at appeal (ref: P2013/3257/FUL).

National Planning Policy Framework and Planning Balance

- 11.212 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. Given the planning history, the key issues centre around whether the proposal overcomes the concerns raised by the Planning Inspector in the appeal against the refusal of the previous scheme, and whether the current scheme responds to changes in the policy context since the appeal (held in March 2015).
- 11.213 Since the appeal, the council has adopted the Viability SPD, which requires any uplift identified in a review to be shared between the council and the developer (a 60% to 40% split in favour of the council). The applicant explicitly agreed to this and this would be secured through a legal agreement, and address the concern raised by the Planning Inspector.
- 11.214 There are still concerns by local residents over the impact of the proposal on the amenity of neighbours. The sunlight/daylight analysis shows that the development would reduce the amount of daylight reaching windows in neighbouring buildings (Shire House and 1 Lambs Passage). However this was not considered so harmful by the Inspector to warrant the refusal of the scheme and the reduced height of the southern block has had a positive impact, in terms of reducing the harm caused from loss of light when compared against the appeal scheme.
- 11.215 Since the appeal, the CAZ SPG and CFOAPF were adopted by the GLA, and these place a greater emphasis on the provision of business floor space. The current scheme includes a greater proportion of office space, and additionally it also includes affordable workspace and space suitable for small and micro enterprises. The current scheme is considered to accord with the CAZ SPG and CFOAPF.
- 11.216 The applicant has undertaken the investigative analysis and provided requisite engineering studies and reports and it is considered that the proposal would accord with the Council's Basement SPD.
- 11.217 The Council's financial consultant has advised that the scheme would not be viable with a greater level of planning obligations. The planning obligations include the provision affordable housing and workspace at greater levels than were associated with the appeal scheme.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 The site has a planning history which is directly relevant to the current scheme. A similar scheme was considered at appeal in March 2015. The Planning Inspector dismissed the appeal, due to concerns over the mechanism to review the financial circumstances of the scheme. The review mechanism proposed in the current scheme is compliant with the Council's Viability SPD (adopted since the 2015 appeal).
- 12.2 This application also addresses changes in policy guidance adopted since the appeal in March 2015. In particular, the Mayor of London's CAZ SPG and the CFOAPF. The new

guidance places a greater emphasis on provision of business floor space in the CAZ. The proposal was amended to increase the proportion of the scheme which would be dedicated as business floor space, including affordable workspace and space suitable for small and micro sized enterprises.

- 12.3 The application also responds to the requirements of other newly adopted guidance, including the Council's basements SPD. The applicant has undertaken the investigative analysis and provided requisite engineering studies and reports and it is considered that the proposal would accord with the Council's Basement SPD.
- 12.4 The main concern of the Council and residents with the previous application was that the new building would overshadow nearby residential occupiers. While the residents concerns remain, the planning history (including the appeal) is acknowledged. The current proposals have been revised to reduce the height of the southern residential block, and this change has had a positive impact, in terms of reducing the harm caused from loss of light when compared against the appeal scheme.
- 12.5 The benefits of the proposed development include the re-use of an underused site and the refurbishment of the below ground historic vaults. The scheme also involves provision of additional employment space, including affordable workspace and space suitable 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.
- 12.6 The proposal is considered to be acceptable in terms of land use, urban design, impact on heritage assets, the quality of the proposed residential accommodation, dwelling mix, affordable housing and sustainability/energy and is not considered to have any undue impact on nearby residential properties in comparison to the scheme approved at appeal or the area in general in terms of amenity or transport/servicing.
- 12.7 The comments made by residents have been considered, as have responses from consultee bodies.
- 12.8 It is considered that the current scheme overcomes the concern raised by the Planning Inspector. The current scheme would be less harmful to the amenity of neighbours, and provide enhanced planning benefits when compared to the scheme considered at appeal.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- On site provision of affordable Housing (43% of units with 73% being social rented and 27% shared ownership). The mix and size of units should comply with the table below:

Tenure	1 bed	2 bed
Market	9	11
Intermediate	1	3
Social Rented	6	5

- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, either additional on-site affordable housing is to be provided or a financial contribution towards the provision of affordable housing off site to be paid to the council, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- All of the office floorspace (at ground level and basement level) as shown on Plans 02-03-003 O, 02-03-002 L, 02-03-001 J and the Office Space Information Document (June 2016) will be fitted out to an A-grade standard.
- Timing, delivery and management for 20 years of 334sqm of affordable workspace as shown on Plans 02-03-003 O, 02-03-002 L, 02-03-001 J and the Office Space Information Document (June 2016).
- Securing the provision of the small/micro workspace at lower basement floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
- A contribution of £75,876 is required towards offsetting the projected residual CO2 emissions of the development, based on the established price per tonne of CO2 for Islington (currently £920/tonne).
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
- Owner/developer to meet the costs of the delivery of the new development and any associated off site highway works/works to mitigate its impact on the public highway, including the relocation of infrastructure (e.g. telecommunication equipment, lamp posts etc). To include all associated construction, taxi rank, signage, demarcation, S38 works involving adoption of

widened footway and drop off bay, S278 Agreement, monitoring, any necessary amendments to Traffic Management Orders (estimated at £7,500 per Traffic Order) and administration costs.

- Compliance with the Code of Employment and Training.
- Payment of a commuted sum of £35,352 towards employment and training for local residents.
- Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI Developer/ contractor to pay wages (must meet London Living Wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £10,538 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 8 accessible parking bays or a contribution of £16,000 towards bays or other accessible transport initiatives.
- Removal of eligibility for residents' parking permits.
- Submission of a Green Performance Plan.
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- The approved Public Access Areas shall be maintained as an open unrestricted space at all times.
- Central London Crossrail contribution (only in the event that the contribution is greater than the Mayoral CIL payment)

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 and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the Heads of Terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall begin no later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Updated Planning and Regeneration Statement ref: 25777/A5/Reports (15 June 2016), Financial Appraisal Amended Scheme (8 June 2016), Agent email 3/8/2016 and Barton Willmore Note Rev A – 030816, Planning Policy Response Note, Design and Access Statement and Design and Access Statement Addendum Rev A (August 2016), GIA Daylight and Sunlight ref: 4749 (14 June 2016), Sustainability Statement XCO2 Energy ref: 8319 issue 02, Energy Statement XCO2 Energy ref: 8319 (13 June 2016), Proposed Hotel Indigo, Barbican, London, Market and Viability Study, London City Shopping Centre Ltd & Lamb's Passage Real Estate Ltd (June 2016), Lambs Passage Li56:183 Area Schedule Rev M (13 June 2016), Hotel & Office Management Document (June 2016), Structural Method Statement ref: 061620 Rev: 01 (1 July 2016), Email from Hyde Housing (29 April 2016), Architectural and Built Heritage Assessment Heritage Collective ref: L\Jen's HC documents\Lambs Passage\2016 Application\2016.01.29 Lambs Passage Heritage and DBA report1.docx (February 2016), Noise and Vibration Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Air Quality Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Transport Assessment and Travel Plan Template SCP REF: JRB/13814/TA/01 (February 2016), Structural Strategy Report LO1403-REP-001 Lamb's Passage, Statement of Community Involvement (February 2016), Geotechnical and Geo-Environmental Desk Study ref: GE15288-DSR-JAN16 Ver 1.0, Drainage Strategy Report, Curtins Ref: LO1403-REP-002 Rev 02 (29 January 2016), Public Realm Strategy BMD REF: BMD197.PRS.001 Rev 9 (February 2016), Over Heating Analysis XCO2 Energy February 2016, 02-01-001 A, 02-02-001 I, 02-03-001 J, 02-03-002 L, 02-03-003 O, 02-03-004 I, 02-03-005 I, 02-03-006 I, 02-03-007 H, 02-03-008 J, 02-03-09 I, 02-03-010 J, 02-03-012 B, 02-04-001 D, 02-04-002 E, 02-05-001 F, 02-05-002 F, 02-05-003 E, 02-05-004 H, 02-05-005 E, 02-91-001 A, 02-91-002 C, 02-91-003 A, 02-91-004, 02-91-005, 02-91-006, 02-91-007, 02-91-008, 02-91-009, 02-91-010.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and Samples (Details)</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the relevant buildings as hereby approved. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses); b) corten steel d) window treatments (including frame sections and reveals); e) roofing materials;

	<p>f) balustrading treatment (including sections); g) any other materials to be used.</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.</p>
4	Air Quality (Details)
	<p>CONDITION: Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <p>a) the area within the boundary of the site, which may exceed relevant national air quality objectives. b) specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives. c) identify areas of potential exposure. d) detail how the development will reduce its impact on local air pollution.</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: In the interest of protecting the safety of future occupiers of the building.</p>
5	Sound Insulation (Details)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Mixed sources: Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>Plant and delivery noise sources: Bedrooms (23.00-07.00 hrs) 25dB LAeq,8 hour and 40 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 30 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 35 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of protecting the future occupiers of the building from unacceptable noise and disturbance.</p>
6	Additional elevational details (Details)
	<p>CONDITION: Full details of the design and treatment (including colour schemes and finishes) of all ground floor (and first floor where appropriate) elevations shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.</p> <p>Details shall all be shown in context and to a scale of 1:50 with 1:10 details or larger where</p>

	<p>necessary and include the following (but not be limited to):</p> <ol style="list-style-type: none"> a) window and door frames; b) fascias; c) glazing types; d) elevational and threshold treatments; e) balcony details; f) louvers. g) brickwork pillar at entrance to new pedestrian route off Lamb's Passage. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
7	Obscure glazing and restricted opening (Details)
	<p>CONDITION: Notwithstanding the plans hereby the approved western elevation windows and west facing terraces on the southern residential block and the facing windows in the northern elevation shall, prior to the first occupation of those dwelling(s), be treated (to include obscure glazing and restricted opening methods) to prevent the overlooking of habitable room windows in neighbouring dwellings. The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
8	Roof Level Structures (Details)
	<p>CONDITION: Notwithstanding the drawings hereby approved, updated details of the proposed roof-top structures/enclosures demonstrating a reduction in their prominence shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ol style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
9	Public art details (Details)
	<p>CONDITION: Further details of the proposed 'art' shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development hereby approved. The details shall confirm the size, design, materials, colour scheme and means of attachment.</p> <p>The 'art' shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>If at any point the 'art wall' is considered to form an advertisement as defined under section 336 of the Town and Country Planning Act 1990 (as amended) and the Town and Country</p>

	<p>Planning (Control of Advertisements) Regulations 2007 you are advised that a separate application of Advertisement Consent will be required.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
10	<p>No obscure glazing at ground level (Compliance)</p> <p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
11	<p>Accessible dwellings (Compliance)</p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 31 of the residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 4 units (3 X 1b, 1 x 2b) shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable, adaptable and wheelchair accessible homes appropriate to meet diverse and changing needs, in accordance with London Plan (2015) policy 3.8.</p>
12	<p>Security and General Lighting (Details)</p> <p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures), and the location and design of any CCTV camera equipment shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The CCTV and lighting shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
13	<p>Energy Reduction (Compliance)</p> <p>CONDITION: The energy efficiency measures/features and renewable energy technology(s)</p> <ul style="list-style-type: none"> a) Connection to Citigen Heating Network; b) 118.8 m2 of photovoltaic panels on the developments main roofs; c) Beyond green measures as outlined within the approved energy strategy. <p>which shall provide for no less than 38.1% reduction in total emissions against the 2013 Building Regulations as detailed within the Energy Statement XCO2 Energy June 2016 shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved energy measures be found to be no</p>

	<p>longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The revised energy strategy shall provide for no less than a 38.1% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</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>
14	Vehicular Facilities & Servicing and Delivery Management Plan (Details)
	<p>CONDITION: Detailed design of the proposed servicing area, including the provision of an on-street taxi/drop off bay, and the associated changes to the public highway along Lamb's Passage, shall be submitted to and approved by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>A Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Council prior to the first use of the respective part of the approved development.</p> <p>Details confirming the following shall be submitted:</p> <p>a) Taxi/Drop-off bay: all vehicles must reverse out of the servicing area into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay.</p> <p>b) Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing area into the drop off bay.</p> <p>The development shall not be occupied unless and until the servicing area for loading/unloading, turning, parking and vehicular access have been constructed, made available for their intended use and appropriately line-marked and/or signed.</p> <p>REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
15	Green Procurement (Details)
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
16	BREEAM (Compliance)
	<p>CONDITION: The Hotel, restaurant, ground floor office and retail spaces here by approved shall achieve a BREEAM New Construction 2014 rating of no less than 'Excellent'. The office space refurbishment shall achieve a BREEAM Office 2008 rating of no less than 'Excellent'. The retail space refurbishment shall achieve a BREEAM Retail 2008 rating of no less than 'Excellent'</p> <p>REASON: In the interest of addressing climate change and to secure sustainable</p>

	development.
17	Green and Brown Roofs (Compliance)
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 3326/P13 Rev A hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
18	Sustainable Urban Drainage System (SUDS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include maintenance information, the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>No infiltration based sustainable drainage systems are to be constructed on land affected by contamination as contaminants.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
19	Rainwater and Greywater Recycling (Details)
	<p>CONDITION: Details of the rainwater and greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater and greywater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management and use of water, and to minimise impacts on water infrastructure, potential for surface level flooding.</p>

<p>20</p>	<p>Bird and Bat Boxes (Details)</p> <p>CONDITION: Details of no less than 4 (total) bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<p>21</p>	<p>Plant Noise and Fixed Plant (Compliance)</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 façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90,T.</p> <p>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 development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<p>22</p>	<p>Noise Level from Premises (Compliance)</p> <p>CONDITION: Noise emitted from any part of the premises through the operation of the use shall not increase the current background levels, measured as an LA90,1hour day and LA90,5minute night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
<p>23</p>	<p>Lifts (Compliance)</p> <p>CONDITION: All lifts serving the development hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the development to ensure no one is excluded from full use and enjoyment of the site.</p>
<p>24</p>	<p>Hours of use (Compliance)</p> <p>CONDITION: The lower and upper basement floor restaurant (A3 use class) hereby approved shall not operate except between the hours of:</p> <p>Monday to Thursday 08:00 and 23:00 Fridays and Saturdays 08:00 and 24:00 Sundays and Public Holidays 08:00 and 22:00</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
<p>25</p>	<p>Demolition, Construction Management Plan and Construction Logistics Plan (Details)</p> <p>CONDITION: No development shall take place unless and until a Demolition and Construction Management Plan (DCMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p>

	<p>The DCMP and CLP shall set out the measures proposed to ensure demolition and construction will be undertaken in a manner which does not cause harm to the amenity of nearby occupiers, pedestrian or highway safety and shall include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes; b) how construction related traffic would turn into and exit the site c) details of banksmen to be used during construction works d) the parking of vehicles of site operatives and visitors; e) loading and unloading of plant and materials; f) storage of plant and materials used in constructing the development; g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; h) wheel washing facilities; i) measures to control the emission of dust and dirt during demolition and construction; j) a scheme for recycling/disposing of waste resulting from demolition and construction works. k) Condition surveys of Shire House and the St Joseph's School building l) Measures to prevent construction vehicles driving onto footpaths at any time. <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In order to secure highway safety and free flow of traffic and protect amenity of nearby occupiers.</p>
26	Construction Environment Plan (Details)
	<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 Wifi 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.</p> <p>The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers.</p>
27	No External Piping (Compliance)
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
28	Written Scheme of Investigation (Details)
	<p>CONDITION: No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p>

	<p>If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <ul style="list-style-type: none"> a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works b) Details of a watching brief be maintained on groundworks and interventions to historic fabric within the cellars c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI. <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
29	<p>Historic building written scheme of investigation (Details)</p>
	<p>CONDITION: No demolition shall take place until a written scheme of historic building investigation (WSHBI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSHBI, no demolition or development shall take place other than in accordance with the agreed WSHBI, which shall include the statement of significance and research objectives, and</p> <ul style="list-style-type: none"> a) The programme and methodology of historic building (historic cellars) investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSHBI. <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
30	<p>Details of Flues (Details)</p>
	<p>CONDITION: Details of proposed flues / extraction systems for the restaurant/retail units at ground floor level hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
31	<p>Contaminated Land (Details)</p>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p>

	<p>a) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of any necessary measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a).</p> <p>The remediation shall ensure piling or any other foundation designs using penetrative methods do not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.</p> <p>The development shall be carried out strictly in accordance with the land contamination investigation and any resulting scheme of remedial land contamination works so approved, any necessary remediation shall be carried out prior to the first occupation of the development, and shall be maintained as such thereafter.</p> <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>
32	<p>Cycle Parking (Details)</p>
	<p>CONDITION: Details of the bicycle storage area, which shall be covered and secure and provide for no less than 65 cycle spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved storage shall be provided/erected prior to the first occupation of the buildings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
33	<p>Landscaping (Details)</p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> a. an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways); b. a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c. detailed calculations setting out the substrate depth necessary to accommodate the planting proposed within the courtyard; including provision for storage of water for irrigation purposes; d. existing and proposed underground services and their relationship to both hard and soft landscaping; e. proposed trees: their location, species and size; f. soft plantings: including grass and turf areas, shrub and herbaceous areas;

	<p>g. topographical survey: including proposed earthworks, proposed ground finishes, proposed top soiling with both conserved and imported topsoil(s), levels, proposed drainage and fall in drain types;</p> <p>h. enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>i. hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>j. any other landscaping feature(s) forming part of the scheme. 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.</p> <p>The landscaping and planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced 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>
34	Water usage and reduction targets (Compliance)
	<p>CONDITION: The residential development shall strive to reach a 105 litre / person / day of water use rate.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
35	Reuse materials target (Compliance)
	<p>CONDITION: In accordance with the approved plans 10% of materials used in the construction of the development are to be derived from re-used or recycled content.</p> <p>REASON: In the interests of environmental sustainability and sustainable development.</p>
36	Delivery and Servicing Management Plan and Waste Management Plan (Details)
	<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 for the various use within the development, 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>
37	Servicing Arrangements (Compliance)
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of:</p> <p>Monday – Saturday 08:00 to 19:00; and Sundays and Public Holidays: Not at all</p>

	<p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
38	<p>Micro and small enterprises (Compliance)</p> <p>The business accommodation suitable for occupation by micro and small enterprises in the lower basement floor shall be provided strictly in accordance with the submitted Office Floorspace Information Document (June 2016) 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>
	<p>Micro and small enterprises (Details)</p> <p>The small/micro workspace in the lower basement floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
	<p>Micro and small enterprises (Compliance)</p> <p>The small/micro workspace located on the ground and lower ground floor shall not be amalgamated with the remainder of the office floorspace in the building</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
	<p>Micro and small enterprises (Compliance)</p> <p>The breakout space on the ground and lower ground floor is to be used for the small/micro businesses on these floors only and not for use by the occupants of the other floors of the building.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
39	<p>Window and door reveals (Compliance)</p> <p>CONDITION: 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>
40	<p>Recycling/refuse storage provision and management (Details)</p> <p>CONDITION: Full details of refuse/recycling storage locations, dimensions, collection arrangements and management for both the commercial and residential elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The details shall incorporate facilities for the recycling of food/compostable waste. The approved details shall be installed prior to the first occupation of the development and</p>

	<p>collection and management practices be carried out in accordance with the details so approved permanently thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
	<p>Removal of Permitted Development rights (Compliance)</p>
	<p>Notwithstanding the provisions of Class I, O or T of Part 3 or Class E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the office floorspace (including the small/micro workspace) shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</p> <p>Reason: To protect the office floorspace hereby approved in accordance with the requirements of policies CS 7 and CS 13, of the Islington Core Strategy (2011), policies DM5.1, DM5.2 and DM5.4 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)</p>
	<p>Removal of Permitted Development rights (Compliance)</p>
	<p>Notwithstanding the provisions of Classes A, C, D, G, J or M of Part 3 or Class D, E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the basement level restaurant floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)</p>

List of Informatives:

1	S106
	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.
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to</p>

	<p>commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
4	<p>Car-Free Development</p> <p>All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	<p>Surface Water Drainage</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.</p>
6	<p>Thames Water 1</p> <p>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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p>
7	<p>Thames Water 2</p> <p>Piling has the potential to impact on local underground 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>
8	<p>Thames Water 3</p> <p>There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.</p> <p>The applicant is advised to visit www.thameswater.co.uk/buildover</p>
9	<p>Thames Water 4</p> <p>A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge' . Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at http://www.thameswater.co.uk/business/9993.htm or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.</p>
10	<p>Thames Water 5</p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering</p>

	<p>establishments . We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.</p>
11	Thames Water 6
	<p>Thames Water advise that groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p>

12	<p>Thames Water 7</p> <p>Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
13	<p>Thames Water 8</p> <p>There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.</p>
14	<p>Archaeology</p> <p>The WSI and the WSHBI will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>
15	<p>Contamination</p> <p>The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:</p> <ul style="list-style-type: none"> - From www.gov.uk: <ul style="list-style-type: none"> • Groundwater Protection: Principles and Practice (August 2013) • Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section • Use MCERTS accredited methods for testing contaminated soils at the site - From the National Planning Practice Guidance: <ul style="list-style-type: none"> • Land affected by contamination - British Standards when investigating potentially contaminated sites and groundwater: <ul style="list-style-type: none"> • BS 5930: 1999+A2:2010 Code of practice for site investigations • BS 10175:2011 Code of practice for investigation of potentially contaminated sites • BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points • BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters <p>All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.</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

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 2.12 Central Activities Zone – predominantly local activities
- Policy 2.13 Opportunity areas and intensification areas

3 London's people

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.2 Improving health and addressing health inequalities
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds

4 London's economy

- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
- Policy 4.3 Mixed use development and offices
- Policy 4.5 London's visitor infrastructure
- Policy 4.9 Small shops
- Policy 4.10 New and emerging economic

5 London's response to climate change

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.4 Retrofitting
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.11 Green roofs and development site environs
- 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 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking

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

sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

Policy 7.14 Improving air quality

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

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

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS16 (Play Space)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

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

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space

Housing

DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration

Energy and Environmental Standards

DM7.1 Sustainable design and construction
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

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops
DM4.2 Entertainment and the night-time economy
DM4.8 Shopfronts
DM4.11 Hotels and visitor accommodation

Transport

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

Employment

DM5.4 Size and affordability of workspace

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC10 Implementation
Site Allocation **BC31 & BC32**

4. Planning Brief

The Lamb's Passage Planning Brief was adopted in February 2006. The council has however issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan contained within the Finsbury Local Plan 2013. Site allocation BC 31 & BC32 identifies the application site as suitable for redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space provision.

5. 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:

Islington Local Plan

CS7: Bunhill and Clerkenwell Key Area
Site Allocation BC31 & B32
Within Employment Priority Area (General)
Local Plan Policy BC8

London Plan

Central Activities Zone
Archaeological Priority Area
City Fringe Opportunity Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design (October 2012)
- Planning Obligations (November 2013)
- Urban Design Guide (December 2006)
- Basement Development (January 2016)
- Development Viability (January 2016)
- Inclusive Design in Islington (February 2014)
- Preventing Wasted Housing Supply (July 2015)

London Plan

- Central Activities zone Supplementary planning guidance
- City Fringe Opportunity Area Planning Framework
- Housing Supplementary Planning Guidance
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

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Land to the East of Shire House, Lamb's Passage,
London EC1Y 8TE



Application Numbers P2016/0536/LBC & P2016/0488/FUL

Independent Review of Viability

3 August 2016

1 Introduction

- 1.1 BPS Chartered Surveyors has been appointed by the London Borough of Islington to review a viability submission provided by Upside London Limited (ULL) on behalf of London City Shopping Centre Ltd & Lamb's Passage Real Estate. This application follows an earlier application P2013/3257/FUL which was refused consent, a decision which was subsequently upheld at appeal on 23 July 2015 APP/V5570/E/14/2226261.
- 1.2 Since our most recent report dated 8 May 2016 the applicant was asked to consider proposals which modelled a reduction in height of the residential elements of the scheme and to test the impact of increasing the office element of the scheme through a reduction in the floor area of the hotel and restaurant elements of the proposal.
- 1.3 These changes have resulted in adjusted S106 contributions from those considered in our May 2016 report. The applicant has also been asked to consider 3 separate affordable housing scenarios which reflect changes in the tenure, numbers and mix.
- 1.4 ULL has provided an updated appraisal which reflects the suggested adjustments proposed in our May report which include:
 - A) A reduction in the proposed benchmark land value to £4,807,000 to reflect the impact of management costs in running the car park.
 - B) A reduction in the proposed profit target applying to the commercial elements of the scheme.
 - C) Revised affordable housing values to reflect an offer now received from Hyde Housing Association reflecting a mixed tenure scheme.
- 1.5 The scheme has now also been remodelled to reduce the scale of the proposed restaurant and hotel and increased the scale of the office element

a table of these changes from the reduced scheme tabled in May is shown in below:

Use	Previous Appraisal Area sq ft	Latest Appraisal Area sq ft	Net Change sq ft
Private residential	13,229	14,510	+1,281
Affordable housing	10,538	9,257	-1,281
Hotel	33,886	28,730	-5,156
Retail	861	861	0
Gym	2,831	2,185	-646
Restaurant	20,700	13,778	-6,922
B1 Office	1,033	16,457	+15,424
General Commercial	14,209	0	-14,209
Affordable office	0	3,595	+3,595
Total	97,287	89,373	-7,914

1.6 In addition to the above the revised scheme includes the following S106 contributions:

- a) S106 monitoring fee £10,538
- b) Employment and training £35,352
- c) Carbon offsetting £397,624
- d) Work placements £45,000
- e) Accessible parking £16,000

1.7 In assessing the latest appraisal we have been asked to test whether the mechanical changes required by the change in floor areas has been correctly shown in the appraisal. The affordable housing offer in the current proposals is social rent 5 x 1 bed and 5 x 2 bed units, shared ownership 2 x 1 bed units and 3 x 2 bed units.

1.8 We have also been asked to consider the impact of the appraisal through a reduction in the carbon offsetting contribution from £397,624 to £52,860.

1.9 We have also been asked to test the viability of three further scenarios that look at changes to the market and affordable housing quantum and tenure mix.

Scenario 1 - Social Rent Units 5 x 1 bed and 5 x 2 bed units. Shared ownership 2 x 1 bed and 4 x 2 bed units, an increase of 1 x 2 bed unit of shared ownership over the proposed scheme.

Scenario 2 - Social Rent Units 6 x 1 bed and 8 x 2 bed units. No shared ownership units, a decrease in the overall number of affordable units of 1 x 1 bed unit over the proposed scheme.

Scenario 3 - Social Rent Units 6 x 1 bed and 5 x 2 bed units. Shared ownership 1 x 1 bed and 3 x 2 bed units, no change in overall unit numbers from the proposed scheme but an increase of 1 x 2 bed unit of social rent for the loss of the same unit as shared ownership when compared to the proposed scheme.

2 Revised Modelling and Conclusions

- 2.1 We have attached our revised modelling to this report. It will be seen that we do not entirely replicate ULL's figures.
- 2.2 Aside from relatively minor differences in numbers arising from slightly different programming assumptions and an updated view of purchaser's costs to reflect the changes to stamp duty land tax, the primary differences arise in respect of the computation of residential floor area.
- 2.3 To establish Net Sale Area (NSA) we have adopted the areas as identified in the Design and Access Statement (DAS). This document provides gross internal areas on which the scheme costs are based and which we have previously agreed.
- 2.4 The DAS also shows level by level floor plans for the north residential block which includes the affordable element. From this we have established the NIA of individual units forming both the current and the three scenarios. It will be seen that our estimate of NIA falls below ULL which results in a net shortfall on overall scheme revenue. We have not adjusted the private housing floor area.
- 2.5 We have tested a reduced Carbon offset payment which is scaled back from £397,624 to £52,860. We understand this scale of reduction has been proposed to the applicant and has resulted in the three tenure scenarios discussed in this report.
- 2.6 The appraisals have been arranged to generate a net profit output on a blended basis. The agreed profit target reflects elemental profit margins of 20% on the private residential element, 6% of GDV in respect of the affordable housing element and 15% in respect of the commercial elements.

2.7 Because this is a blended rate the profit margin changes with each scenario as the floor areas change. We have summarised in the table below our findings compared to this profit target.

Scenario	Comments	Profit Target	Profit outcome	Surplus/deficit	Cash
Current		16.33%	15.91%	-0.42%	-£204,396
Current	Reduced 106	16.33%	16.72%	0.39%	£191,696
Scenario 1	Reduced 106	16.18%	15.93%	-0.25%	-£120,284
Scenario 2	Reduced 106	16.58%	14.36%	-2.22%	-£1,058,651
Scenario 3	Reduced 106	16.36%	16.41%	0.05%	£23,016

2.8 It can be seen that the current proposal shows a small deficit relative to overall scheme GDV which would be made into a small surplus through reducing the carbon offsetting payment.

2.9 We have reduced carbon offset sum in modelling each of the three scenarios.

2.10 It can be seen that only the current scheme (reduced S106) and scenario 3 would generate a surplus compared to the current proposal. In large part reflecting the savings to scheme costs of £344,764 from reduced S106 payments.

2.11 Reflecting the analysis above scenario 3 would appear to offer both the highest number of affordable units and 11 units of social rent and 4 of shared ownership whilst maintaining a viable scheme. The modest £23,000 surplus represents an effective breakeven point given the scaler of the development. We accept the Council will form its own views on the optimum tenure mix of those offered.

2.12 We are satisfied on our modelling of the scheme that it cannot reasonably contribute additional affordable housing above the levels shown without potentially falling into deficit which may prejudice scheme delivery or necessitate a further reduction in other scheme costs.

2.13 It should be noted that the capitalisation yields adopted in the scheme appraisals and agreed with the applicant have not been adjusted to reflect the increasing signs of the decision to leave the European Union. In our opinion this represents an optimistic outlook and one which favours overall viability

2.14 Our appraisals are attached in Appendix 1 below:

Scheme Appraisals

Lambs Passage
Proposed Scheme - Reduced

Development Appraisal
BPS Surveyors
03 August 2016

**Lambs Passage
Proposed Scheme - Reduced**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Residential	20	14,510	1,278.14	927,291	18,545,811
Social Rent	10	5,974	216.97	129,618	1,296,179
Shared Ownership	<u>5</u>	<u>3,132</u>	567.47	355,463	<u>1,777,316</u>
Totals	35	23,616			21,619,306

Rental Area Summary

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	20			300	6,000	6,000
Hotel	1	28,730	46.98	1,349,735	1,349,735	1,349,735
Retail	1	861	35.00	30,135	30,135	30,135
Gym	1	2,831	19.30	54,625	54,625	54,625
Restaurant	1	13,778		0	0	
Office GF	1	2,841	42.50	120,743	120,743	120,743
Offices Basement	1	13,616	25.00	340,400	340,400	340,400
Affordable Office	<u>1</u>	<u>3,595</u>	8.00	28,760	<u>28,760</u>	<u>28,760</u>
Totals	27	66,252			1,930,398	1,930,398

Investment Valuation

Ground Rents					
Current Rent	6,000	YP @	5.5000%	18.1818	109,091
Hotel					
Current Rent	1,349,735	YP @	7.5000%	13.3333	17,996,467
Retail					
Current Rent	30,135	YP @	6.0000%	16.6667	502,250
Gym					
Current Rent	54,625	YP @	7.0000%	14.2857	780,357
Restaurant					
Manual Value					1
Office GF					
Current Rent	120,743	YP @	6.0000%	16.6667	2,012,383
Offices Basement					
Current Rent	340,400	YP @	6.0000%	16.6667	5,673,333
Affordable Office					
Current Rent	28,760	YP @	7.0000%	14.2857	410,857
					27,484,740

GROSS DEVELOPMENT VALUE 49,104,046

NET REALISATION 49,104,046

OUTLAY

ACQUISITION COSTS

Fixed Price		4,847,567		4,847,567
Stamp Duty	5.00%	242,378		
Agent Fee	1.00%	48,476		
Legal Fee	0.50%	24,238		
				315,092

CONSTRUCTION COSTS

Lease Rent	545,000			
Mayoral CIL	528,060			
Borough CIL	2,198,209			
106 Monitoring	10,538			
Employment training	35,352			
carbon offsetting	397,624			
work placements	45,000			
accessible parking	16,000			
				3,775,783

Other Construction

Construction Costs	24,755,000			
Hotel Opening costs	1,094,000			
				25,849,000

MARKETING & LETTING

Lambs Passage

Proposed Scheme - Reduced

Marketing		599,195	
Letting Agent Fee	15.00%	87,099	
Letting Legal Fee	2.00%	38,608	
			724,902

DISPOSAL FEES

Purchasers costs Ground Rents	4.80%	5,236	
Purchasers costs Commercial	5.80%	1,594,115	
Private Residential	1.50%	278,187	
Affordable	1.50%	46,102	
Ground Rents	1.50%	1,636	
legal private		12,000	
legal affordable	0.50%	15,367	
legal commmercial	0.15%	41,063	
Legal Ground rent	3.00%	3,273	
			1,996,981

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		942,833	
Construction		2,837,594	
Total Finance Cost			3,780,427

TOTAL COSTS

41,289,752

PROFIT

7,814,294

Performance Measures

Profit on Cost%	18.93%	
Profit on GDV%	15.91%	
Profit on NDV%	15.91%	
Development Yield% (on Rent)	4.68%	
Equivalent Yield% (Nominal)	7.02%	
Equivalent Yield% (True)	7.34%	
IRR	19.86%	
Rent Cover	4 yrs 1 mth	
Profit Erosion (finance rate 7.000%)	2 yrs 6 mths	

Lambs Passage
Lower 106
Proposed Scheme - Reduced

Development Appraisal
BPS Surveyors
03 August 2016

**Lambs Passage
Lower 106
Proposed Scheme - Reduced**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Residential	20	14,510	1,278.14	927,291	18,545,811
Social Rent	10	5,974	216.97	129,618	1,296,179
Shared Ownership	5	3,132	567.47	355,463	1,777,316
Totals	35	23,616			21,619,306

Rental Area Summary

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	20			300	6,000	6,000
Hotel	1	28,730	46.98	1,349,735	1,349,735	1,349,735
Retail	1	861	35.00	30,135	30,135	30,135
Gym	1	2,831	19.30	54,625	54,625	54,625
Restaurant	1	13,778		0	0	
Office GF	1	2,841	42.50	120,743	120,743	120,743
Offices Basement	1	13,616	25.00	340,400	340,400	340,400
Affordable Office	1	3,595	8.00	28,760	28,760	28,760
Totals	27	66,252			1,930,398	1,930,398

Investment Valuation

Ground Rents					
Current Rent	6,000	YP @	5.5000%	18.1818	109,091
Hotel					
Current Rent	1,349,735	YP @	7.5000%	13.3333	17,996,467
Retail					
Current Rent	30,135	YP @	6.0000%	16.6667	502,250
Gym					
Current Rent	54,625	YP @	7.0000%	14.2857	780,357
Restaurant					
Manual Value					1
Office GF					
Current Rent	120,743	YP @	6.0000%	16.6667	2,012,383
Offices Basement					
Current Rent	340,400	YP @	6.0000%	16.6667	5,673,333
Affordable Office					
Current Rent	28,760	YP @	7.0000%	14.2857	410,857
					27,484,740

GROSS DEVELOPMENT VALUE 49,104,046

NET REALISATION 49,104,046

OUTLAY

ACQUISITION COSTS

Fixed Price			4,847,567		4,847,567
Stamp Duty		5.00%	242,378		
Agent Fee		1.00%	48,476		
Legal Fee		0.50%	24,238		
					315,092

CONSTRUCTION COSTS

Lease Rent			545,000		
Mayoral CIL			528,060		
Borough CIL			2,198,209		
106 Monitoring			10,538		
Employment training			35,352		
carbon offsetting			52,860		
work placements			45,000		
accessible parking			16,000		
					3,431,019

Other Construction

Construction Costs			24,755,000		
Hotel Opening costs			1,094,000		
					25,849,000

Lambs Passage

Lower 106

Proposed Scheme - Reduced

MARKETING & LETTING

Marketing		599,195	
Letting Agent Fee	15.00%	87,099	
Letting Legal Fee	2.00%	38,608	
			724,902

DISPOSAL FEES

Purchasers costs Ground Rents	4.80%	5,236	
Purchasers costs Commercial	5.80%	1,594,115	
Private Residential	1.50%	278,187	
Affordable	1.50%	46,102	
Ground Rents	1.50%	1,636	
legal private		12,000	
legal affordable	0.50%	15,367	
legal commmercial	0.15%	41,063	
Legal Ground rent	3.00%	3,273	
			1,996,981

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		942,833	
Construction		2,786,265	
Total Finance Cost			3,729,098

TOTAL COSTS

40,893,659

PROFIT

8,210,387

Performance Measures

Profit on Cost%	20.08%
Profit on GDV%	16.72%
Profit on NDV%	16.72%
Development Yield% (on Rent)	4.72%
Equivalent Yield% (Nominal)	7.02%
Equivalent Yield% (True)	7.34%
 IRR	 20.68%
 Rent Cover	 4 yrs 3 mths
Profit Erosion (finance rate 7.000%)	2 yrs 8 mths

Lambs Passage

Reduced 106

Proposed Scheme - Reduced Scenario 1

Development Appraisal
BPS Surveyors
03 August 2016

**Lambs Passage
Reduced 106
Proposed Scheme - Reduced Scenario 1**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Residential	19	13,854	1,278.14	931,966	17,707,352
Social Rent	10	5,974	216.97	129,618	1,296,179
Shared Ownership	<u>6</u>	<u>3,788</u>	567.47	358,263	<u>2,149,576</u>
Totals	35	23,616			21,153,107

Rental Area Summary

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	20			300	6,000	6,000
Hotel	1	28,730	46.98	1,349,735	1,349,735	1,349,735
Retail	1	861	35.00	30,135	30,135	30,135
Gym	1	2,831	19.30	54,625	54,625	54,625
Restaurant	1	13,778		0	0	
Office GF	1	2,841	42.50	120,743	120,743	120,743
Offices Basement	1	13,616	25.00	340,400	340,400	340,400
Affordable Office	<u>1</u>	<u>3,595</u>	8.00	28,760	<u>28,760</u>	<u>28,760</u>
Totals	27	66,252			1,930,398	1,930,398

Investment Valuation

Ground Rents					
Current Rent	6,000	YP @	5.5000%	18.1818	109,091
Hotel					
Current Rent	1,349,735	YP @	7.5000%	13.3333	17,996,467
Retail					
Current Rent	30,135	YP @	6.0000%	16.6667	502,250
Gym					
Current Rent	54,625	YP @	7.0000%	14.2857	780,357
Restaurant					
Manual Value					1
Office GF					
Current Rent	120,743	YP @	6.0000%	16.6667	2,012,383
Offices Basement					
Current Rent	340,400	YP @	6.0000%	16.6667	5,673,333
Affordable Office					
Current Rent	28,760	YP @	7.0000%	14.2857	410,857
					27,484,740

GROSS DEVELOPMENT VALUE 48,637,846

NET REALISATION 48,637,846

OUTLAY

ACQUISITION COSTS

Fixed Price		4,847,567		4,847,567
Stamp Duty	5.00%	242,378		
Agent Fee	1.00%	48,476		
Legal Fee	0.50%	24,238		
				315,092

CONSTRUCTION COSTS

Lease Rent		545,000		
Mayoral CIL		528,060		
Borough CIL		2,198,209		
106 Monitoring		10,538		
Employment training		35,352		
carbon offsetting		52,860		
work placements		45,000		
accessible parking		16,000		
				3,431,019

Other Construction

Construction Costs		24,755,000		
Hotel Opening costs		1,094,000		
				25,849,000

**Lambs Passage
Reduced 106
Proposed Scheme - Reduced Scenario 1**

MARKETING & LETTING

Marketing		599,195	
Letting Agent Fee	15.00%	87,099	
Letting Legal Fee	2.00%	38,608	
			724,902

DISPOSAL FEES

Purchasers costs Ground Rents	4.80%	5,236	
Purchasers costs Commercial	5.80%	1,594,115	
Private Residential	1.50%	265,610	
Affordable	1.50%	51,686	
Ground Rents	1.50%	1,636	
legal private		12,000	
legal affordable	0.50%	17,229	
legal commmercial	0.15%	41,063	
Legal Ground rent	3.00%	3,273	
			1,991,849

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		942,833	
Construction		2,786,265	
Total Finance Cost			3,729,098

TOTAL COSTS

40,888,527

PROFIT

7,749,319

Performance Measures

Profit on Cost%	18.95%
Profit on GDV%	15.93%
Profit on NDV%	15.93%
Development Yield% (on Rent)	4.72%
Equivalent Yield% (Nominal)	7.02%
Equivalent Yield% (True)	7.34%
IRR	19.93%
Rent Cover	4 yrs
Profit Erosion (finance rate 7.000%)	2 yrs 6 mths

Lambs Passage

Reduced 106

Proposed Scheme - Reduced Scenario 2

**Lambs Passage
Reduced 106
Proposed Scheme - Reduced Scenario 2**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Residential	21	14,392	1,278.14	875,952	18,394,991
Social Rent	<u>14</u>	<u>0</u>	216.97	131,453	<u>1,840,340</u>
Totals	35	14,392			20,235,330

Rental Area Summary

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	20			300	6,000	6,000
Hotel	1	28,730	46.98	1,349,735	1,349,735	1,349,735
Retail	1	861	35.00	30,135	30,135	30,135
Gym	1	2,831	19.30	54,625	54,625	54,625
Restaurant	1	13,778		0	0	
Office GF	1	2,841	42.50	120,743	120,743	120,743
Offices Basement	1	13,616	25.00	340,400	340,400	340,400
Affordable Office	<u>1</u>	<u>3,595</u>	8.00	28,760	<u>28,760</u>	<u>28,760</u>
Totals	27	66,252			1,930,398	1,930,398

Investment Valuation

Ground Rents					
Current Rent	6,000	YP @	5.5000%	18.1818	109,091
Hotel					
Current Rent	1,349,735	YP @	7.5000%	13.3333	17,996,467
Retail					
Current Rent	30,135	YP @	6.0000%	16.6667	502,250
Gym					
Current Rent	54,625	YP @	7.0000%	14.2857	780,357
Restaurant					
Manual Value					1
Office GF					
Current Rent	120,743	YP @	6.0000%	16.6667	2,012,383
Offices Basement					
Current Rent	340,400	YP @	6.0000%	16.6667	5,673,333
Affordable Office					
Current Rent	28,760	YP @	7.0000%	14.2857	410,857
					27,484,740

GROSS DEVELOPMENT VALUE 47,720,070

NET REALISATION 47,720,070

OUTLAY

ACQUISITION COSTS

Fixed Price		4,847,567			
				4,847,567	
Stamp Duty	5.00%	242,378			
Agent Fee	1.00%	48,476			
Legal Fee	0.50%	24,238			
				315,092	

CONSTRUCTION COSTS

Lease Rent		545,000			
Mayoral CIL		528,060			
Borough CIL		2,198,209			
106 Monitoring		10,538			
Employment training		35,352			
carbon offsetting		52,860			
work placements		45,000			
accessible parking		16,000			
				3,431,019	

Other Construction

Construction Costs		24,755,000			
Hotel Opening costs		1,094,000			
				25,849,000	

MARKETING & LETTING

Lambs Passage

Reduced 106

Proposed Scheme - Reduced Scenario 2

Marketing		599,195	
Letting Agent Fee	15.00%	87,099	
Letting Legal Fee	2.00%	38,608	
			724,902
DISPOSAL FEES			
Purchasers costs Ground Rents	4.80%	5,236	
Purchasers costs Commercial	5.80%	1,594,115	
Private Residential	1.50%	275,925	
Affordable	1.50%	27,605	
Ground Rents	1.50%	1,636	
legal private		12,000	
legal affordable	0.50%	9,202	
legal commmercial	0.15%	41,063	
Legal Ground rent	3.00%	3,273	
			1,970,055
FINANCE			
Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		942,833	
Construction		2,786,265	
Total Finance Cost			3,729,098
TOTAL COSTS			40,866,734
PROFIT			6,853,336
Performance Measures			
Profit on Cost%		16.77%	
Profit on GDV%		14.36%	
Profit on NDV%		14.36%	
Development Yield% (on Rent)		4.72%	
Equivalent Yield% (Nominal)		7.02%	
Equivalent Yield% (True)		7.34%	
IRR		18.47%	
Rent Cover		3 yrs 7 mths	
Profit Erosion (finance rate 7.000%)		2 yrs 3 mths	

Lambs Passage

Reduced 106

Proposed Scheme - Reduced - Scenario 3

**Lambs Passage
Reduced 106
Proposed Scheme - Reduced - Scenario 3**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Private Residential	20	14,510	1,278.14	927,291	18,545,811
Social Rent	11	6,512	216.97	128,446	1,412,909
Shared Ownership	4	2,594	567.47	368,004	1,472,017
Totals	35	23,616			21,430,737

Rental Area Summary

	Units	ft ²	Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	20			300	6,000	6,000
Hotel	1	28,730	46.98	1,349,735	1,349,735	1,349,735
Retail	1	861	35.00	30,135	30,135	30,135
Gym	1	2,831	19.30	54,625	54,625	54,625
Restaurant	1	13,778		0	0	
Office GF	1	2,841	42.50	120,743	120,743	120,743
Offices Basement	1	13,616	25.00	340,400	340,400	340,400
Affordable Office	1	3,595	8.00	28,760	28,760	28,760
Totals	27	66,252			1,930,398	1,930,398

Investment Valuation

Ground Rents					
Current Rent	6,000	YP @	5.5000%	18.1818	109,091
Hotel					
Current Rent	1,349,735	YP @	7.5000%	13.3333	17,996,467
Retail					
Current Rent	30,135	YP @	6.0000%	16.6667	502,250
Gym					
Current Rent	54,625	YP @	7.0000%	14.2857	780,357
Restaurant					
Manual Value					1
Office GF					
Current Rent	120,743	YP @	6.0000%	16.6667	2,012,383
Offices Basement					
Current Rent	340,400	YP @	6.0000%	16.6667	5,673,333
Affordable Office					
Current Rent	28,760	YP @	7.0000%	14.2857	410,857
					27,484,740

GROSS DEVELOPMENT VALUE 48,915,477

NET REALISATION 48,915,477

OUTLAY

ACQUISITION COSTS

Fixed Price			4,847,567		
				4,847,567	
Stamp Duty	5.00%	242,378			
Agent Fee	1.00%	48,476			
Legal Fee	0.50%	24,238			
				315,092	

CONSTRUCTION COSTS

Lease Rent		545,000			
Mayoral CIL		528,060			
Borough CIL		2,198,209			
106 Monitoring		10,538			
Employment training		35,352			
carbon offsetting		52,860			
work placements		45,000			
accessible parking		16,000			
				3,431,019	

Other Construction

Construction Costs		24,755,000			
Hotel Opening costs		1,094,000			
				25,849,000	

Lambs Passage

Reduced 106

Proposed Scheme - Reduced - Scenario 3

MARKETING & LETTING

Marketing		599,195	
Letting Agent Fee	15.00%	87,099	
Letting Legal Fee	2.00%	38,608	
			724,902

DISPOSAL FEES

Purchasers costs Ground Rents	4.80%	5,236	
Purchasers costs Commercial	5.80%	1,594,115	
Private Residential	1.50%	278,187	
Affordable	1.50%	43,274	
Ground Rents	1.50%	1,636	
legal private		12,000	
legal affordable	0.50%	14,425	
legal commmercial	0.15%	41,063	
Legal Ground rent	3.00%	3,273	
			1,993,210

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		942,833	
Construction		2,786,265	
Total Finance Cost			3,729,098

TOTAL COSTS

40,889,888

PROFIT

8,025,589

Performance Measures

Profit on Cost%	19.63%
Profit on GDV%	16.41%
Profit on NDV%	16.41%
Development Yield% (on Rent)	4.72%
Equivalent Yield% (Nominal)	7.02%
Equivalent Yield% (True)	7.34%
IRR	20.38%
Rent Cover	4 yrs 2 mths
Profit Erosion (finance rate 7.000%)	2 yrs 7 mths

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	13 September 2016	NON-EXEMPT

Application number	P2016/0536/LBC
Application type	Listed Building Consent
Ward	Bunhill & Clerkenwell
Listed building	Grade II
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas.
Development Plan Context	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE
Proposal	The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 7 storey building providing 35 residential units (15 affordable, 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. (Full planning permission ref: P2016/0488/FUL also submitted).

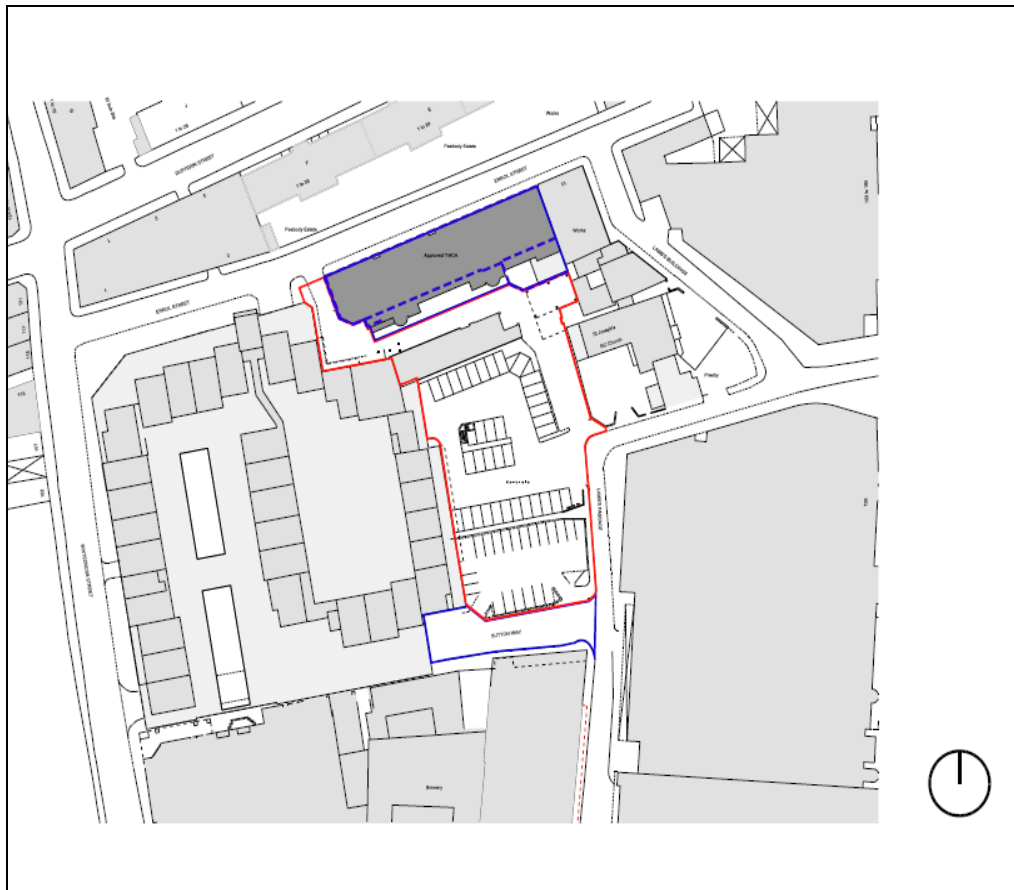
Case Officer	Matt Duigan
Applicant	London City Shopping Centre Ltd & Lamb's Passage Real Estate
Agent	Barton Willmore

RECOMMENDATION

The Committee is asked to resolve to GRANT listed building consent:

1. Subject to the conditions set out in Appendix 1; and
2. Subject to members resolving to grant planning permission for the related planning application ref P2016/0488/FUL

SITE PLAN (site outlined in black)



1.0 SUMMARY

- 1.1 The site includes the Grade II listed Whitbread Brewery vaults which are beneath the car park. The site is in close proximity and within the setting of the grade II listed Whitbread Brewery buildings, in close proximity to St. Luke's and Chiswell Street Conservation areas and also within the Moorfields Archaeological Priority Area. The site is additionally within the setting of No.12 Errol Street which is a non-designated heritage asset.
- 1.2 The site is currently occupied by a surface level car park and 20th century building of no architectural or historic significance – there is no objection to the demolition of this building or the redevelopment of the site in principle.
- 1.3 The basement cellars are proposed to be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block(gymnasium) and the less sensitive lower basement area would be used as office space.

- 1.4 There would be some alteration to the underground vaults as a result of their conversion into usable spaces, including loss of historic fabric, subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is comprehensive and justifies the proposed interventions into the fabric. The interventions are limited so as to avoid harming the character and special interest of the spaces.
- 1.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest. Subject to conditions of consent the proposals are supported and acceptable.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site and its surroundings are described in the report for the accompanying application for planning permission (ref: P2016/0488/FUL).

3.0 PROPOSAL (in Detail)

- 3.1 The applicant seeks listed building consent for the conversion and alterations to the existing grade II statutorily listed underground vaults at lower and upper basement level to enable these spaces to be used for restaurant uses, ancillary spaces, gym, plant and machinery spaces.
- 3.2 The following interventions are proposed:
- I. Demolition of walls and some jack arches in north-east corner to provide new staircase and lightwell into cellars to create a welcoming entrance to the restaurant: The fabric of this area has been altered historically and is less sensitive to change. The lightwell and stairs have been orientated in respect of the existing basement footprint. Internal finishes are proposed to demonstrate the transition between new and historic. Downstands and nibs will be retained to indicate where the walls would have been. Tiled jack arches will be preserved to the south of the staircase.
 - II. Demolition of parts of walls to provide access from east side to the west side of cellar. This will enable the full area of the basement to be used. This level of intervention has been kept to a minimum and the majority of the spaces are to be retained and enhanced through a new use.
 - III. Insertion of foundations/piles through the existing structure to support the hotel above; Just as the foundations of the Shire House development have been inserted into the historic fabric so too are the proposed buildings foundations to be located within the walls of the cellars. The ground floor layout and structural design for the buildings has been specifically redesigned to account for the layout of the basement so that the piles do not fall within the centre of the spaces but retain the character and proportions of the long vaults.
 - IV. Insertion of partitions to split the restaurant demise from the private residential demise. The partitions are necessary for the development to be implemented but can be carried out in a sensitive manner to ensure the fabric of the structure is preserved. Any partitions will be removable and will not require demolition of any fabric.
 - V. Lowering of the floor level to provide adequate headroom and relaying of some of the metal tracks. In order to use the vaulted spaces for the proposed restaurant it is necessary to dig out the existing floor levels.

- VI. Removal of infill bricks around piles to create views through the area. This will enhance the appearance of the spaces and provide a better understanding of the interaction between and scale of the vaulted areas, enhancing heritage significance.
- VII. Damp proofing to the lower half of the walls with the upper parts being left as exposed brick where possible. Damp proofing the lower part of the walls will enable the spaces to be usable without compromising the experience of being in a brick vault.
- VIII. Division of the 20th century concrete area on the western side of the cellars to provide kitchen and bathrooms.
- IX. Removal of later modern inserted staircases to split the lower basement from the basement level. Removing this stair will enable the entire basement vaulted area to be read as one historic entity with the sub-basement level an entirely separate space, as it would have been originally.
- X. Insertion of piles of the building above, the piles have been designed to sit as close to the existing walls or within them so as to maintain the spatial qualities of the vaults.
- XI. Insertion of new stair core and lift to west of double height jack arch cellars.

4.0 RELEVANT HISTORY

Planning Applications

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

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

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

The Council's statement of case notes refusal of the scheme due to the unacceptable loss of the grade II listed vaults, The appeal was withdrawn by the appellant.

P060460 – *Planning application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace.* The application was withdrawn.

P060458 – *Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1617sqm of B1 floorspace.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.

P2013/3297/LBC dated 31 July 2014 was an application for Listed Building Consent seeking approval for the following: *"The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements."*

The application was refused for the following reason:

“In the absence of a valid planning permission for the associated redevelopment of the site, the granting of listed building consent is considered to be premature. Without an associate planning permission there is no justification for the works to the listed vaults and it is therefore considered that the provisions of section 12 of the NPPF 2012 are not met.”

The Listed Building application had accompanied an application for full planning permission (ref: P2013/3257/FUL). The Council's decision was contested at a co-joined appeal (which considered both decision ref: P2013/3257/FUL and P2013/3297/LBC), where the Planning Inspectorate dismissed the appeal.

P2013/3257/FUL dated 31 July 2014 refused permission for the following: Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.

The application was refused for the following reason:

“The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6 of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE ‘Site layout planning for daylight and sunlight: a guide to good practice’ (Second Edition 2011) and the Lamb’s Passage Development Brief dated 2006. The benefits of the scheme are not considered to outweigh this harm.”

The Council's decision was contested at a co-joined appeal (co-joined with the listed building decision ref: P2013/3297/LBC), where the Planning Inspectorate dismissed both appeals, and noted the following:

“The proposal the subject of Appeal A would undermine the living conditions of residents of No.1 Lamb’s Passage and Shire House through loss of daylight and visual impact. It would however bring forward significant environmental improvements in townscape terms, provide a new use for an under-used part of a listed building and bring forward much-needed open-market housing and employment generating uses. However, the approach to the provision of affordable housing fails to accord with the requirements of CS Policy CS 12 in that in certain circumstances, the proposal would not bring forward the amount of affordable housing it could, or indeed should.

Bringing all these points together, I find that the benefits of the proposal, in the form it is presented, are not sufficient to outweigh the harmful impacts identified. I reach that conclusion because much the same benefit could be secured by a proposal that addressed the issue of affordable housing in a way that better reflected the objectives of CS Policy CS 12.

In the light of that conclusion on Appeal A, there is no larger scheme to underpin a grant of consent for the works proposed to the listed building that form part of it. It would not be correct to grant consent for those works in that overall context.

For the reasons given above I conclude that the appeals should be dismissed.”

Relevant Planning Applications for Adjoining Sites

1 Lamb's Passage - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb's Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.

YMCA, Errol Street - planning permission (ref. 2012/0637/FUL) was granted on 7th May 2014 for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

5.0 CONSULTATION

- 5.1 Letters were sent to occupants of 290 adjoining and nearby properties, including along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb's Passage on the on 10 March 2016. 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 31 March 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 5.2 A total of 23 letters objection have been received from the public with regard to the application. The issues raised have been summarised and detailed within the accompanying full planning application ref: P2016/0488/FUL.
- 5.3 In relation to listed building issues an objector was concerned that the proposal would result in the loss through demolition of the historic vaults. This is not the case; it is proposed to refurbish the vaults and to use these as restaurant space.
- 5.4 The application was revised in June 2016 to address concerns over the impact the scheme would have on the amenity of neighbours and to ensure the mix and balance of uses better aligns with newly adopted policy guidance.
- 5.5 Following receipt of the revised plans and details a second round of consultation was undertaken on 20 June 2016 (expiring on 14 July 2016). While the consultation period ended on 14 July 2016, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 5.6 At the time of the writing of this report a total of 7 (3 of which were from the same respondent) responses had been received from the public with regard to the application, which reiterated earlier concerns.

External Consultee

- 5.7 **Historic England (Greater London Archaeology Advisory Service) and Historic England**

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The proposed new access and change of use is unlikely to cause significant harm to archaeological interest given the relatively small-scale of proposed groundworks. Although of historical interest in themselves the cellars will have removed earlier remains over most of the site.

No further assessment is therefore necessary.

Internal Consultees

- 5.8 Design and Conservation Officer noted that the proposals are near identical with regard to the effect on the special architectural or historic interest of the site as those proposed under application P/2013/3257/FUL and P/2013/3297/LBC (where no objection was raised). As such, subject to the same conditions there would be no objections to the proposal.

6.0 RELEVANT POLICIES

- 6.1 Details of all relevant policies are attached in Appendix 2.

7.0 ASSESSMENT

Principle of Development

- 7.1 The redevelopment and alterations to the existing underground listed vaults would bring back into productive use these architecturally significant yet redundant features. The proposed use would ensure that the existing vaults are comprehensively renovated and maintained to create a use which would facilitate the enjoyment of these unique historical spaces of the site, providing an opportunity to bring these unique spaces back into commercial use and allowing public access to the sites.

Land Use

- 7.2 The proposed uses of the existing vaults for restaurant, gym, office and related spaces are considered appropriate to its history and character. These uses will create the opportunity for patrons of the uses to visit and experience this historical space which is not the case at present.

Proposed works

- 7.3 The basement cellars would be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block.
- 7.4 The proposals offer opportunities to both conserve and reveal the significance of the vaults through sympathetic conversion of the cellars. Inevitably such conversion will entail some loss or alteration of historic fabric, including subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is comprehensive and justifies the proposed interventions into the fabric. The works are limited so as to avoid harming the character and interest of the spaces.
- 7.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest.
- 7.6 Concerns raised by residents regarding the potential to damage the integrity of the existing vaults have been considered fully. The evidence provided and the proposals generally are considered to refurbish and bring the vaults back into productive use which will ensure their long term viability and use into the future. Various conditions to ensure the protection of the historic fabric, overall character and significant remnants shall be attached to the listed building application.

National Planning Policy Framework

- 7.7 The proposal is considered to be compliant with the NPPF's planning policies regarding conserving and enhancing the historic environment (section 12) and in particular paragraph 134.

8.0 SUMMARY AND CONCLUSION

Summary

- 8.1 The proposed conversion, alterations and refurbishment of the existing listed vaults beneath the application site is acceptable in principle, with public benefits to be gained. Subject to appropriate conditions there would be benefits which weigh positively in favour of granting listed building consent, and which help to outweigh the minimal impact on the listed building that the proposed works would cause. The proposal would comply with policies 7.6, 7.8 and 7.9 of the London Plan (2015), policies CS7, CS8, CS9 of the Islington Core Strategy 2011, policy DM2.3 of the Development Management Policies (2013).
- 8.2 Conditions relating to specific aspects of the proposed works to the listed building are recommended.
- 8.3 Given the proposed development's level of compliance with planning policies (including those of the NPPF and the London Plan), as a result of the public benefits of opening up access and beneficial use of the vaults it is recommended that listed building consent be granted.

Conclusion

- 8.4 It is recommended that listed building consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT listed building consent subject to the Council's resolution to approve the accompanying application for planning permission (ref: P2016/0488/FUL).

RECOMMENDATION B

That the grant of listed building consent be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Updated Planning and Regeneration Statement ref: 25777/A5/Reports (15 June 2016), Financial Appraisal Amended Scheme (8 June 2016), Design and Access Statement and Design and Access Statement Addendum Rev A (August 2016), GIA Daylight and Sunlight ref: 4749 (14 June 2016), Sustainability Statement XCO2 Energy ref: 8319 issue 02, Energy Statement XCO2 Energy ref: 8319 (13 June 2016), Proposed Hotel Indigo, Barbican, London, Market and Viability Study, London City Shopping Centre Ltd & Lamb's Passage Real Estate Ltd (June 2016), Lambs Passage Li56:183 Area Schedule Rev M (13 June 2016), Hotel & Office Management Document (June 2016), Structural Method Statement ref: 061620 Rev: 01 (1 July 2016), Email from Hyde Housing (29 April 2016), Architectural and Built Heritage Assessment Heritage Collective ref: L\Jen's HC documents\Lambs Passage\2016 Application\2016.01.29 Lambs Passage Heritage and DBA report1.docx (February 2016), Noise and Vibration Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Air Quality Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Transport Assessment and Travel Plan Template SCP REF: JRB/13814/TA/01 (February 2016), Structural Strategy Report LO1403-REP-001 Lamb's Passage, Statement of Community Involvement (February 2016), Geotechnical and Geo-Environmental Desk Study ref: GE15288-DSR-JAN16 Ver 1.0, Drainage Strategy Report, Curtins Ref: LO1403-REP-002 Rev 02 (29 January 2016), Public Realm Strategy BMD REF: BMD197.PRS.001 Rev 9 (February 2016), Over Heating Analysis XCO2 Energy February 2016, 02-01-001 A, 02-02-001 I, 02-03-001 J, 02-03-002 L, 02-03-003 O, 02-03-004 I, 02-03-005 I, 02-03-006 I, 02-03-007 H, 02-03-008 J, 02-03-09 I, 02-03-010 J, 02-03-012 B, 02-04-001 D, 02-04-002 E, 02-05-001 F, 02-05-002 F, 02-05-003 E, 02-05-004 H, 02-05-005 E, 02-91-001 A, 02-91-002 C, 02-91-003 A, 02-91-004, 02-91-005, 02-91-006, 02-91-007, 02-91-008, 02-91-009, 02-91-010.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>

<p>3</p>	<p>Details to match-Listed buildings</p> <p>All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>4</p>	<p>Details of vaults excavation</p> <p>Notwithstanding the plans hereby approved, full details of the excavation proposed within the vaults in relation to increasing floor to ceiling heights shall be submitted to and approved in writing by the LPA prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>5</p>	<p>No removal of historic fabric</p> <p>Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or repaired prior to full details detailing their protection, repair or relocation have been submitted and approved by the Council.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<p>6</p>	<p>Details of final fixtures and fittings</p> <p>Notwithstanding the plans hereby approved, full details and detailed drawings of the proposed treatment of all historic fabric, fixtures and fittings including damp proofing measures, within the vaults shall be submitted to the LPA, prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>These shall include, but are not limited to:</p> <ul style="list-style-type: none"> a) Any staircases at below ground level b) Light fittings (including cabling) c) Ductwork (including trunking locations) d) Flooring <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

7	Details of kitchen ventilation/extraction
	<p>Details of kitchen ventilation/extraction and intake and related plant for any A3 and gym uses within the listed vaults shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard and to ensure the significance of the listed building is not harmed.</p>

APPENDIX 2 – RELEVANT POLICIES

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

1 **National Guidance**

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

2 **Development Plan**

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

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

7 London's living places and spaces

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing

Islington's Built and Historic Environment)

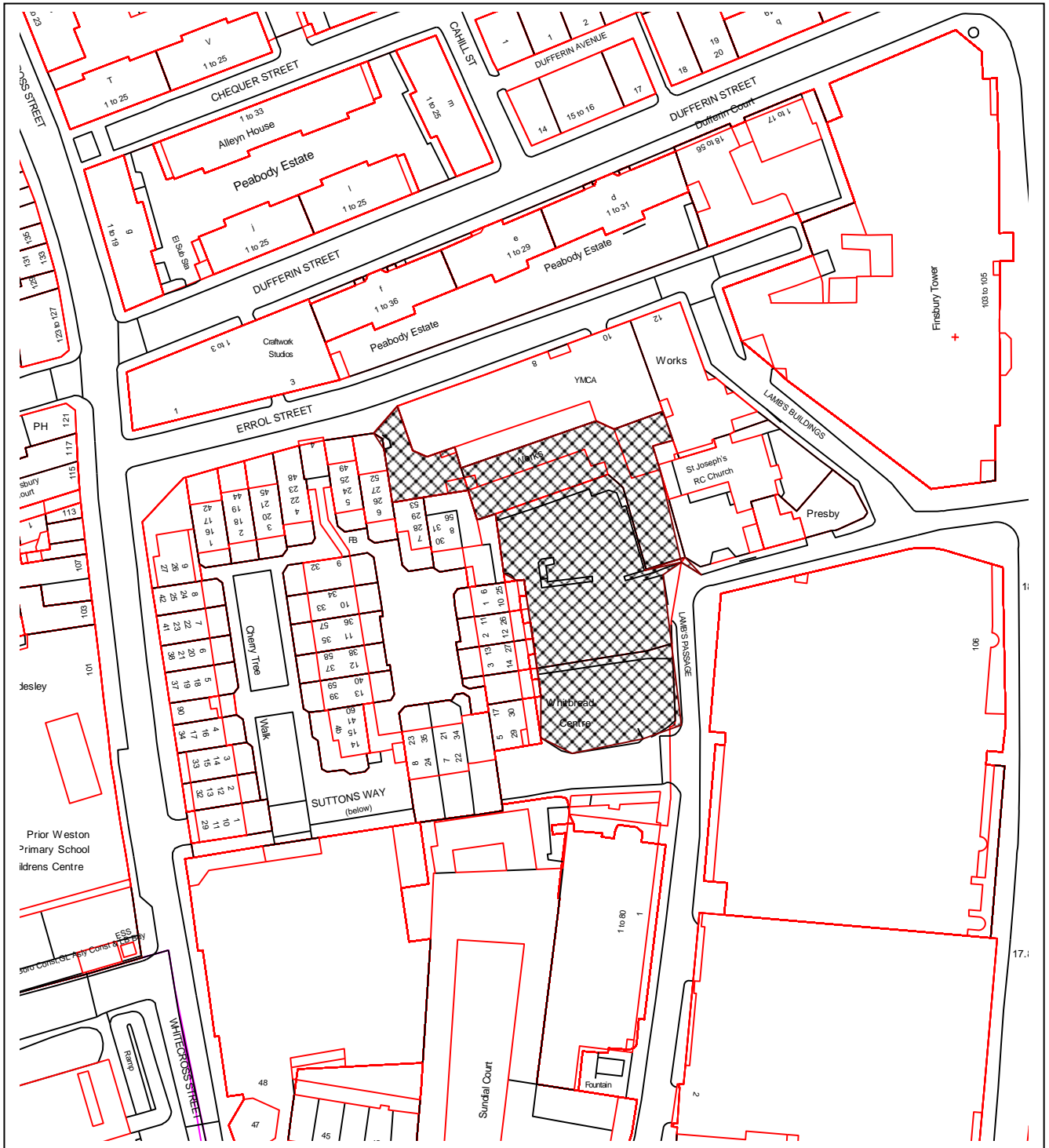
C) Islington's Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

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