



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 December 2016 at 7.30 pm.**

Stephen Gerrard
Director – Law and Governance

Enquiries to : Zoe Lewis
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 5 December 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	
6. Minutes of Previous Meeting	1 - 6
B. Consideration of Planning Applications	Page
1. 15-21 and 11-13 Benwell Road	9 - 46
2. 55-61 Brewery Road, London, N7 9QH	47 - 116

3. Fitzpatrick Building, 188-194 York Way, London, N7 9AS

117 -
170

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, 17 January 2017

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 - 13 October 2016

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 13 October 2016 at 7.30 pm.

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

Also Present: **Councillors:** Claudia Webbe and Diarmaid Ward

Councillor Robert Khan in the Chair

237 **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.

238 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Donovan.

239 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A2)**

There were no substitute members.

240 **DECLARATIONS OF INTEREST (Item A3)**

Councillor Convery declared that he had a pre-determined view on Agenda Item B4 so would not take part in the consideration of this item.

241 **ORDER OF BUSINESS (Item A4)**

The order of business would be B3, B5, B6, B4, B2 and B1.

242 **MINUTES OF PREVIOUS MEETING (Item A5)**

RESOLVED:

That the minutes of the meeting held on 13 September 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

243 **273 CAMDEN ROAD, LONDON, N7 0JN (Item B1)**

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.

(Planning application number: P2015/5306/FUL)

In the discussion the following points were made:

- The planning officer stated that there should be an additional condition to require a bat survey to be submitted.
- The planning officer had been deferred at the May 2016 and September 2016 committee meetings as there were outstanding questions regarding the affordable housing provision.

Planning Committee - 13 October 2016

- The applicant had taken on board the committee's concerns about the number of social housing units and had now proposed one core accessed by three tenures. The affordable housing provision had changed as a consequence and the number of social rented units had increased.
- Concern was raised about the proposed £1m profit that would be extracted from the scheme. The applicant stated it would cover risk and was a standard provision. The BPS representative advised that recent government changes meant registered providers were now treated the same as private developers and this was considered to be a normal level of profit.

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.

244

36-44 TABERNACLE STREET, LONDON, EC2A 4DT (Item B2)

Partial demolition of existing four storey B1 (a) office building, and construction of a new part 5, part 6 storey 2,369sqm B1 (a) office building.

(Planning application number: P2016/1655/FUL)

In the discussion the following points were made:

- The planning officer stated that the details in Condition 5 should be submitted prior to any work commencing, Conditions 6 and 8 should be complied with prior to first occupation, Condition 10 should include reference to any relevant features and Condition 15 should have the reference to TfL removed.
- The design of the proposed development was discussed. It provided more office space in a similar footprint to the existing building.

Councillor Klute proposed a motion to amend Condition 3 to require solid brickwork. This was seconded by Councillor O'Halloran and carried.

Councillor Klute proposed a motion to amend Condition 14 to include details of the type and noise output of demolition techniques. 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 as amended above and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

245

55-61 BREWERY ROAD, LONDON, N7 9QH (Item B3)

Demolition of the existing building and the erection of a 5 storey (plus basement) building including a total of 1,745 sqm of Class B1 floorspace comprising office (Class B1 (a)) and light industrial (Class B1 (c)) commercial floorspace.

(Planning application number: P2015/5102/FUL)

In the discussion the following points were made:

- The planning officer stated that the reference to TfL in Recommendation A of the officer report should be removed.
- The current use of the building was discussed.

Planning Committee - 13 October 2016

- The planning officer confirmed that retrospective planning permission had previously been refused for the use of the building as a mosque and an education centre. The reasons for this refusal were outlined. They included the loss of B1 floorspace.
- The community benefits of having a mosque in the building were discussed.
- The legal officer advised that the lawful use of the building was for B1 or B8 land uses. The mosque was an unauthorised land use and the building had not been used as a mosque for the 10 years required for it to become a lawful use through the passage of time. The current existence of a mosque was not a consideration for the committee.
- Concerns were raised about the scale and mass of the proposed development.
- Concerns were raised that the application had not been to the Design Review Panel.

Councillor Klute proposed a motion to defer the consideration of the application to enable it to be considered by the Design Review Panel. This was seconded by Councillor Khan and carried.

RESOLVED:

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

246

KINGS CROSS TRIANGLE SITE, BOUNDED BY YORK WAY, EAST COAST MAIN LINE AND CHANNEL TUNNEL RAIL LINK, LONDON, N1 (Item B4)

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

(Planning application number: P2016/1030/RMS)

Councillor Convery who had declared an interest in this item, left the room while this item was considered.

In the discussion the following point was made:

- Concern was raised that the proposals for Building W3 had not yet been submitted. The planning officer advised that the outline planning permission did not require the reserved matters for Building W3 to be submitted with this application. However if the applicant sought an alternative use for Building W3 other than for community and leisure use, a new planning application would have to be submitted for that building.

Councillor Klute proposed a motion to add an informative that a change of use of Building W3 would be strongly resisted by members. This was seconded by Councillor Picknell and carried.

RESOLVED:

That reserved matters be granted approval subject to the conditions and informatives set out in Appendix 1 of the officer report and the additional informative as outlined above.

247

**SHIRE HOUSE WHITBREAD CENTRE [INCLUDING CAR PARK AND SERVICE YARD],
11 LAMB'S PASSAGE, LONDON, EC1Y 8TE (FULL APPLICATION) (Item B5)**

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 reference: P2016/0488/FUL).

(Planning application number: P2016/0536/LBC)

In the discussion the following points were made:

- The planning officer read out the detailed wording of the site allocation.
- Concern was raised that the sub-basement, with no natural light, would not attract businesses and that the presence of the hotel had resulted in the business space being moved to the sub-basement.
- Consideration was given to whether there was a saturation of hotels in the area.
- Concern was raised that the various studies undertaken listed did not all include the same hotels. The officer advised that the Lambert Smith Hampton study showed hotels within ½ mile rather than the ½ km required. It had also excluded hostels, student accommodation and similar accommodation. Therefore the CBRE was undertaken to meet the requirements.
- Concern was raised that the CBRE showed a 25% increase in hotel rooms planned for the area not including the 61 rooms in the proposed development.
- Concern was raised that since the inspector's decision, the saturation point of hotels had been reached in the area.

Councillor Klute proposed a motion to refuse planning permission due to concerns that the hotel would effectively force the majority of office space to be underground, with no light or outlook. Additionally the hotel would exacerbate the overconcentration of hotel rooms in the area. This was seconded by Councillor Nick Ward and carried.

RESOLVED:

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers.

[Councillor Poyser requested that it be noted that he had not voted in favour of planning permission being refused.]

248

**SHIRE HOUSE WHITBREAD CENTRE [INCLUDING CAR PARK AND SERVICE YARD],
11 LAMB'S PASSAGE, LONDON, EC1Y 8TE (LISTED BUILDING CONSENT
APPLICATION) (Item B6)**

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 (in association with Listed Building Consent reference: P2016/0536/LBC).

Planning Committee - 13 October 2016

(Planning application number: P2016/0488/FUL)

Councillor Klute proposed a motion to refuse listed building consent due to concerns that the hotel would effectively force the majority of office space to be underground, with no light or outlook. Additionally the hotel would exacerbate the overconcentration of hotel rooms in the area. This was seconded by Councillor Nick Ward and carried.

RESOLVED:

That listed building consent be refused for the reasons set out above, the wording of which was delegated to officers.

[Councillor Poyser requested that it be noted that he had not voted in favour of planning permission being refused.]

WORDING DELEGATED TO OFFICERS

MINUTE 247

**SHIRE HOUSE WHITBREAD CENTRE [INCLUDING CAR PARK AND SERVICE YARD],
11 LAMB'S PASSAGE, LONDON, EC1Y 8TE (FULL APPLICATION)**

Reasons for refusal:

1: The proposed below ground office space by virtue of the absence of natural light and any outlook would fail to provide an adequate form of office accommodation, unattractive to future office occupiers and therefore vulnerable to conversion to a non-office use at a later date. As such the application would not provide the maximum amount of business floor space reasonably possible on the site, failing to enhance and promote the functions of the CAZ. The application is therefore contrary to London Plan (2015) policies 2.9 and, 2.10, Islington's Finsbury Local Plan (2013) policy BC8, Islington's Development Management Policies (2013) policy DM5.4, the City Fringe Opportunity Area Planning Framework (2015) and the CAZ SPG (2016).

2: The proposed hotel would result in an over-concentration of hotels and similar uses in the surrounding area and as such would be detrimental to the balance and mix of uses in the immediate locality, contrary to London Plan Policy 4.5 and Islington's Development Management Policies (2013) policy DM4.11.

MINUTE 248

**SHIRE HOUSE WHITBREAD CENTRE [INCLUDING CAR PARK AND SERVICE YARD],
11 LAMB'S PASSAGE, LONDON, EC1Y 8TE (LISTED BUILDING CONSENT)**

Reason for refusal:

1: 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 meeting ended at 9.40 pm

CHAIR

COMMITTEE AGENDA

1 15-21 & 11-13 Benwell Road
LONDON
N7 7BL

2 55-61 Brewery Road London N7 9QH

3 Fitzpatrick Building
188-194 York Way
LONDON
N7 9AS

1 15-21 & 11-13 Benwell Road
LONDON
N7 7BL

Ward: Highbury West

Proposed Development: Change of use of the existing buildings from 1,795sqm of warehouse (B8) floorspace to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions resulting in 1,845sqm of office and 50sqm of restaurant / café floorspace .

Application Number: P2016/3347/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: Jamie Oliver Media Group

Recommendation:

2 55-61 Brewery Road London N7 9QH

Ward: Caledonian

Proposed Development: Demolition of the existing building and the erection of a 5 storey (plus basement) building including a total of 1,745 sqm of Class B1 floorspace comprising office and light industrial commercial floorspace.

Application Number: P2015/5102/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: c/o agent

Recommendation:

3 Fitzpatrick Building
188-194 York Way
LONDON
N7 9AS

Ward: Caledonian

Proposed Development: Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide flexible B1 use, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development (AMENDED DESCRIPTION).

Application Number: P2016/1999/FUL

Application Type: Full Planning Application

Case Officer: Simon Greenwood

Name of Applicant: Deepdale Investment Holdings Ltd

Recommendation:



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 th December 2016	NON-EXEMPT

Application number	P2016/3347/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	None on site
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	- Core Strategy Key Area – Highbury Corner & Holloway Road - St Mary Magdalene Conservation Area - Archaeological Priority Area (Ring Cross Hamlet) - Local, Major and Strategic Cycle Routes - Site Allocations HC4 (11-13 Benwell Road) - Site within 100m of TLRN Road - Lower Holloway Local Shopping Area
Licensing Implications	In the event of the ground floor use being taken up by an A3 use, a licence may need to be applied for.
Site Address	15-21 & 11-13 Benwell Road, London, N7 7BL
Proposal	Change of use of the existing buildings from 1,795sqm of warehouse (B8) floorspace to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions resulting in 1,845sqm of office and 50sqm of A1/A3 floorspace.

Case Officer	Stefan Sanctuary
Applicant	Jamie Oliver Media Group
Agent	Carver Haggard Architects

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 black)



3. PHOTOS OF SITE/STREET



Birds-eye view of site



Holloway Road frontage



Existing Holloway Road shopfront



Benwell Road frontage



Looking south along Benwell Road



Service Yard looking west



Service yard looking east

4. SUMMARY

- 4.1 The application site is located between Benwell Road and Holloway Road, near the junction with Drayton Park, and has a street frontage to both sides. The main part of the site consists largely of post-war warehouse buildings, which have been in use until recently as a warehouse. The surrounding area is characterised by a varied mix of residential and commercial buildings, generally ranging between two and four stories in height. The site is located within St Mary Magdalene Conservation Area, which is largely characterised by Georgian and Victorian residential properties and the 19th century church of St Mary Magdalene.
- 4.2 The planning application proposes a change of use of the existing buildings on the site from B8 warehouse, B1 use and A1 retail use to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions to provide 1,845sqm of office and 50sqm of A1 / A3 to be used as a food outlet. The alterations to the existing buildings include new fenestration and main entrances as well as a new plant enclosure, a new roof terrace and rearrangement of the existing courtyard space to provide cycle storage, refuse storage an accessible parking bay and shower facilities.
- 4.3 In terms of land use, the proposal is considered to be acceptable as it would deliver high quality office floorspace that would increase and improve the existing business floorspace on site. Furthermore, the proposal would increase the amount of retail floorspace within a designated Local Shopping Area. The proposal is considered to be of a high quality and would improve the aesthetic of the existing façades. The internal refurbishment would convert the vacant warehouse which forms the largest part of the site to useable, functional and high quality office floorspace that would meet inclusive design principles.
- 4.4 It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure. Neither would the proposal have a detrimental impact on the surrounding highway network.
- 4.5 Finally, the application intensifies the use of the site yet provides a more sustainable building through the use of energy efficiency measures, clean and renewable energy and sustainable design methods. The application is considered to be acceptable in planning terms and would accord with local and national planning policy and guidance as outlined within this report.

5. SITE AND SURROUNDING

- 5.1 The site consists of 15-21 Benwell Road as well as part of 11-13 Benwell Road and is located between Benwell Road and Holloway Road, near the junction with Drayton Park, and has a street frontage to both sides. The site consists largely of 3 post-war warehouse buildings, which have been in use until recently as a warehouse by Galaxy Arts & Crafts. On the Benwell Road frontage, the building is 3- and 4-storeys in height with residential accommodation on the upper floors. On Holloway Road is a single storey building, which was previously in retail use. Set back behind this is a 3 storey building which is occupied as residential. The two frontage buildings are

connected by 2-storey pitched roof and saw-toothed roof buildings. The proposal concerns the ground and first floor commercial elements of the site, rather than the residential accommodation above which would remain in this use.

- 5.2 Immediately to the south of the site, with an entrance from the shared service yard, is a building in office use. To the immediate north of the site is a residential apartment building, beyond which is the London Metropolitan University campus. As well as the residential accommodation on the upper floors of the subject site (though no formal permission can be found for the existing residential units to the upper levels of 15-21 Benwell Road), a number of other residential uses neighbour the site to the south-east and north-west, notably the residential properties of Drayton Park Mews which have an elevation overlooking the courtyard space of the subject site.
- 5.3 The surrounding area is characterised by a varied mix of residential and commercial buildings, generally ranging between two and four stories in height. The site is located within St Mary Magdalene Conservation Area, which is largely characterised by Georgian and Victorian residential properties and the 19th century church of St Mary Magdalene. Part of the site is also located within the Lower Holloway Local Shopping Area and the Ring Cross Hamlet Archaeological Priority Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The planning application proposes to convert the majority of the building at ground and first floors from B8 into B1 office space (1,845 sqm) and to use the ground floor of 160 Holloway Road (50sqm) as a food outlet (A1/A3 use). The alterations to the existing building include new fenestration and main entrances as well as a new plant enclosure, a new roof terrace and rearrangement of the existing courtyard space to provide cycle storage, refuse storage an accessible parking bay and shower facilities.
- 6.1 The application includes the following alterations and extensions to the existing buildings:
- amended shopfront design on the Holloway Road frontage;
 - a cut back to the pitched roof building in the middle of the site to allow natural light in at ground floor level;
 - new double glazed skylights at roof level;
 - a new roof terrace, plant enclosure and office floorspace at 2nd floor level;
 - a new glazed screen, fenestration and main entrance as well as enlarged windows to the courtyard elevations;
 - new and enlarged windows to the north-facing lightwell and elevations;
 - new glazed screens and entrance to Benwell Road elevation;
 - plant, equipment and extract vents within the loading area and service yard,

- new refuse / recycling storage area, cycle parking, accessible parking bay and communal shower facilities;
- full internal refurbishment of the existing building; and
- a new enlarged residential entrance on the Benwell Road frontage.

6.2 It is intended that the A1/A3 food outlet at 160 Holloway Road is separated from the rest of the site at 15-21 Benwell Road. It will serve members of the public but it will also operate as the 'in house' canteen for the Jamie Oliver Media Group and the tenants of the unit will be selected by the Jamie Oliver Group. There will be a rotation of tenants through the unit so the floorspace is intended to be flexible enough to accommodate different cooking and production methods.

7. RELEVANT HISTORY:

7.1 The application site consists of 15-21 Benwell Road as well as part of 11-13 Benwell Road. The following is the most recent and relevant planning history for the land and buildings within the application site.

- P090106: On the 25th January 2011, an application for the change of use of the existing warehouse building at 11-13 Benwell Road, including the erection of a part single, part 2-storey roof extension and erection of a 6-storey infill building fronting Benwell Road to provide for 21 residential units, 588sqm business (Class B1) floor space; together with the provision of a disabled car parking space, cycle provision, refuse/recycling enclosures, landscaping and associated works was approved under reference P090106. This permission was not implemented and has now lapsed.
- P2014/1909/FUL: Demolition of existing vacant warehouse buildings and redevelopment of the site comprising: Erection of 5 storey building fronting Benwell Road (Block A) creating 3 residential units (2 x 1-beds & 1 x 3-bed) and 6 storey L shaped building (Block B) creating 479sqm of office space (Class B1) at ground floor and 22 residential units on the upper floors (6 x 1-beds, 16 x 2-beds) with cycle storage, refuse/recycling facilities and landscaping. An appeal was made against non-determination of this application but the appeal was subsequently withdrawn. As such, no determination of the proposal was made.
- P2015/4875/PRA: A prior approval application for the conversion of the existing office floorspace at 160 Holloway Road (above the application site's Holloway Road frontage) to 9 residential units was approved on the 8th January 2016 under application reference P2015/4875/PRA.
- P2015/5195/FUL: A change of use from wholesalers (B8 use) to restaurant (A3 use), insertion of new shop front and associated works, alterations to loading bay and introduction of air extract unit was refused under P2015/5195/FUL on the 15th February 2016 because of the loss of business floorspace. This application involved approximately 200 sqm of restaurant space located on the Benwell

Road frontage.

ENFORCEMENT:

- 7.2 There is no relevant enforcement history for the site.

PRE-APPLICATION ADVICE:

- 7.3 Pre-application advice was given on the proposal on the 22nd June 2016. The principle of the proposal including its design and appearance was supported subject to a detailed assessment of the proposal's servicing / delivery strategy, highways impacts, inclusive design measures and impacts on neighbouring amenity.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 233 adjoining and nearby properties on Holloway Road, Benwell Road, Drayton Park, Drayton Park Mews, Courtney Road and the neighbouring London Metropolitan University on the 16th September 2016. A site notice and press advert were displayed on the 22nd September 2016. The initial public consultation of the application therefore expired on the 13th October 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Following some minor amendments to the application, a further consultation was carried out with neighbouring residential occupiers. No letters of representation have been received in response to either consultation exercise.

External Consultees

- 8.3 Historic England raised no objection to the proposal.
- 8.4 Thames Water raised no objection to the proposal subject to relevant informatives on surface water drainage, sewage and water infrastructure.
- 8.5 Transport for London are satisfied that the proposal would be unlikely to have a negative impact on the capacity of either public transport or the TLRN subject to restrictions and conditions on cycle parking and servicing / delivery (*conditions 9 and 19*).
- 8.6 The London Fire and Emergency Planning Authority raised no in principle objections subject to the installation of a sprinkler system.
- 8.7 Lead Local Flood Authority raised no objection to the proposal subject to relevant conditions.

Internal Consultees

8.8 The Policy team raised no objections to the proposal.

8.9 The Access Officer raised the following points about the proposal:

- Level access has been provided to both the office and restaurant facilities
- Lift access has been provided to all levels
- Doors provide an appropriate clear opening width
- Accessible WCs have been provided and
- An on-site accessible parking space has been provided.

These are all welcome.

8.10 However, the following would need to be considered / amended:

- There is no safe route between the accessible parking bay and the entrance - it is hemmed in by the vehicular manoeuvring path.
- Shared surfaces carry intrinsic risks; a protected pedestrian priority route should be provided from Benwell Road to the main entrance.
- Provision should also be made for the storage and charging of mobility scooters.
- All entrances should provide a clear opening width of at least 1000mm (where there are double doors, one leaf should provide the requisite width unless the doors are automated).
- There should be a 300mm clear space beyond the leading edge of all doors (pull side) - this is not the case in the cafe
- The lobby to the accessible WC serving the cafe is inaccessible - for guidance see LBI Inclusive Design SPD
- There should be a 1500m clear space behind the counter in the cafe.
- The route between the office and the accessible WC and restaurant is stepped. A platform lift in this location is recommended.
- The landing at the top of the stairs (between the office and the cafe) is insufficient. It should be as deep as the flight is wide - clear of any obstruction/door swing.
- On the ground floor of the office there are ramps to the accessible WC and lift - we have no information on the gradient of these inclines - clarification is requested.
- The accessible WC serving the offices is remote from the reception area and incorporates a shower, the latter meaning that use will be blocked for protracted periods.
- An accessible WC should be provided wherever there are mainstream facilities - this is not the case at present.
- We have no information on the means of escape/evacuation procedures proposed to ensure the safety of mobility impaired building users in an emergency.

All of these points raised have now been addressed and the access officer has confirmed support for the proposal.

8.11 Design and Conservation Officers have welcomed the proposal, raising no concerns about the proposal's design and appearance.

8.12 The Energy Conservation Officer: recommended that the application not be approved until further evidence was submitted and approved covering:

- Recalculation of baseline and confirmation regarding CO₂ emissions and offset contribution.
- Updates to dynamic thermal modelling and further discussion of cooling hierarchy / ventilation strategy;
- Clarification of hot water provision and heating system;
- Further discussion of future-proofing for connection to a network;
- Further details of on-site heat loads;
- Clarification of CO₂ savings from 'Be Green' stage;
- Updates to Draft GPP.

Updates and amendments have now been provided to the satisfaction of the Council's energy officer, subject to relevant conditions on energy and carbon emissions reductions.

8.13 Public Protection Division raised no objections in principle, subject to relevant conditions on noise, plant equipment and operating hours.

8.14 Spatial Planning and Transport (Transport Officer) raised no objections to the proposal.

8.15 The Sustainability Officer raised the following points:

- Achieving a BREEAM 'Excellent' building is supported;
- The commitment to reduce the notional baseline water efficiency performance level by 40% is supported;
- The target set of 85% of non-hazardous waste to be diverted from landfill is supported;
- it is suggested within the strategy that a linear rain garden or bio-retention area could be integrated. This should be explored with the applicant and would also help to address biodiversity and landscaping enhancements concerns with the proposals;
- Financial contribution towards carbon offsetting is welcomed.

These changes have now been incorporated in to the final design of the proposal.

Other Consultees

- 8.16 The application was not presented to the Members' Pre-application Forum nor to the Design Review Panel as the changes to the existing building are modest in scale and the land use change is supported by planning policy.

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 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.

Site Allocation

- 9.5 Part of the subject site (11-13 Benwell Road) is identified as site HC4 within the Site Allocation Plan, which states that the site should provide:
- Mixed use redevelopment/conversion providing business (B class) and residential uses including infill development above the entrance on the Benwell Road building.
 - This would facilitate the reinstatement of employment use on the site and provide regenerative benefits for the local area. An element of residential use would also help to meet identified need in the borough.
 - Amenity space should be included. A better development and improved access may be possible if site assembly included adjacent industrial sites.

It is not considered that the proposals at the subject site would prejudice the potential for delivering the objectives of the site allocation for 11-13 Benwell Road.

Designations

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

- Core Strategy Key Area – Highbury Corner & Holloway Road
- St Mary Magdalene Conservation Area
- Archaeological Priority Area (Ring Cross Hamlet)
- Local, Major and Strategic Cycle Routes
- Lower Holloway Local Shopping Area
- Adjacent to TLRN
- Site Allocations HC4 (11-13 Benwell Road)

Supplementary Planning Guidance (SPG) / Document (SPD)

9.7 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
- Neighbouring Amenity
- Inclusive Design
- Energy and Sustainability
- Highways and Transportation
- Section 106 and CIL

Land-use

10.1 The subject site's lawful use is a warehouse (B8 use) and A1 retail and thus its retention in business use and conversion to B1 (office) is supported in accordance with Islington Core Strategy Policy CS13 and DM5.1, which seeks to safeguard existing business spaces throughout the borough by protecting against change of use to non-business uses.

10.2 Furthermore, development which improves the quality and quantity of existing provision will be encouraged. The proposal involves a modest increase in employment floorspace. In accordance with Development Management Policy DM5.1, new business floorspace must be designed to:

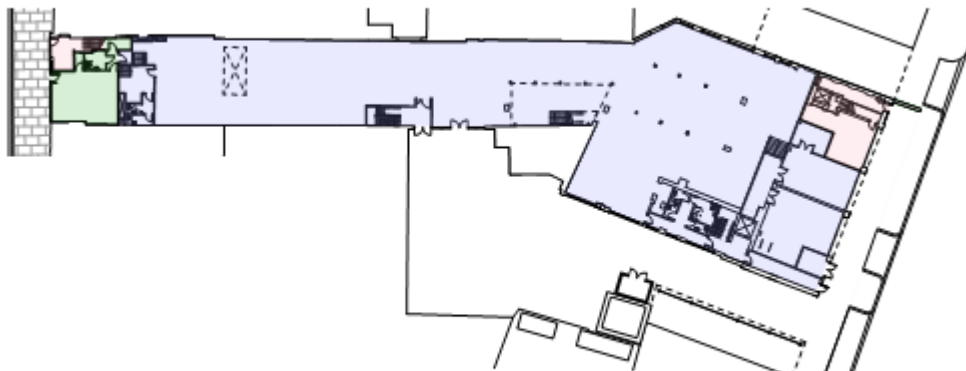
- (i) Allow for future flexibility for a range of uses, including future subdivision

and/or amalgamation for a range of business accommodation, particularly for a small businesses, and

- (ii) Provide full separation of business and residential floorspace, where forming part of a mixed use residential development.

10.3 It is understood that the proposed use is for a single occupier known as Jamie Oliver Media Group. As a consequence, the space has not been specifically designed for small and medium enterprises. However, the new floorspace to be created by this proposal would indeed be a separate unit accessed via its own lift and stair core with access to its own ancillary facilities. As such, whilst it is not currently envisaged that this additional floorspace will be used by a separate occupier, the potential is there for it to be used independently.

10.4 160 Holloway Road lies within the Lower Holloway Local Shopping Area. It was formerly in retail use. Development Management Policy DM4.6 states that development proposals in Local Shopping Areas will only be granted where an appropriate mix and balance of uses with the Local Shopping Area (which maintains and enhances the retail and service function of the Local Shopping Area) is retained. The proposal seeks to reactivate the site's Holloway Road frontage by providing an A1/A3 unit here, which is supported in principle. The proposed mix of uses on the ground floor between B1 and A1/A3 is shown on the diagram below.



4 Proposed Ground Floor Plan
NTS

KEY

- Residential
- B2 warehouse
- B1 office
- A1/A3 food outlet

10.5 The A1/A3 unit would represent a mixed use, designed to be open to the general public but affiliated to the Jamie Oliver Media Group. It would occupy 50sqm of space and its small size would preclude it being used as a sit down restaurant but rather would be used to showcase new food trends.

10.6 Part of the site sits within 11-13 Benwell Road, which has been identified within the Site Allocations schedule as having potential for mixed use redevelopment and conversion providing business floorspace and residential uses. The Site Allocation (HC4) references the now-lapsed planning permission (P090106), which included an infill development above the entrance on Benwell Road and the retention of the courtyard space to provide access to the proposed

commercial uses. The proposed change of use and refurbishment being assessed here is not considered to prejudice the site's potential to deliver the objectives of the Site Allocation Schedule. Above all, both the lapsed planning permission for 11-13 Benwell Road and the planning application being considered here are compatible with each other in that they make use of the generous courtyard space to provide pedestrian access, cycle storage and refuse / recycling facilities.

- 10.7 In summary, the land-use element of the proposal is considered to be acceptable through delivering high quality office floorspace that would increase and improve the existing business floorspace on the site and provide an acceptable retail/cafe floorspace within a designated Local Shopping Area.

Design, Conservation and Heritage Considerations

- 10.8 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 10.9 The London Plan (2015) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 10.10 Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The borough's unique character will be protected by preserving the historic urban fabric. Finally, Islington's Development Management Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.11 The site is located within the St Mary Magdalene Conservation Area and thus the site and its context needs to be treated sensitively in terms of its impact on the surrounding area. The CA guidelines state that the St. Mary Magdalene Conservation Area is an area of special architectural and historic interest, with a character and appearance that is worthy of protection and enhancement. Moreover, shopfronts in the area provide a visual focus and interest and are an important factor in creating the character of the area. In this regard, traditional materials should be used on all new shopfronts and their design should reflect the strong vertical emphasis which characterises shopfronts in the area.
- 10.12 The application only proposes modest alterations to the existing building's external appearance. The shopfront proposed on the Holloway Road frontage will remain largely unchanged apart from the replacement of the existing shopfront window with a metal framed glazed screen and the replacement of existing signage with new fascia signage above. Details of the fascia signage

have not been provided so any permission would be subject to a condition requiring details of the shopfront, including signage, to be submitted to and approved by the Local Planning Authority.

- 10.13 Behind the A1/A3 unit, it is proposed to remove a part of the 1st floor as well as a section of roof and replace it with roof-lights in order to provide better internal daylighting. New brickwork would be reinstated to the now exposed elevation facing the lightwell. The change would not be seen from any public vantage points and would improve the quality of the internal space. Moreover, a new external flue is proposed which would run up the eastern façade of this building terminating 1 metre above roof level. The flue would be largely hidden from view behind the existing roof parapet. Access to the residential units situated above the Holloway road unit, would remain unchanged from the current position adjacent to the entrance to 158 Holloway Road.
- 10.14 At roof level of 11-13 Benwell Road, which has now been included as part of the application site, a new acoustically screened plant is proposed behind the existing metal screen. The plant room would be set below the existing roof parapet and would not be seen from street level. At roof level of the pitched-roof warehouse building which connects the Holloway Road frontage building with that on Benwell Road, it is proposed to provide a series of double glazed roof-lights. The change would provide better access to natural light to the new office space.
- 10.15 A number of alterations are proposed to the courtyard elevation on Benwell Road. Firstly, a new entrance is proposed on this elevation, including the installation of a metal framed double glazed entrance door and fire exit door as well as a metal framed double glazed window screen with painted metal channel fascia panels. Moreover, the proposal includes the insertion of two new metal framed windows to match the existing windows and the enlargement of the existing windows to the courtyard space. A further metal framed door and window is proposed on this elevation closer to the Benwell Road frontage. Finally, the application proposes a ventilation grill in association with the air handling unit and a louvred metal refuse door.



Courtyard elevation

- 10.16 The changes to this elevation are considered to have the combined effect of tidying up the façade and ensuring the internal space becomes a useable and functional office. It is also proposed to tidy up the buildings' northern elevations by inserting new metal framed double glazed windows on the façade facing the neighbouring employment site and new obscured glazing to

the existing light-well, which the application site shares with 162 Holloway Road, to maintain privacy to the neighbouring residential site.

- 10.17 Further changes are proposed to the saw-toothed roof of the warehouse building closest to Benwell Road. The changes include refurbishing the roof and roof-lights and introducing new roof-lights and solar panels. Moreover, a section of the roof would be replaced by a roof terrace facing the courtyard and part of the roof space would be converted into further office accommodation. On the Benwell Road frontage, the ground floor would undergo a number of alterations. Firstly, the metal gate which currently provides access to the courtyard space would be replaced by a new gate and a new metal door would be provided to serve the refuse store. The existing shutters would also be replaced by a double glazed sliding folding screen with obscured glazing at lower level and louvered ventilation detail at higher level and an enlarged entrance is proposed to serve the residential accommodation above.
- 10.18 Within the courtyard space itself, a new building is proposed to provide a bike store, bathroom facilities and a wheelchair accessible toilet. The building would be constructed in a combination of galvanised pressed metal panels, painted steel posts, black recycled paper panels and a glazed screen to match the aesthetic of the overall development. The courtyard would also undergo further interventions such as a designated pedestrian priority route, a vehicular turning bay, an accessible parking bay and planter benches.
- 10.19 The application proposes modest alterations to the existing warehouse buildings, which are considered to improve the external appearance of the buildings' facades, the Benwell Road and Holloway Road frontages as well as the courtyard elevations. The architecture proposed would make a positive contribution to the streetscape and would enhance and protect Islington's built environment. In this respect, the application is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7 and Islington's Development Management Policy DM2.1.

Neighbouring Amenity

- 10.20 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.21 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on

neighbours. The proposal does not have the effect of increasing the height, scale or massing of existing buildings on site. As such, there would not be any impacts on the sunlight or daylight afforded to neighbouring residential properties.

- 10.22 In terms of privacy Policy DM2.1 identifies that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes.
- 10.23 The proposal introduces new and enlarged windows on the courtyard elevation. The courtyard is also shared by residential properties, notably to Drayton Park Mews which has windows that serve habitable rooms facing the courtyard. The majority of the new windows proposed would maintain the 18 metre distance to residential windows. However, some new enlarged windows as well as the new roof terrace on second floor would be within 18 metres of residential windows. As such, it is proposed to include additional screening to the windows and roof terrace and a condition would be attached to any permission in the event that consent is granted to ensure that suitable screening is implemented (*condition 17*).
- 10.24 In terms of noise, a noise survey was carried out at the site between the 20th and 23th November 2015 to assess existing noise levels in the area. Measurements were undertaken at a position that was subjectively judged to be representative of the immediate noise environment. The potential noise from mechanical plant on the proposed building was identified as one of the main sources of noise during the operational phase of development. In order to mitigate any noise impacts from plant room, permission would be subject to conditions regulating noise transfer so that noise is kept to below existing background noise levels (*condition xx*).
- 10.25 While noise levels generated by the office spaces are not considered to be significant, the café use at ground floor level has the potential of contributing to noise emissions to the detriment of residential amenity. It is important for these noise impacts to be tightly controlled and as such any permission would be subject to a condition (*conditions 14 and 15*) which ensures that high performance acoustic separating walls are used to protect residential amenity. Furthermore, noise limits would be imposed on commercial tenants and hours of operation would be controlled so as to reduce impact on neighbours (*conditions 24 and 25*).
- 10.26 The delivery and servicing arrangements also have the potential of contributing to a noisy environment. As such, servicing and delivery will be limited to certain hours of the day and a servicing and delivery management strategy will ensure that a sensitive approach is upheld for the lifetime of the development (*condition 19*). Finally, in terms of air quality, the extract flue

which would serve the ground floor café use would terminate at a significant distance from neighbouring residential properties. No concerns or objections were raised by pollution control on this aspect of the development.

10.27 Subject to these conditions being imposed, it is not considered that the application is likely to have an adverse impact on the amenity of residential occupiers. The proposal is considered to comply with the aims and objectives of London Plan Policy 7.14. It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure.

Inclusive Design

10.28 The relevant policies are 7.2 of the London Plan 2015 and Development Management Policy DM2.2, which seeks inclusive, accessible and flexibly designed accommodation throughout the borough. The London Plan Policy requires all new development in London to achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples' needs and (iv) are realistic, offering more than one solution to future users.

10.29 Islington's Development Management Policies require all developments to demonstrate that they provide for ease of and versatility in use; that they deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. Any development needs to be assessed against this policy background to ensure that they are genuinely inclusive from the outset and remain so for the lifetime of the development.

10.30 After a number of amendments, the proposal now complies with the principles of inclusive design. The entrance and courtyard space have now been separated out between a pedestrian priority area and the vehicular route and turning head. Storage for mobility scooters would be provided in a safe and accessible location within the one of the main buildings.

10.31 Furthermore, all entrance doors have now been shown with sufficient width to provide access for wheelchair users and all areas of the employment space would have level / lift access. All lobby areas and landings would comply with inclusive design guidance. Finally, toilet facilities for ambulant disabled and wheelchair users have been provided on all floors of the employment floorspace.

10.32 Subject to relevant conditions (*condition 11*), the proposal is considered to meet the Council's inclusive design objectives in accordance with London Plan Policy 7.2 and Islington's Development Management Policy 2.2.

Energy and Sustainability

- 10.33 The London Plan (adopted July 2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.34 Islington's Core Strategy Policy CS10 'Sustainable Design' requires all developments to minimise on-site carbon dioxide emissions and sets an overall target for all development to achieve a 40% reduction in comparison with total emissions from a building that complies with Building Regulations 2006 (or a 27% reduction compared to a Building Regulations 2013 compliant building), unless it can be demonstrated that such a target is not feasible. 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. The Energy Statement does not propose connection to a District Energy Network in the short to medium term, as there is not a suitable network within 500m.
- 10.35 The applicant proposes a reduction of 46.8% on regulated emissions, against a 2013 building regulations baseline, through energy efficiency measures, a site-wide heating system and renewable energy measures. This meets the requirement under the London Plan. However, the application would only meet a reduction of 11.3% in total emissions against a Building Regulations 2013 compliant building. Solar photovoltaics have been identified as providing the most viable and appropriate form of on-site renewable energy. Though the carbon emissions target for total emissions has not been met, there are obvious limitations to what is essentially a refurbishment and on this basis our energy and sustainability officers have accepted the proposed strategy.
- 10.36 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". 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." The energy statement shows final total CO₂ emissions of 70.37 tonnes. Based on this and the current Islington rate of £920 / tonne, the development will be subject to an offset payment of £64,740. The applicants have confirmed their agreement to this contribution and this will be secured by section 106 agreement.
- 10.37 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 for 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 and specifics are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

- 10.38 Development Management Policy DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major development. 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. The applicants have committed to provide a BREEAM 'Excellent' building, with an aspiration to achieving 'Outstanding'. The achievement of all BREEAM credits for water efficiency is supported, as is the use of low flow fixtures and fittings proposed.
- 10.39 The commitment to achieving a BREEAM Refurbishment and Fit-Out 2014 Excellent Rating with at least 60% achieved within energy, water and materials sections is welcome. A commitment to divert 85% of waste from landfill is also supported. The applicant also proposes a 40% reduction in typical water use rates through the implementation of water efficiency and reuse measures. The inclusion of convenient cycle storage facilities, bird and bat boxes as well as soft landscaping features further enhance the environmental sustainability of the proposal.
- 10.40 Given the buildings' roof profile it will be a challenge to provide extensive green roofs on site. However, biodiversity based extensive substrate green roofs with a minimum substrate depth of 80-150mm should be provided on all available roof space. More should be done to maximize sustainable methods of water attenuation that do not rely on hard solutions. Further details would be required by condition (*condition 7*). Finally, the submitted draft Green Performance Plan is supported and would be included as part of the section 106 agreement.
- 10.41 Subject to appropriate conditions, the energy and sustainability measures proposed as part of this application are considered to meet the environmental objectives of the Council in accordance with London Plan Policies 5.1, 5.2 and 5.5, Islington Core Strategy Policy CS10, Development Management Policy DM7.1 as well as the aims and objections of Islington's Environmental Design SPD.

Highways and Transportation

- 10.42 The application site is in a relatively central London location, with very good links to public transport and a Public Transport Accessibility Level of 6a, which represents an area of very high accessibility. The site includes a service and delivery yard with loading bays accessed from Benwell Road.
- 10.43 London Plan Policy 6.3 states that proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Moreover, Policies 6.9 and 6.10 state that the Mayor will work with all relevant partners to bring about a significant increase in cycling as well as walking across London.
- 10.44 Development Management Policy DM8.1 requires the design of developments to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 requires development to meet its own transport needs in a sustainable manner, while Policy DM8.5 states that vehicle parking will only be allowed for non-residential developments where it is essential for the operation of the business and need has been demonstrated.

- 10.45 The site is located between Benwell Road and Holloway Road within walking distance to Highbury & Islington, Holloway Road station and Drayton Park railway station. The site's high PTAL rating means that those travelling to and from the site are expected to use sustainable modes of transport. As such, the proposed development would be car-free which is supported by policy. A Transport Statement has been submitted with the application which shows that there is a reduction in overall vehicular traffic associated to the development.
- 10.46 In terms of cycle parking provision, a total of 27 cycle parking spaces would be provided in secure, adequately lit and conveniently located areas (*condition 9*). This provision is in accordance with policy and would provide a sufficient level of alternative sustainable modes of transport. In addition to this, a dedicated area for mobility scooters would be provided. Shower facilities have been provided in a new shower block adjacent to the cycle bays.
- 10.47 The application proposes to retain one of the existing service bays with access from Benwell Road as well as the courtyard space. Further detail would be required by condition to ensure that the servicing and delivery is carried out without disrupting the flow of traffic or the local highway network (*condition 19*). The courtyard area provides space for one wheelchair accessible parking bay.
- 10.48 The proposal would not give rise to any unacceptable impacts on transportation or the highway network and is considered to be acceptable, in accordance with relevant Islington Core Strategy Policy CS10 and Development Management Policies DM8.2 and DM8.6 subject to conditions and clauses within the s106 legal agreement.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.49 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, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 10.50 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.
- 10.51 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.

- 10.52 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will partly 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.
- 10.53 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.

National Planning Policy Framework

- 10.54 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, and encouraging walking. Subject to conditions and the necessary S106 agreement, the proposed development is also largely in compliance with the principles relating to design and amenity, and the conservation and enhancement of the natural environment.
- 10.55 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.

SUMMARY AND CONCLUSION

Summary

- 10.56 The proposal to extend and refurbish the application site to provide 1,845sqm of office floorspace and 50sqm of retail/ café floorspace is considered acceptable in land use terms and in accordance with policy being a site within a designated Local Shopping Area. The proposal would deliver high quality office floorspace that would increase and improve the existing business floorspace on site. Furthermore, the proposal would increase the amount of retail floorspace within a designated Local Shopping Area. The proposal is considered to be of a high quality and would improve the aesthetic of the existing façades. The internal refurbishment would convert a vacant warehouse to useable, functional and high quality office floorspace that would meet inclusive design principles.
- 10.57 It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure. Neither is the proposal considered to have a detrimental impact on the surrounding highway network.

10.58 Finally, the application intensifies the use of the site yet provides a more sustainable building through the use of energy efficiency measures, clean and renewable energy and sustainable design methods. The application is considered to be acceptable in planning terms and would accord with local and national planning policy and guidance as outlined within this report.

Conclusion

10.59 The planning application constitutes a well-designed refurbishment of a commercial building that complies with local, regional and national planning policy and guidance. 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. Condition surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Compliance with the Code of Local Procurement.
4. Compliance with the Code of Construction Practice, including a monitoring fee of £100.
5. The provision of 4 accessible parking bays or a contribution of £8,000 towards bays or other accessible transport initiatives.
6. A contribution of £64,470 towards offsetting any projected residual CO2 emissions of the development.
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).
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.
10. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
11. Others as necessary.

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

The above list of Heads of Terms may be amended as a result of a process of internal consultation or further issues arising in the course of the application. Solicitors details will be needed, proof of title and an undertaking to meet the reasonable legal fees of the council.

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than 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 (compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:</p> <p>Existing Drawings: 155A-00-001 Rev D; 155A-01-001 Rev D; 155A-01-002 Rev D; 155A-01-003 Rev C; 155A-01-004 Rev D; 155A-01-005 Rev C; 155A-01-006 Rev C; 155A-01-007 Rev C; 155A-01-008 Rev C; 155A-01-009 Rev C; 155A-01-010 Rev C; 155A-02-001 Rev D; 155A-02-002 Rev C; 155A-02-003 Rev C; 155A-02-004 Rev C; 155A-02-005 Rev C; 155A-02-006 Rev C; 155A-02-007 Rev C; 155A-02-008 Rev C; 155A-03-001 Rev C; 155A-03-001 Rev C; 155A-03-002 Rev C; 155A-03-003 Rev C; 155A-03-004 Rev C; 155A-03-005 Rev C; 155A-03-006 Rev C; 155A-03-007 Rev C; 155A-03-008 Rev C; 155A-03-009 Rev C.</p> <p>Proposed Drawings: 155A-05-001 Rev F; 155A-05-002 Rev E; 155A-05-003 Rev E; 155A-05-004 Rev E; 155A-05-005 Rev D; 155A-05-006 Rev D; 155A-05-007 Rev D; 155A-05-008 Rev D; 155A-05-009 Rev D; 155A-05-010 Rev D; 155A-05-011 Rev E; 155a-06-001 Rev D; 155a-06-002 Rev D; 155a-06-003 Rev D; 155a-06-004 Rev D; 155a-06-005 Rev D; 155a-06-006 Rev D; 155a-06-007 Rev D; 155a-06-008 Rev D; 155a-06-009 Rev C; 155a-07-001 Rev D; 155a-07-002 Rev D; 155a-07-003 Rev D; 155a-07-004 Rev D; 155a-07-005 Rev D; 155a-07-006 Rev D; 155a-07-007 Rev D; 155a-07-008 Rev D; 155a-07-009 Rev D; 155a-07-010 Rev D; 155a-07-010a Rev A; 155a-07-011 Rev C.</p> <p>Planning Statement by Indigo Planning dated August 2016 Energy Assessment Eight Associates (Issue 4) dated 25th November 2016 Sustainability Statement by Eight Associates dated 25th November 2016 Design & Access Statement (155a-65-002) by dated 24th August 2016</p>

	<p>Transport Statement by David Tucker Associates dated 23rd August 2016 Environmental Noise Impact Assessment dated 19th October 2016 Archaeological Desk-Based Assessment by CGMS dated August 2016</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 and Samples (Details)*
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to works to the external fabric of the building commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses; b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling); c) windows and doors; d) entrance and access gates; e) roofing materials; f) any other materials to be used on the exterior of the development; and g) a Green Procurement Plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	External pipes, cables and CCTV (Compliance/Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations other than those shown on the approved plans shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should CCTV or additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
5	Landscaping (Details)*
	<p>CONDITION: The landscaping shall be delivered in accordance with the approved plans and shall be completed during the first planting season after the</p>

	<p>date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site. In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
6	BREEAM (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM Refurbishment Fit-Out rating (2014) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
7	SUDS features (Compliance/Details)*
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green/living roofs or bio-retention systems on the development hereby approved (illustrating increased coverage and potential for run-off attenuation) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to external works commencing. The green/living roofs shall:</p> <p>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</p> <p>b) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level. The green/living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision of biodiversity and water retention.</p>
8	REFUSE / RECYCLING (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>The refuse and recycling enclosures and waste shall be managed and carried out at all times in accordance with the details of the approved 'servicing and waste management plan'.</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>
9	Cycle Parking (Compliance)
	<p>CONDITION: The two bicycle storage areas hereby approved shall be covered, secure and provide for no less than:</p> <ul style="list-style-type: none"> - 24 cycle spaces within the courtyard - 3 cycle spaces within the loading bay <p>These spaces shall be provided prior to the first occupation of the relevant part 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>
10	Loading / unloading hours (Compliance)
	<p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p> <p style="text-align: center;">Monday to Saturday – 07:00 – 19:00 Sundays/Bank Holidays – not at all</p> <p>REASON: To ensure that the development does not have any undue adverse impact on nearby residential amenity or business operations.</p>
11	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall be constructed and carried out strictly in accordance with the details hereby approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
12	Nesting Boxes (Details/Compliance)
	<p>CONDITION: At least four nesting boxes for birds or bats shall be provided within the development, installed prior to the first occupation of the building 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>
13	Plant noise (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</p>

	<p>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>
14	Plant noise (Details)*
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 14. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
15	Plant operation (Compliance)
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the plant to between the hours of 07:00 to 23:00 each day. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
16	Privacy Screening (Details)
	<p>CONDITION: Details of suitable screening or other design solution to prevent overlooking of neighbouring residential properties from the roof terrace and windows onto the courtyard space shall be submitted to and approved in writing by the Local Planning Authority prior to external works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard.</p>
17	Shopfronts (Details)*
	<p>CONDITION: An elevation of the shopfront on Holloway Road hereby approved at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations 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: To ensure that the resulting appearance and construction of the development is of a high standard.</p>

18	Delivery / Servicing Plan
	<p>CONDITION: Prior to any works commencing on site, a Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
19	Construction Management (Details)*
	<p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration) 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>
20	Roof-Level Structures (Details)*
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>

21	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
22	Retail Opening Hours (Compliance)
	<p>CONDITION: The ground floor café/restaurant uses (A1/A3) hereby approved shall not operate except between the hours of 07:00 and 23:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
23	Sound Insulation (Details)*
	<p>CONDITION: Full particulars and details of a scheme for sound insulation for the retail / café / restaurant uses in the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works of the relevant phase of the development.</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 relevant phase of 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 ensure that residential amenity of surrounding properties is appropriately minimised.</p>
24	Energy Assessment (Details)*
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 11.4% on-site total C02 emissions reduction 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. The revised energy strategy shall provide for no less than a 11.4% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the</p>

	Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.
--	--

List of Informatives:

1	S106 SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	Superstructure DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent) 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. 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 Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
4	Sustainable Sourcing of Materials INFORMATIVE: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
5	Car-Free Development INFORMATIVE: All new developments are to be 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.
6	Surface Water Drainage
	INFORMATIVE: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
7	NPPF
	INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.

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 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.11 Encouraging a connected economy

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.7 Better streets and surface transport
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 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

Policy 4.12 Improving opportunities for all

Policy 7.19 Biodiversity and access to nature

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 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS4 (Highbury Corner and Holloway Road)

Policy CS8 (Enhancing Islington's Character)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

DM2.5 Landmarks

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.3 Location and concentration of uses

DM4.6 Local shopping Areas

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM4.8 Shopfronts

Employment

DM5.1 New business floorspace

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Site Allocations June 2013

Site HC4 11-13 Benwell Road

3. Designations

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

- Core Strategy Key Area – Highbury Corner & Holloway Road
- St Mary Magdalene Conservation Area
- Archaeological Priority Area (Ring Cross Hamlet)
- Local, Major and Strategic Cycle Routes
- Lower Holloway Local Shopping Area
- Adjacent to TLRN
- Site Allocations HC4 (11-13 Benwell Road)

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

The following SPGs and/or SPDs are relevant:

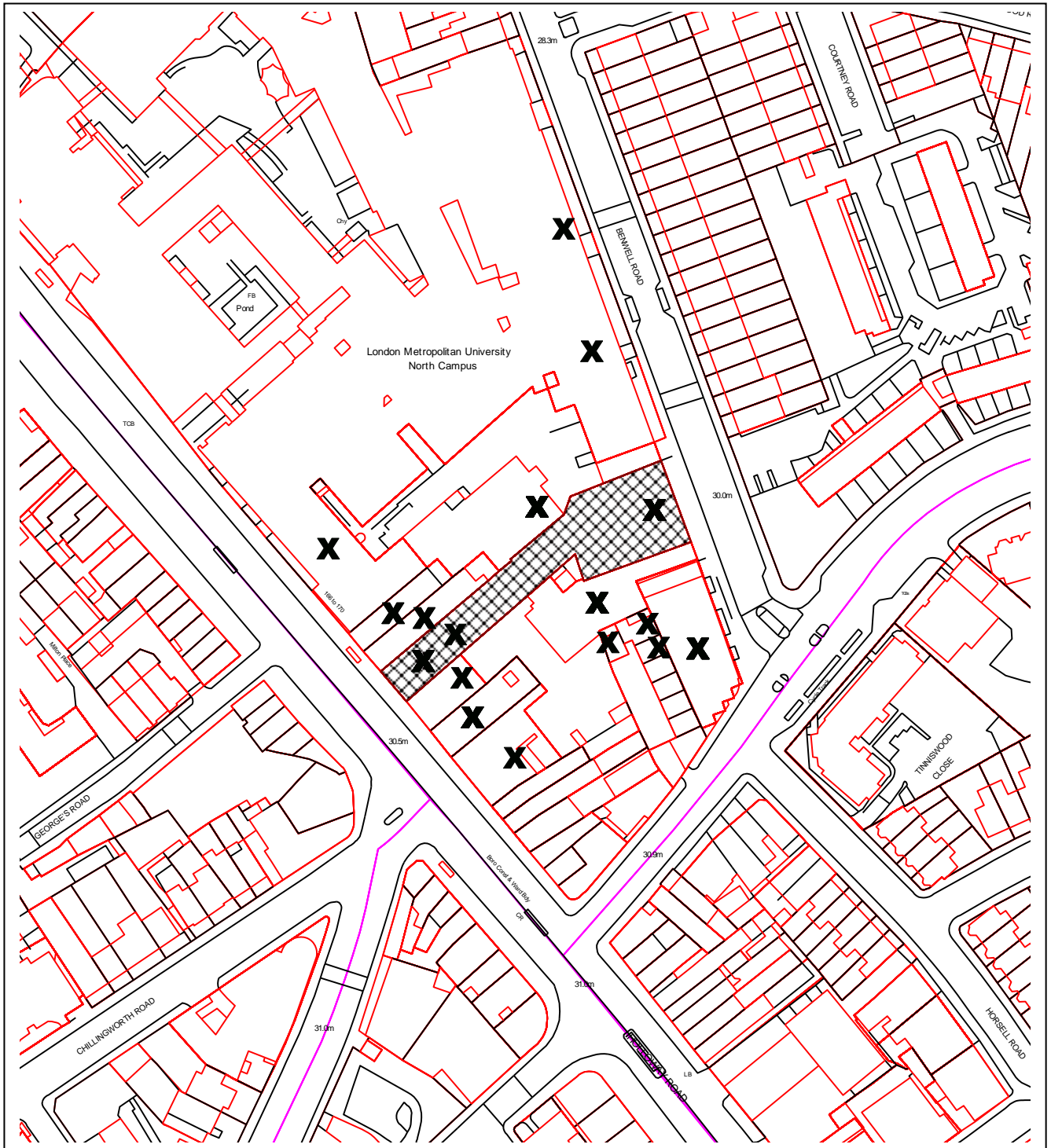
Islington Local Plan

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

London Plan

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

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2016/3347/FUL

This page is intentionally left blank

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:	13th December 2016

Application number	P2015/5102/FUL
Application type	Full Planning Application
Ward	Caledonian Ward
Listed building	N/A
Conservation area	No
Development Plan Context	Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Site
Licensing Implications	N/A
Site Address	55-61 Brewery Road, London, N7 9QH
Proposal	Demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,319sqm (GEA) of B1 office and 426sqm (GEA) of B1(c) floorspace.

Case Officer	Stefan Sanctuary
Applicant	A&K Kaimakamis
Agent	Savills

APPLICATION DEFERRED

1. The current application was previously heard at the Planning Committee held on the 13th October 2016. The application was deferred by Committee to enable the proposal to be considered by the Design Review Panel.

FURTHER RESPONSES

2. Since the Committee of the 13th October 2016, no further responses have been received from residents, internal or external consultees. The proposal was however

considered by the Design Review Panel on the 2nd November 2016. The panel's response to the application and how this has been addressed is summarised below and the DRP response is shown in full as Appendix 4.

DESIGN REVIEW PANEL

1st DRP comment

3. Panel members accepted that one of the key issues raised by Committee Members had been the height of the building. Panel members felt that the proposed height was appropriate for the site and wider developing area, which is characterised by undulation in height. As such, the proposed building should not be deferential to the neighbouring corner building which is of poor architectural quality. Questions were asked regarding the sunlight and daylight impact on the residential building to the rear of the site, particularly in light of the recently approved additional windows to the north elevation of the residential building.

Response

4. A full daylight / sunlight assessment has already been carried out. This now includes the yet-to-be-built windows of a consented scheme at 34 Brandon Road. These windows serve corridors and hallways but nonetheless have now been assessed. There is no loss of sunlight because they would be north-facing windows but as expected, there is a significant loss of daylight to these windows. However, as stated in the initial report, the loss of daylight to non-habitable windows, such as windows serving circulation space, is not seen as an impediment to development. Furthermore, the habitable spaces (kitchen, dining, living and bedrooms) will achieve levels of daylight which comply with the BRE guidelines.

2nd DRP comment

5. The panel questioned how the subdivision of the office space would affect the cross-ventilation strategy.

Response

6. A condition has been recommended which requires that prior to any works commencing on site a dynamic thermal modelling analysis be submitted to and approved in writing by the Local Planning Authority (*condition 17*). The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented. This is considered to provide sufficiently robust assurance that risks of overheating have been minimised.

3rd DRP comment

7. The Panel questioned the height of the plant enclosures and whether or not these would project into the protected viewing corridor for St Paul's Cathedral.

Response

8. This has now been clarified by the design team and it is confirmed that the proposal does not compromise the viewing corridor. A view from Dartmouth Hill over London, including the development site and St Paul's Cathedral, has been provided.

4th DRP comment

9. Panel members supported the proposed industrial use for the ground floor unit and suggested that a requirement for this use was added to the consent to ensure an appropriate use of the space. They questioned the servicing required for this unit and were not convinced that the fully glazed ground floor would provide an appropriate solution for access into and out of the industrial unit. Better connection between ground and lower ground floor should also be provided.

Response

10. The ground floor frontage has now been amended in two ways. Firstly, the single door in the first bay of the light industrial unit has been changed to a larger 1.7m wide glazed door. This will allow larger items, trolleys etc. to pass through on a day to day basis. Secondly, the central bay is now split into 3 panels, with the final panel being on a pivot hinge so that the full bay can be opened up. This would allow for larger pieces of equipment to access the ground floor if required. The Council's Design & Conservation team have been consulted on the change and they have confirmed that they are supportive of the design change. A further change has been made to the ground floor plan involving the provision of two glass floor access hatches to provide a better connection between the two lower levels.

5th DRP comment

11. The Panel questioned the use of brick cladding and were concerned that this may result in a building that does not appear as robust and industrial looking as intended by the design team. Panel members felt that it was important that a high level of detail was submitted, as part of the condition discharge for materials, if the application is approved in order to ensure that a high quality finish is achieved.

Response

12. Additional detail has been added to the proposed material condition as shown in the subsequent section of this report (*condition 3*). The requirement to provide 1:20 scale drawings would ensure that the building's final appearance engenders a robust aesthetic.

6th DRP comment

13. Some panel members questioned the detail to the top of the building and felt it may not provide a good solution in terms of the proportions in relation to the base and middle of the building. It was suggested that the design team explore options where the top of the pilasters are dropped which may help create a visually softer transition between the scale of the proposed building and that of others around it that are currently lower.

Response

14. A new elevation has been submitted which shows the pad-stones and extended steel lintels at third floor level as well as at fourth floor level. The amendment brings out the top floor more successfully and is considered to provide a better balance to the overall design. The Council's Design & Conservation team have been consulted on the change and they have confirmed that they welcome the design.

CONCLUSION AND UPDATED CONDITIONS

15. While the Design Review Panel commended the design and supported the height and massing of the proposal, a couple of points were made that could improve the proposal.
16. The applicant was willing to respond to these points and have therefore made some design changes to the proposal. In order to include these suggestions into the final design of the proposal and fully take on board the DRP's comments, it is recommended to amend two of the conditions. As such, the following changes are made to the original report Appendix 5;
- **condition 2 is amended so that new elevational drawings and floor plans are added to the approved plans list, and**
 - **condition 3 is amended as per the details shown below.**

17. Amendment to condition 3:

CONDITION 3: *A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.*

*Details of facing materials including samples **as well as 1:20 drawings of the front elevation** shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:*

- a) *brickwork, bond and mortar courses;*
- b) *steel beams;*
- d) *windows, doors and balustrades;*
- e) *roofing materials; and*
- f) *any other materials to be used on the exterior of the development.*

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.

REASON: In the interests of securing sustainable development and to ensure that the

resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.

18. These changes are reflected in Recommendation B of Appendix 1, as shown below.

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:

- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements. Each placement must last a minimum of 26 weeks. The council'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 04/04/2015). If these placements are not provided, a fee of £5,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £512, 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.
- The provision of 1 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £2,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £39,652.
- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network)

and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 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).
- Council’s legal fees in preparing the Section 106 agreement and officer’s fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Drawing Numbers: BR55-61_EX_P_L; G200_E_N_001_OP03 Rev C; G200_E_S_001 Rev E; G200_E_E_001 Rev C; G200_E_W_001 Rev C; G200_P_B1_001 Rev D; G200_P_00_001 Rev E; G200_P_TY_001 Rev B; G200_P_RF_001 Rev B; G200_S_AA_001 Rev C.</p> <p>Planning Statement by Savills dated November 2015; Design & Access Statement by Squire & Partners dated August 2016; Daylight and Sunlight Study (Neighbouring Properties) (Revised) dated 15th November 2015;</p>

	<p>Delivery & Servicing Management Plan by ttp consulting dated October 2015; Draft Workplace Travel Plan by ttp consulting dated October 2015; Transport Statement by ttp consulting dated October 2015; Site Noise Survey & Preliminary Noise Assessment dated June 2016; Energy & Sustainability Statement dated June 2016; Response to Energy Officer comments by MecServe dated September 2016; Green Performance Plan by MecServe; Phase 1 Desk Top Study by Chelmer dated February 2016; Utilities Statement by MecServe dated January 2016; Preliminary Construction Management and Site Waste Management Plans by Clancy Consulting dated March 2016; Note on Servicing Strategy by ttp consulting dated October 2016.</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and samples (Details)</p>
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples as well as 1:20 drawings of the front elevation shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses; b) steel beams; d) windows, doors and balustrades; e) roofing materials; and f) any other materials to be used on the exterior of the development. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
4	<p>Roof-level structures (Details)</p>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

	<p>superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
5	External pipes, cables and CCTV (Compliance and Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
6	Inclusive design – business floorspace (Details)
	<p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 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 include:</p> <ul style="list-style-type: none"> • accessible WC provision; • public entrances including sections showing level access, door furniture and manifestations to glazing; • space for the storage and charging of mobility scooters; • details of accessible changing facilities for staff; • details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD; and • refuge area and management strategy in the event of fire evacuation. <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 in accordance with policy 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
7	<p>Cycle parking (Compliance)</p> <p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 20 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>
8	<p>Micro and small enterprises (Details)</p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace.</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 adequate provision of business accommodation suitable for occupation by micro and small enterprises in accordance with policy BC8 of the Finsbury Local Plan 2013.</p>
9	<p>Restriction of B1 uses</p> <p>CONDITION: At least 353sqm (GIA) of B1(c) floorspace shall be provided. The B1(c) shall be strictly limited to uses within the use B1(c) use class and not for the purposes of Use Class B1a or B1b – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
10	<p>Green roofs (Details and Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> • form biodiversity-based roofs with extensive substrate bases (depth 80-

	<p>150mm);</p> <ul style="list-style-type: none"> cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington’s Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington’s Development Management Policies 2013.</p>
11	Sustainable urban drainage (Details)
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2015 and policy DM6.6 of Islington’s Development Management Policies 2013.</p>
12	Basement – Structural Method Statement (Details)
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington’s Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably</p>

	qualified and experienced professional.
13	Basement – inspection and monitoring (Compliance)
	<p>CONDITION: The certifying professional that endorsed the Structural Method Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
14	Piling and foundations (Details)
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
15	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2014) New Construction Scheme rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington’s Core Strategy 2011 and policy DM7.4 of Islington’s Development Management Policies 2013.</p>
16	Energy/carbon dioxide reduction (Compliance)
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy and Sustainability Statement hereby approved which shall together provide for no less than a 29.3% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington’s Development Management Policies 2013.</p>
17	Dynamic thermal modelling (Details)
	CONDITION: Prior to any works commencing on site a dynamic thermal modelling

	<p>analysis shall be submitted to and approved in writing by the Local Planning Authority. The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented.</p> <p>REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating in accordance with policy 5.9 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policy DM7.5 of Islington's Development Management Policies 2013.</p>
18	Demolition and Construction Management and Logistics Plan (Details)
	<p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) and Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3, 6.14, 7.14 and 7.15 of the London Plan 2015 and policy DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
19	Delivery and Servicing Management Plan and Waste Management Plan (Details)
	<p>CONDITION: Prior to any works commencing on site, a Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
20	Waste storage (Compliance)
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be</p>

	<p>maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
21	<p>Plant noise (Compliance and Details)</p>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ 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 $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
22	<p>Site contamination (Details)</p>
	<p>CONDITION: Following completion of measures identified in the Chelmer Consultancy Services desktop study report dated February 2016 ref DTS/6425, 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.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>

List of Informatives:

1	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	Definition of ‘Superstructure’ and ‘Practical Completion’
	A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
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 London Borough of Islington’s Community Infrastructure Levy (CIL) and the Mayor of London’s Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at cil@islington.gov.uk. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Sustainable Sourcing of Materials
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE’s Green Guide Specification.
5	Groundwater
	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</p>	<p>Thames Water</p> <p>Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<p>7</p>	<p>Surface Water Drainage</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. 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>

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 comprises 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**

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

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 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 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 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing

noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP).

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS16 (Play Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Islington's Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Employment

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

BC9 Tall buildings and contextual considerations for building heights

BC10 Implementation

3 Designations

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

Islington Local Plan
Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Area

4 Supplementary Planning Guidance (SPG) / Documents (SPD)

The following SPGs and SPDs are relevant:

Islington Local Plan

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

London Plan

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- 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



Appeal Decision

Site visit made on 4 April 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/V5570/W/15/3140588
55-61 Brewery Road, Islington, London, N7 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Atlas Property against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/2817/FUL, dated 2 July 2015, was refused by notice dated 28 October 2015.
 - The development proposed is demolition of the existing building and erection of a 5 storey building plus basement level accommodating 333sqm of commercial (B class) use over the basement and ground floors and 9 flats over the upper floors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the primary economic function of the Islington Locally Significant Industrial Site.

Reasons

3. The appeal site is currently occupied by a three storey brick building and is located near the junction of Brewery Road and York Way. On the east side of York Way, Brewery Road and the streets to the south are primarily commercial in character, whilst on the west side of York Way the area has a more residential character. The ground floor of the building is used for storage by a local business and the two upper floors are currently in use as an Islamic school, education centre and mosque. The Council have stated that the use of the upper floors is not authorised by a grant of planning permission and that the current lawful use of the upper floors is as offices falling within Use Class B1(a) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). The total internal floor area of the existing building is 790m².
4. The appeal site lies within the designated Islington Locally Significant Industrial Site (LSIS) and the development plan policies seek to retain business floor space within this area as it is the last significant concentration of industrial land in the Borough. It is recognised by both parties that there is both a Certificate of Lawfulness and a Prior Approval which relate to the conversion of the upper floors of the present building to a residential use consisting of 8 flats, which would retain the storage use at ground floor level but remove 530m² of office

floor space. It is suggested by the appellant that these circumstances represent a fallback position which should have been afforded significant weight when considering the proposal.

5. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The existence of a fallback position is a material consideration and whilst the Council do not contest that a fallback position exists, they question the weight that should be attributed to it.
6. It is necessary to consider whether there is a realistic prospect of the fallback position being implemented. The Prior Approval was granted on 29 October 2013 and amendments to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) which came into force on 6th April 2016 allow three years for development under what is now Class O of the GPDO to be implemented. Although I do not have full details of the development for which Prior Approval was granted before me, I have been provided with a proposed schedule of works which allows 12 weeks for completion of the conversion scheme. The Council have suggested that there may be doubts over funding for the scheme but have not questioned the timescale for the completion of the works. Consequently, I consider that it is likely these works could be completed before 29 October 2016 when the Prior Approval expires and that there is therefore a realistic prospect of the fallback position being implemented. This is a material consideration which must be given appropriate weight in determining the appeal. In determining the weight that should be given to the fallback position, the principle question is whether the fallback scheme is less desirable than the appeal scheme in terms of its effects on the LSIS and its primary economic function.
7. The purpose of the development plan policies is to retain business floor space in LSIS and the reason for refusal states that the proposal results in the loss of B1 floor space within the LSIS. The Council suggest that the proposal results in an overall loss of 790m² of business floor space and its replacement with 330m² of B1(a) floor space, which is not a priority in the LSIS in terms of Policy DM5.3. However, whilst policy DM5.3 does not prioritise B1(a) floor space, neither does it preclude it, and this notwithstanding, Use Class B1 as defined by the Use Classes Order allows the use for any or all of the purposes falling within subgroups (a), (b) or (c), and the proper operation of the Use Classes Order would not restrict the use to that specified in the planning application provided that the use was one that could be carried out in any residential area without detriment to the amenity of the area.
8. The fallback position would result in 260m² of B8 floor space remaining on the site alongside the residential use whereas the appeal proposal would provide 330m² of B1 floor space. I note that the appellant has suggested that the appeal proposal would create 440m² of additional business floor space compared to 260m² in the fallback proposal, however, the figure of 440m² is the gross external area whilst the figure quoted for the fallback is the gross internal area. Therefore, the additional resulting floor space over and above that retained in the fallback proposal is not as large as suggested. In terms of business floor space remaining post development, whilst the appeal proposal would provide an additional 73m² of business floor space above that retained in the fallback position scheme, I do not consider that this represents such a

significant uplift in retained floor space that the fallback proposal is demonstrably more harmful in this respect.

9. Although the appeal proposal would only introduce one more residential unit into the scheme, the overall floor area of the residential use would be much greater than in the fallback proposal with 1,056m² of residential floor area as opposed to 530m². Whilst noting the appellant's point that not all of the dwellings that would be created by the fallback proposal would meet the floor space standards set out in the London Plan and that the dwellings created by the appeal proposal are of higher standard, the appeal proposal would represent a greater and more intensive encroachment of a residential use into an area designated for commercial purposes than the fallback proposal.
10. Consequently, as the fallback proposal would retain only slightly less business floorspace but would introduce significantly less residential floorspace into a primarily commercial area, it is not inherently less desirable or more harmful than the appeal proposal and as such I can only attach limited weight to the fallback position.
11. The Vale Royal/Brewery Road LSIS is the last significant concentration of industrial land in the Borough and Policy CS13 of the Islington Core Strategy seeks to retain this for industrial/warehousing and employment land. This is supplemented by Policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to prevent the loss of business floor space and retain uses appropriate to the role of the LSIS, particularly uses falling within the B1 c), B2 and B8 Use Classes. Policy DM5.3 requires that exceptional circumstances must be shown to justify a loss or reduction of business floor space which would have a detrimental individual or cumulative impact on the areas primary economic function.
12. No substantive evidence has been put before me to show that the premises have been marketed for the period required by the policy and the premises were not vacant at the time of my site visit. In the absence of any evidence to the contrary, I have to conclude that the premises are not redundant, nor is there a lack of demand for employment space of this nature. As the majority of the floor space in the new building would be residential, this would not be ancillary to a primary employment use of the building or provide services or facilities that are ancillary to, and support the economic and employment function of the LSIS as required by Policy DM5.3. I also saw on my site visit that the building next to the appeal site on the junction of Brewery Road and York Way is a recent mixed use building with a commercial use on the ground floor and residential use above and that there are three storey flats on the north side of Brewery Road opposite the appeal site. The appeal proposal would introduce a further intensive residential use into the area which in combination with the existing residential uses at the west end of Brewery Road would cumulatively erode the commercial nature of the area.
13. The appellant has drawn my attention to two appeal decisions relating to fallback positions as a material consideration. I do not have full details of these cases before me and so cannot be certain that they are directly comparable, but in any event, I have had regard to the fallback position in this case and have concluded that the fallback position would not have a significantly greater impact than the appeal proposal to the extent that it would justify making a decision which does not accord with the development plan.

14. I therefore find that the proposed development would cause harm to the primary economic function of the Islington Locally Significant Industrial Site and is therefore contrary to Policies 2.17, 4.1, 4.2, 4.4 and 4.12 of the London Plan 2015, policy CS13 of the Islington Core Strategy 2011 and policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to support a diverse economy and retain employment space within the Borough.

Conclusion

15. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR



CONFIDENTIAL

ATT: Aimee Squires
Savills
33 Margaret Street
London W1G 0JD

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA

T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: DRP/104

Date: 23 November 2016

Dear Aimee Squires,

ISLINGTON DESIGN REVIEW PANEL

RE: 55-61 Brewery Road, London, N7 9QH (planning application ref. P2015/5102/FUL)

Thank you for attending Islington's Design Review Panel meeting on 26 July 2016 for a first review of the above scheme. The proposed scheme under consideration is for the demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,319sqm (GEA) of B1 office and 426sqm (GEA) of B1(c) floorspace (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (chair), Paul Reynolds, Stafford Critchlow and Cordula Zeidler on 2 November 2016 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

Panel's observations

Panel members were aware that this proposal is a live planning application and that it had gone to committee with officer's recommendation for approval. Committee had deferred a decision requesting that the scheme be first brought to the DRP.

Panel members accepted that one of the key issues raised by Council officers was the height of the building. The Panel generally felt that the proposed height was appropriate for the site and wider developing area which is characterised in townscape terms by undulation in height. The existing adjacent residential corner building to York Way is of low architectural quality and should not be seen as a precedent to follow. The Panel felt that provided the proposed design is of high quality and well-proportioned then an increase in scale could make a positive contribution to the street scene. There were, however, concerns raised regarding the sunlight and daylight impact on the residential building to the rear of the site, particularly in light of the recently approved additional windows to the north elevation of the residential building.

The Panel questioned how the subdivision of the office space would affect the cross-ventilation strategy. The design team stated that the ventilation would be a mix of natural and mechanical and that windows would be openable if required. However, panel members felt that further consideration was needed in order to provide sufficient natural cross ventilation through the building if subdivided.

The Panel questioned the height of the plant enclosures and whether or not these would project into the protected viewing corridor for St Paul's Cathedral. They commented that this should be clarified by the design team prior to possible approval.

Panel members supported the proposed industrial use for the ground floor unit and suggested that a requirement for this use was added to the consent to ensure an appropriate use of the space. They questioned the servicing required for this unit and were not convinced that the fully glazed ground floor would provide an appropriate solution for access into and out of the industrial unit. The Panel also questioned whether these units would be used as intended and were concerned that they may not provide the active frontage as envisioned. Better connections between the ground and lower ground floor should be provided. Panel members felt that careful consideration was required in order to provide an appropriate solution.

The Panel questioned the use of brick cladding and were concerned that this may result in a building that does not appear as robust, solid and industrial looking as intended by the design team. The ground floor glazing could have a more industrial character to better relate it to its intended use and the upper floor windows. Panel members felt that it was important that a high level of detail was submitted, as part of the condition discharge for materials, if the application is approved in order to ensure that a high quality finish is achieved.

Some panel members questioned the detail to the top of the building and felt it did not provide a good solution in terms of the proportions in relation to the base and middle of the building. It was suggested that the design team explore options where the top of the pilasters is dropped which may create a visually softer transition between the scale of the proposed building and that of others around it that are currently lower.

Summary

The Panel were supportive of the proposed use of the building, particularly the industrial use at lower levels. Panel members were also very positive about the intended robustness and industrial aesthetic of the building. They felt that further thought should be given to enhance the ground floor level and its relationship with the street, including the integrated design of the roller shutters, as well as further consideration to the access and loading for these units and how this may affect the glazing to the ground floor. The Panel also suggested that further work was required in relation to the cross ventilation of the building if the floors are subdivided into smaller units. As the building is taller than many around it, panel members felt it would be particularly important to ensure that full details of all materials and detailing to the approved design be carefully controlled by condition, particularly as this building is likely to set a standard for future developments in the area.

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 planning application stage, 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

This page is intentionally left blank

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:	13th October 2016	

Application number	P2015/5102/FUL
Application type	Full Planning Application
Ward	Caledonian Ward
Listed building	N/A
Conservation area	No
Development Plan Context	Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Site
Licensing Implications	N/A
Site Address	55-61 Brewery Road, London, N7 9QH
Proposal	Demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,319sqm (GEA) of B1 office and 426sqm (GEA) of B1(c) floorspace.

Case Officer	Stefan Sanctuary
Applicant	A&K Kaimakamis
Agent	Savills

1 RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN RED/BLACK)



3 PHOTOS OF SITE/STREET



Photograph 1: Brewery Road frontage



Photograph 2: Existing front elevation



Photograph 3: York Way looking south

4 SUMMARY

- 4.1 The application site is currently unlawfully occupied at first and second floor by the York Way Masjid, a mosque and education centre, however the ground floor of the building is largely vacant. Retrospective planning permission for the retention of the existing first and second floor uses was recently refused (July 2016) because of loss of business floorspace within the Locally Significant Industrial Site. The site is within the Locally Significant Industrial Area of Vale Royal and Brewery Road but is not within any conservation area.
- 4.2 The applicant proposes the demolition of the existing building on site and the erection of a 5-storey (plus basement) building incorporating a total of 1,118sqm (GIA) of B1 office and 353sqm (GIA) of B1(c) floorspace. The proposed development would overall accommodate 1,471sqm (GIA) of new B1 floorspace.

- 4.3 The redevelopment of the site is welcomed and supported in principle, and the application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 4.4 The proposal is considered largely acceptable in terms of land use, transportation and servicing, its impact on neighbours, sustainability and energy, and would be subject to conditions and an appropriate Section 106 agreement. Appropriate Section 106 Heads of Terms have been agreed with the applicant.
- 4.5 The benefits of the proposed development (including the increase in B1(c) floorspace and the quality of the replacement building) are noted, and have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development. On balance, it is recommended that permission be granted.

5 SITE AND SURROUNDINGS

- 5.1 The application site is 0.032 hectares in size, is rectangular in shape and has one street frontage onto Brewery Road. The existing building on site is a 3-storey commercial building with storage on the ground floor and office uses on the upper floors, though the building is currently in use as a mosque. The existing lawful use comprises 260sqm GIA (240sqm NIA) of B8 floorspace and 530sqm GIA (500sqm NIA) of B1 floorspace. The application site has no trees or areas of soft landscaping and is almost entirely covered by building.

Site Location Plan



- 5.2 The site is bordered by a four storey residential building on its western boundary, 252-254 York Way, while to the east is a four storey warehouse/storage building 45-53 Brewery Road. To the north of the site are some residential and light industrial buildings, including an old converted public house, 256 York Way, now in use as an

HMO and a residential apartment building at 126 Brewery Road. To the south of the site, the area is characterized by industrial and warehouse buildings typical of the industrial area, though there are also a number of buildings in residential use that need to be considered. In particular, 248-250 York Way as well as 34 Brandon Road, which border the site to the south, are in residential use.

- 5.3 The site is wholly within the Vale Royal and Brewery Road Locally Significant Industrial Area, which is largely characterised by post-war industrial/warehouse buildings as well as some late-Victorian residential buildings. The site is not within a conservation area nor does the immediate context offer much by the way of architectural or heritage value.
- 5.4 The site is in close proximity to the Brewery Road junction with York Way. The site has a PTAL of 4 and is within walking distance to Caledonian Road underground station and a number of bus routes.

6 PROPOSAL (IN DETAIL)

- 6.1 The applicant proposes the demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,118sqm (GIA) of B1 office and 353sqm (GIA) of B1(c) floorspace. The following table provides detail of existing and proposed uses, expressed in gross / net external and internal floorspace area:

	Existing	Proposed	Uplift
Gross External Area	570sqm (B1(a))	1,319sqm (B1(a))	749sqm
	285sqm (B8)	426sqm (B1(c))	141sqm
Gross Internal Area	530sqm (B1(a))	1,118 (B1(a))	588sqm
	260sqm (B8)	353sqm (B1(c))	93sqm
Net Internal Area	500sqm (B1(a))	780sqm (B1(a))	280sqm
	240sqm (B8)	272sqm (B1(c))	32sqm

- 6.2 The proposed building is entranced at ground floor from Brewery Road via an office lobby providing access to a lift / stair core. The lobby provides direct access to 159sqm of B1(c) (light industry) floorspace as well as a cycle storage area and a small open yard at the rear with further cycle parking. At basement level, the proposed building incorporates a further 113sqm of B1(c) floorspace as well as further cycle parking, mobility scooter storage, shower/changing facilities, accessible toilets and refuse storage.
- 6.3 The upper floors of the proposed building each provide 195sqm of B1 (office) floorspace with associated toilet and kitchen facilities. At roof level the proposal includes plant equipment and solar panels. No on-site car parking is proposed.

6.4 The application has been amended since it was originally submitted. The proposal has been reduced by one storey and consequently the amount of B1 office floorspace proposed has been reduced.

7 RELEVANT HISTORY

Planning Applications

7.1 The following is the most recent and relevant planning history for the site and surroundings:

- On the 18th December 2013, a prior approval application for the change of use of the building (or identified part of building) to residential use (C3) use class creating 8 (2x1 and 6 x 2 bedroom) residential units was approved under reference P2013/4110/PRA.
- On the 17th March 2014, a Certificate of Lawful Development in relation to the proposed change of use of the first and second floor of the building from B1(a) office use to 8 residential dwellings (C3 Use class) under Class J of Part 3 of Schedule 2 of the (TCP General Permitted Development) (Amendment) (England) Order 2013 was approved.
- On the 28th October 2015, an application for the demolition of the existing building and erection of a 5 storey building plus basement level accommodating 320sqm of commercial (B1(a) class) use over the basement and ground floors and 9no.flats (1x1 bed, 6x 2 bed and 2 x 3 bed) over the upper floors with associated balconies and terraces was refused under application reference P2015/2817/FUL for loss of employment floorspace. The appeal was subsequently dismissed (APP/V5570/W/15/3140588).
- On the 11th July 2016, an application for the retention of change of use of first and second floor from B1 (Business) to D1 (Community, Religious and Educational Centre) and insertion of double-glazed UPVC windows was refused under planning application reference P112868 because of the loss of B1 floorspace and the failure to meet inclusive design standards.
- 34 Brandon Road P2016/2692/FUL, removal of existing single storey ground floor side element to workshop and the introduction of entrance courtyard to residential and workshop plus alterations to rear ground floor roof slope. Erection of four storey side extension. Erection of three storey rear extension plus roof extension and associated roof terrace. Alterations to rear fenestration and to ground floor front elevation. Internal reconfiguration of workshop space. APPROVED 26/08/2016 but not yet implemented.

Enforcement

7.2 An enforcement investigation was opened in 2014 in response to the subject site's ongoing use as a mosque and education facility. The case was closed on the 22nd July 2015 pending a decision on planning application reference P112868 and in the absence of any substantiated complaints about the use of the premises.

Pre-application Advice

- 7.3 The applicant did not engage the council in pre-application advice but used the 2015 appeal scheme to inform their proposal. A copy of the appeal decision is attached as Appendix 3.
- 7.4 Design Review Panel: the scheme was not presented to the Design Review Panel.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 119 adjoining and nearby properties on York Way, Brandon Road, Brewery Road, Tileyard Road, Marquis Road, Agar Grove on the 18th July 2016. A site notice and press advertisement were displayed on the 17th August 2016. The expiry date was thus the 7th September 2016 though it is the Council's practice to consider objections and representations up until the date of decision.
- 8.2 A total of 6 letters received from members of the public. The following points were made [*with the paragraph that provides responses to each issue indicated within square brackets*]:
- That the building's construction should not be disruptive. In particular that the construction process should not prejudice the continued operation of the nearby London Ambulance Service NHS Trust at 88 Brewery Road [*paragraphs 10.45 and 10.65 and condition 18*];
 - The building should not be demolished as it would result in the loss of the mosque which provides an important community facility [*paragraph 10.2*].
- 8.3 In addition to the letters received, a petition has been received with over 400 signatures objecting to the loss of the mosque.

External Consultees

- 8.4 Thames Water (commented 20th July 2016) – Developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. Recommend condition (14) requiring details of impact piling method statement, and an informative.
- 8.5 Camden Council were consulted as a neighbouring borough. No objections were received.

Internal Consultees

- 8.6 Design and Conservation Officer: No objections to the proposal subject to a reduction in height from six storeys to five storeys.
- 8.7 Energy Conservation Officer: Following initial comments and subsequent revisions, the following comments were issued:
- Carbon offset requirement will be 10,000tCO₂e.

- The proposed doors meet the required u-values and have no further issues with this.
- The need for artificial cooling will need to be demonstrated using this modelling for this to be accepted. Thermal modelling should be carried out to meet the requirements outlined in the Environmental Design SPD (*condition 17*).
- We note the confirmation that the building will be future proofed for connection to a future District Heating System.
- We accept that the PV modules suggested have an acceptable output and have no further queries on this.
- We accept that a carbon target has been set for the building and this can be amended to fit the usage profile of the eventual tenant in the final GPP.

8.8 Inclusive Design Officer: The following comments were made:

- A proportion of cycle parking should be accessible to ambulant disabled people. Officer comment: *The proposal has now been amended accordingly and a 1500mm clear space has been provided beside the accessible cycle rack.*
- Consideration should also be given to the provision of storage and charging facilities for mobility scooters. Officer comment: *A 1800mm long mobility scooter storage space with a 1200mm long manoeuvring space has now been provided.*
- There is a concern around the safe evacuation of mobility impaired employees and visitors. Officer comment: *The proposal provides refuge space within the lift lobby.*

8.9 Public Protection: No objection subject to conditions on land contamination and construction.

8.10 Highways: No objection.

8.11 Transportation: Initial objections to cycle parking layout and on-street servicing. Following amendments and justifications provided, the objection was removed. The trip rate calculations have been provided and the parking restrictions have been made available and on this basis it is considered that on-street servicing would be acceptable in this instance. This is considered in more detail in the highways and Transportation section of this report (*paragraphs 10.59-10.62*).

8.12 Sustainability Officer: No objections.

8.13 Lead Local Flood Risk Authority: No comments.

9 RELEVANT POLICIES

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

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 Under the Ministerial Statement of 18/12/2014, 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 local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 9.5 The Development Plan comprises 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.
- 9.6 In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP), which have weight as a material consideration relevant to this application.

Designations

- 9.7 The site has the following designations under the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013:
- Kings Cross & Pentonville Road Key Area
 - Local Cycle Routes
 - Local View from Dartmouth Park Hill
 - Vale Royal & Brewery Road Locally Significant Industrial Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.8 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 of development
- Land use
- Design and conservation
- Inclusive design
- Neighbour amenity
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Planning obligations

Principle of Development

- 10.2 The site's existing building is under-used, dated, and offers very poor accessibility to people with disabilities. The subject building's upper floors are currently unlawfully used as a mosque and school, though a retrospective planning application for this use has recently been refused as it is not considered to be appropriate to the economic functioning of the Vale Royal and Brewery Road Locally Significant Industrial Area.
- 10.3 The ground floor is currently not in use though its lawful use is for warehousing/storage (B8 Use Class). Redevelopment of the site is considered acceptable in principle, as it provides an opportunity to provide business floorspace to a better standard than currently exists. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.
- 10.4 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

Land Use

- 10.5 The application site is within the Vale Royal / Brewery Road Locally Significant Industrial Area. Policy CS13 of Islington's Core Strategy states that the Vale Royal / Brewery Road Site will be retained for industrial / warehousing / employment land. In support of this policy, Development Management Policy DM5.3 encourages the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).
- 10.6 In general, planning policies relevant to this proposal and site safeguard existing employment floorspace, and encourage office development. The supporting text of London Plan Policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged.
- 10.7 The site is also within the King's Cross Key Area for which Policy CS6 of Islington's Core Strategy is of relevance. The King's Cross area will be expected to accommodate estimated growth in jobs of approximately 3,200 from B-use floorspace. Moreover, Policy CS6 also states that the Vale Royal / Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.
- 10.8 Set against this policy objective is the prior approval legislation, which has already resulted in permission being granted to convert the existing office floorspace on site to 8 residential units under reference P2013/4110/PRA. Within this context, the proposal to provide a new building with 1,118 sqm of B1 office floorspace and 353 sqm of B1(c) floorspace is welcome and considered appropriate in land use terms. This constitutes an uplift of some 588sqm of B1 office floorspace and an uplift of 93sqm of floorspace considered appropriate to the role of the Locally Significant Industrial Site, in this case B1(c) floorspace.

Proposed uses

Levels	B1 OFFICE						B1c LIGHT INDUSTRY					
	GEA		GIA		NIA		GEA		GIA		NIA	
	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.
B1	125	1,345	99	1,069			190	2,042	149	1,600	113	1,216
00	61	654	49	527			229	2,469	198	2,131	159	1,711
01	283	3,046	242	2,610	195	2,099	2	19	2	17		
02	283	3,046	242	2,610	195	2,099	2	19	2	17		
03	283	3,046	242	2,610	195	2,099	2	19	2	17		
04	283	3,046	242	2,610	195	2,099	2	19	2	17		
Total	1,319	14,196	1,118	12,035	780	8,396	426	4,589	353	3,797	272	2,928

- 10.9 The floorspace proposed is flexible in nature and would meet the needs of small enterprises in line with Policy CS13 which requires a proportion of small, micro and/or affordable workspace from major non-residential developments. The B1(c) floorspace provided within the basement is 113sqm in size and can be accessed from an internal staircase as well as the central lift/stair core. The ground floor B1(c) floorspace is 159sqm in area and can be accessed directly from the street or from the main entrance lobby. The workspace can be easily subdivided to create smaller units suitable for micro enterprises if necessary (*condition 8*).

Conclusion

- 10.10 The proposal would replace the site's existing substandard, poor quality office accommodation and warehouse floorspace with a greater quantum and quality of useable business floor space and floorspace suitable for the role of the Industrial Site. As such, it is considered that the proposal is acceptable in land use terms and in accordance with Policies CS6, CS13, Development Management Policy DM5.3 and London Plan Policy 4.2.

Design, Conservation and Heritage Considerations

- 10.11 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant. The council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.

Site and surroundings

- 10.12 The subject site's immediate neighbours are a four-storey residential building on the corner of York Way and Brewery Road and a four storey warehouse / storage building on its eastern boundary. Across the street on the other side of Brewery Road is one of the few buildings in the surrounding area with any architectural or historic value, an old Victorian pub now converted to an HMO, 256 York Way. Immediately to the east of this building is a three-storey modern apartment building, whilst the remainder of Brewery Road is generally characterized by relatively low-rise light industrial and warehouse buildings. To the west of the subject site is York Way, which is characterized by a

variety of light industrial and warehouse buildings, four-storey Victorian terraces and more high-rise apartment buildings.

Demolition of existing buildings

- 10.13 The existing building is not itself of any architectural or historic value and does not relate particularly well to its neighbours in terms of its height, massing or rhythm of fenestration. As such, the building's demolition is supported in principle.

Heights and massing

- 10.14 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed".
- 10.15 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 10.16 The application was originally submitted as a six-storey building with a set-back top floor. The application has been amended and the proposal is now for a five-storey apartment building. The building would still be taller than its neighbours, protruding a storey and a half above buildings on either side including the residential building on the corner of York Way. There is a certain design logic to having the corner building exceeding the heights of its neighbours and this proposal would go against this concept as the proposed building would be a storey and a half higher.
- 10.17 However, given the way that York Way widens at its junction with Brewery Road, the subject site sits in a relatively prominent location and reads as part of the junction. The proposal is considered to sit comfortably in its surroundings given the variety of heights in the wider area, particularly along York Way. Moreover, it is expected that the area will be subject to a considerable amount of change with new business floorspace being created in the coming years. This expected re-development is likely to be of greater height and massing reflective of the emerging character of the Kings Cross area to the south and Maiden Lane estate (both of which lie within the borough of Camden). It should also be noted that the height of the proposal does not interfere with any designated local views. Finally, the recently dismissed appeal scheme (APP/V5570/W/15/3140588), which proposed a five storey building, was considered acceptable in relation to height and massing.



Proposed Front Elevation

Architecture and elevations

- 10.18 London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character.
- 10.19 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades.
- 10.20 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality. Further guidance is provided in section 2.3 of Islington's Urban Design Guide SPD.
- 10.21 The proposed front elevation has an elegant symmetry to it that is welcome. The building has a clear defined base, which is more commercial in its design with large sections of glazing to provide as much light as possible to the light industrial uses within it. The materials proposed, combined with the vertical and horizontal proportions are considered to sit comfortably within the building's immediate surrounding context. The elevation is also considered to respond to, and respect, the local industrial context.

- 10.22 The building has a material palette consisting of brick, painted steel and reconstituted stone. The industrial character is expressed through the horizontal steel beams which divide glazed sections between all floors. The brick will be selected to respond to the surrounding industrial context with English bond also chosen to be respectful to the local vernacular (*condition 3*).
- 10.23 The design of the side and rear elevations is simple and elegant with brick, a stone string course and simple legible fenestration. A condition (3), requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is considered necessary.

Inclusive Design

- 10.24 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.

Business floorspace assessment

- 10.25 The proposed business floorspace would have level access to each floor, which is welcome. The access doors and route to the lift are at least 1500mm wide to facilitate wheelchair access and the internal spaces are designed so as to provide convenient access to those with mobility impairments. Accessible WCs, with correct dimensions, are also proposed.
- 10.26 Recommended condition 6 requires the submission of details relevant to inclusive design, to ensure the proposed business floorspace would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD, including the requirements and guidance related to scooter charging / storage, which were referred to in the Inclusive Design Officer's comments.
- 10.27 Accessible cycle racks have been provided in the basement, which is welcome. A 1500mm space flanking the rack would be provided on either side. The layout of storage and charging for mobility scooters is considered appropriate.

Accessible parking

- 10.28 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints. Off-site, on-street provision would instead be appropriate. A survey of the surrounding area has been carried out which shows a number of potential parking bays which could be converted. This will be reflected within the section 106 agreement.
- 10.29 The proposal is considered to meet inclusive design principles set out in local and national planning policy and guidance would meet the needs of those with access and mobility impairments.

Neighbour Amenity

- 10.30 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.31 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 states that development proposals should minimise the existing and potential adverse impacts of noise.
- 10.32 Development Management Policy DM2.1 confirms that, for a development proposal to be acceptable it is required to maintain a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. These considerations apply to the amenities of existing residents, (and of future residents of proposed developments if relevant). Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

Daylight

- 10.33 With regard to daylight, the BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Of note, the 0.8 figure is often expressed as a percentage in VSC analysis, such that a reduction of up to 20% would comply with this part of the BRE guidance if the 27% figure is also met.
- 10.34 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.
- 10.35 The neighbouring properties in closest proximity to the site are to the rear and to the side, namely 250-254 York Way and 34 Brandon Road. The windows within these properties have been tested for loss of daylight and it can be concluded none of the windows tested serving habitable rooms would result in a loss of greater than 20% with a consequent VSC of below 27%. Permission has recently been granted for extensions and alterations to 34 Brandon Road, which would result in new windows being inserted in the rear elevation of this building overlooking the application site. Although this permission has not yet been implemented, the impact on these windows and the internal daylight afforded to the rooms within them has been considered as part of this assessment as it is likely to be implemented prior to the implementation of the

application being considered here. It can be confirmed however that the proposed new windows in this neighbouring property serve hallways and corridors and thus would not result in a significant reduction in the amenity for these residents.

- 10.36 The properties of 126 Brewery Road and 256 York Way, which are located on the opposite side of Brewery Road, are also in residential use and thus have also been tested. It can be confirmed that none of the windows suffer losses greater than 20% of VSC and as a consequence loss of daylight would not be materially noticeable. The removal of the top floor of the proposed design has contributed to this favourable situation.

Sunlight

- 10.37 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21st September and 21st March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 10.38 All main habitable room windows which face 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test and the proposed development therefore satisfies the BRE direct sunlight to windows requirement.

Outlook

- 10.39 Outlook – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.
- 10.40 As the proposal would increase the height of the building by two storeys it is expected that there would be some impacts on outlook. In particular the view from windows on the top floor of the HMO on the opposite side of Brewery Road (256 York Way) would be curtailed. At 34 Brandon Road, the recently permitted extensions and alterations would introduce a new roof terrace at 3rd floor level. The outlook to the north from this roof terrace would be altered by the application being considered here. However, it is considered that the reduction in outlook would not be to an extent that would significantly reduce the amenities of residents of this building.

Privacy

- 10.41 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m between windows of habitable rooms. This does not apply across the public highway – overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this policy, consideration must be given to the nature of views between habitable rooms – for

instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.

- 10.42 Paragraph 2.3.30 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's more recent Development Management Policies, and there remains a need to ensure that the proposed development maintains adequate levels of privacy for neighbouring residents.
- 10.43 The proposal introduces new windows on the rear elevation of the property which would be within 18 metres of surrounding properties. However, privacy of residential occupiers would not be reduced as the adjoining buildings are either in non-residential use or the elevations facing the application site are windowless. As stated previously in this report, permission has been recently granted for a proposal which introduces new windows and a roof terrace at No 34 Brandon Road which is in residential use. Though this permission is yet to be implemented, it would, if implemented, introduce windows and private amenity space in close proximity to the windows in the office development being proposed here. However, the windows all serve corridors rather than habitable accommodation and the roof terrace would be at an oblique angle to the office windows so as to prevent overlooking and infringements in privacy.
- 10.44 The distance between windows on the building's front elevation and the closest window of buildings on the other side of Brewery Road would be 18 metres. However, this relationship already exists in the present situation and any overlooking would be over the highway and overlooking over a highway does not constitute a loss of privacy.

Other environmental impacts

- 10.45 Representations have been received raising concerns regarding potential disturbance and environmental impacts during construction. A condition (*condition 18*) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Conclusion

- 10.46 The impacts of the proposal on the amenities of neighbouring residents in terms of loss of daylight and sunlight, outlook, privacy or an increased sense of enclosure are considered acceptable and in accordance with planning policy.

Sustainability, Energy Efficiency and Renewable Energy

- 10.47 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.
- 10.48 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies.
- 10.49 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.
- 10.50 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.

Carbon dioxide emissions

- 10.51 The applicant's updated Energy & Sustainability Statement sets out a preferred strategy for reducing carbon emissions including through energy efficiency measures and low carbon energy sources. The energy efficiency measures proposed in the building's design include enhanced passive design with low U-values, double glazed high performance windows as well as fixed internal and external lighting with low energy light fittings. This, together with solar photovoltaic panels and air source heat pumps, would result in the development achieving a 29.3% saving of carbon dioxide emissions compared with the 2013 Building Regulations.
- 10.52 Remaining carbon dioxide emissions would need to be offset with a payment of £39,652. It is recommended that this be included in a Section 106 agreement associated with any permission granted for the proposed development.

- 10.53 In accordance with a request from the Energy Conservation Officer, it is recommended that details of dynamic thermal modelling of the proposed development be required by condition (condition 17).

Sustainability

- 10.54 The applicant proposes various measures in relation to sustainability and relevant planning policies, including measures relating to water efficiency and greywater usage, and sustainable sourcing and use of materials. Many of these measures are supported and welcomed. Conditions securing the approval of a Green Procurement Plan, and the development's achievement of BREEAM "Excellent", are recommended (*conditions 3 and 15*). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.
- 10.55 The submitted roof plan shows limited areas of green roof proposed on the building alongside the solar panels. These would enable a reduction in the extent of the site covered by impermeable surfaces. A condition (*condition 10*) is recommended, requiring the maximisation of green roof provision, and requiring the green roofs to meet the council's standard requirements as set out in Islington's Environmental Design SPD. There is otherwise little scope for significant landscaping as part of the proposed development.
- 10.56 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (*condition 11*).
- 10.57 A Green Performance Plan (GPP) will need to be submitted. This is considered to be acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 10.58 The proposed development includes excavation at basement level. Recommended conditions 12 and 13 secure the submission of details explaining how the proposed development would comply with the requirements of the SPD.

Highways and Transportation

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

Existing conditions

- 10.60 The site is close to the junction with York Way which is controlled by a traffic light. A single yellow line covers part of the site, whilst nearer to the junction it becomes a double yellow line.

10.61 The application site has a Public Transport Accessibility Level (PTAL) of 4. It is within walking distance of Caledonian Road underground station, and York Way and Caledonian Road are served by several bus routes. Bus and cycle lanes are marked along stretches of York Way.

Trip generation, parking and cycle parking

10.62 The applicant's Transport Assessment details the transportation and highways implications of the proposed development.

10.63 The applicant's consultant has assessed the trip generation for the business floorspace and has concluded that there would be no increase in employee car driver movements as a result of the proposed uplift in employment floorspace. Following amendments to the internal layout, the proposal now includes a total of 20 cycle parking space in line with planning policy.

10.64 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5. Accessible parking is discussed earlier in this report.

Other highways considerations

10.65 The existing building has a service bay and could be serviced via a crossover from Brewery Road. Servicing activity including deliveries and refuse collections are proposed to be undertaken on street from Brewery Road and will be managed by a Delivery and Servicing Management Plan. The proposed level of vehicle activity indicates that the proposed servicing arrangements can be accommodated without detriment to the operation of the local network. A trip rate assessment has been undertaken for both proposed uses, which shows that the proposed B1(c) floorspace would generate a total of 3 inbound and an equal number of outbound trips. The B1(a) office floorspace on the other hand would generate 4 servicing movements throughout the day. Given the nature and size of the floorspace, service and delivery vehicles are likely to be transit vans and 8m box vans.

10.66 The existing footway would be reinstated and as a result there would be sufficient space for large delivery and servicing vehicles to park up alongside the site. The parking restrictions allow for 40 minutes for loading / unloading purposes which is sufficient for the proposed uses. Swept path drawings have been provided which show how the servicing/delivery vehicles would service the site without disrupting the flow of traffic. The site is one of the smallest employment sites without a forecourt in the Vale Royal / Brewery Road Industrial Area. Accommodating the servicing bay on site would significantly reduce the amount of employment floorspace on site to the detriment of the scheme and the wider objectives of the area to deliver an increase in employment floorspace. It is considered that given the size of the site, the information provided on trip generation and the on-street servicing potential, an exception can be in this instance and servicing and delivery can be carried out on street.

10.67 A more detailed Servicing & Delivery Management Plan will be required by condition (19). Any works to the highway necessary including reinstatement of footways will be secured by section 278 agreement with the costs covered by the developer. This matter is referred to in the recommended Section 106 Heads of Terms.

10.68 In conclusion, the highways and transportation impacts are considered acceptable and in accordance with relevant planning policy.

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

- 10.69 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

Section 106 agreement

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

- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements. Each placement must last a minimum of 26 weeks. The council'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 04/04/2015). If these placements are not provided, a fee of £5,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £512, 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.
- The provision of 1 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £2,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £39,652.
- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or

connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 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).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

10.71 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

National Planning Policy Framework

10.72 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, promoting mixed-use development and achieving high quality design. With the recommended conditions and Section 106 agreement, the proposed development would largely address the NPPF's core principle related to addressing climate change.

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

11 SUMMARY AND CONCLUSION

Summary

11.1 The benefits of the proposed development must be noted. These include the replacement of the existing building with one of higher design quality, the replacement of the existing floorspace with a higher quality, more accessible and more flexible employment space. CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Work placements would also be secured through a Section 106 agreement

11.2 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant Development Plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise. In this case, the benefits of the proposed development (as amended) have been given due consideration. The revised proposals have limited the extent of loss of sunlight and daylight to surrounding residential properties and are on balance, considered to outweigh the shortcomings of the development.

- 11.3 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions and Section 106 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:

- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements. Each placement must last a minimum of 26 weeks. The council'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 04/04/2015). If these placements are not provided, a fee of £5,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £512, 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.
- The provision of 1 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £2,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £39,652.
- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 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).

- Council’s legal fees in preparing the Section 106 agreement and officer’s fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Drawing Numbers: BR55-61_EX_P_L; G200_E_N_001 Rev B; G200_E_S_001 Rev D; G200_E_E_001 Rev B; G200_E_W_001 Rev B; G200_P_B1_001 Rev C; G200_P_00_001 Rev D; G200_P_TY_001 Rev B; G200_P_RF_001 Rev B; G200_S_AA_001 Rev B; Schedule of Floorspace Revision F dated 12th September 2016.</p> <p>Planning Statement by Savills dated November 2015; Design & Access Statement by Squire & Partners dated August 2016; Daylight and Sunlight Study (Neighbouring Properties) dated 15th October 2015; Delivery & Servicing Management Plan by ttp consulting dated October 2015; Draft Workplace Travel Plan by ttp consulting dated October 2015; Transport Statement by ttp consulting dated October 2015; Site Noise Survey & Preliminary Noise Assessment dated June 2016; Energy & Sustainability Statement dated June 2016; Response to Energy Officer comments by MecServe dated September 2016; Green Performance Plan by MecServe; Phase 1 Desk Top Study by Chelmer dated February 2016;</p>

	<p>Utilities Statement by MecServe dated January 2016; Preliminary Construction Management and Site Waste Management Plans by Clancy Consulting dated March 2016;</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and samples (Details)
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses; b) steel beams; d) windows, doors and balustrades; e) roofing materials; and f) any other materials to be used on the exterior of the development. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
4	Roof-level structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a</p>

	harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.
5	External pipes, cables and CCTV (Compliance and Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/installed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
6	Inclusive design – business floorspace (Details)
	<p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 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 include:</p> <ul style="list-style-type: none"> • accessible WC provision; • public entrances including sections showing level access, door furniture and manifestations to glazing; • space for the storage and charging of mobility scooters; • details of accessible changing facilities for staff; • details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD; and • refuge area and management strategy in the event of fire evacuation. <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 in accordance with policy 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
7	Cycle parking (Compliance)
	<p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 20 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter, and no change therefrom shall take place</p>

	<p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>
8	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.</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 adequate provision of business accommodation suitable for occupation by micro and small enterprises in accordance with policy BC8 of the Finsbury Local Plan 2013.</p>
9	Restriction of B1 uses
	<p>CONDITION: At least 353sqm (GIA) of B1(c) floorspace shall be provided. The B1(c) shall be strictly limited to uses within the use B1(c) use class and not for the purposes of Use Class B1a or B1b – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
10	Green roofs (Details and Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> • form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); • cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and • be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall be used as an amenity or sitting out space</p>

	<p>of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
11	Sustainable urban drainage (Details)
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2015 and policy DM6.6 of Islington's Development Management Policies 2013.</p>
12	Basement – Structural Method Statement (Details)
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington's Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
13	Basement – inspection and monitoring (Compliance)
	<p>CONDITION: The certifying professional that endorsed the Structural Method Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably</p>

	qualified and experienced professional.
14	Piling and foundations (Details)
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
15	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2014) New Construction Scheme rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
16	Energy/carbon dioxide reduction (Compliance)
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy and Sustainability Statement hereby approved which shall together provide for no less than a 29.3% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
17	Dynamic thermal modelling (Details)
	<p>CONDITION: Prior to any works commencing on site a dynamic thermal modelling analysis shall be submitted to and approved in writing by the Local Planning Authority. The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented.</p> <p>REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating in accordance with policy 5.9 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policy DM7.5 of Islington's Development Management Policies 2013.</p>

<p>18</p>	<p>Demolition and Construction Management and Logistics Plan (Details)</p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) and Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3, 6.14, 7.14 and 7.15 of the London Plan 2015 and policy DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<p>19</p>	<p>Delivery and Servicing Management Plan and Waste Management Plan (Details)</p> <p>CONDITION: Prior to any works commencing on site, a Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<p>20</p>	<p>Waste storage (Compliance)</p> <p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<p>21</p>	<p>Plant noise (Compliance and Details)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed</p>

	<p>plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
22	Site contamination (Details)
	<p>CONDITION: Following completion of measures identified in the Chelmer Consultancy Services desktop study report dated February 2016 ref DTS/6425, 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.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>

List of Informatives:

1	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	Definition of 'Superstructure' and 'Practical Completion'
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

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 London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at cil@islington.gov.uk. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Sustainable Sourcing of Materials
	<p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
5	Groundwater
	<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	Thames Water
	<p>Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.</p> <p>Water Comments On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p>

	<p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	<p>Surface Water Drainage</p>
	<p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. 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>

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 comprises 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**

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

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 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 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 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the

acoustic environment and promoting appropriate soundscapes

8 Implementation, monitoring and review

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

In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP).

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross
(Enhancing Islington's Character)

Strategic Policies

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

Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)
Policy CS13 (Employment Spaces)
Policy CS16 (Play Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Islington's Development Management Policies June 2013

Design and Heritage

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

Employment

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

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

Infrastructure

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

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC9 Tall buildings and contextual considerations for building heights

BC10 Implementation

3 **Designations**

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

Islington Local Plan
Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Area

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

The following SPGs and SPDs are relevant:

Islington Local Plan

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

London Plan

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- 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

Appeal Decision

Site visit made on 4 April 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/V5570/W/15/3140588
55-61 Brewery Road, Islington, London, N7 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Atlas Property against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/2817/FUL, dated 2 July 2015, was refused by notice dated 28 October 2015.
 - The development proposed is demolition of the existing building and erection of a 5 storey building plus basement level accommodating 333sqm of commercial (B class) use over the basement and ground floors and 9 flats over the upper floors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the primary economic function of the Islington Locally Significant Industrial Site.

Reasons

3. The appeal site is currently occupied by a three storey brick building and is located near the junction of Brewery Road and York Way. On the east side of York Way, Brewery Road and the streets to the south are primarily commercial in character, whilst on the west side of York Way the area has a more residential character. The ground floor of the building is used for storage by a local business and the two upper floors are currently in use as an Islamic school, education centre and mosque. The Council have stated that the use of the upper floors is not authorised by a grant of planning permission and that the current lawful use of the upper floors is as offices falling within Use Class B1(a) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). The total internal floor area of the existing building is 790m².
4. The appeal site lies within the designated Islington Locally Significant Industrial Site (LSIS) and the development plan policies seek to retain business floor space within this area as it is the last significant concentration of industrial land in the Borough. It is recognised by both parties that there is both a Certificate of Lawfulness and a Prior Approval which relate to the conversion of the upper floors of the present building to a residential use consisting of 8 flats, which would retain the storage use at ground floor level but remove 530m² of office

floor space. It is suggested by the appellant that these circumstances represent a fallback position which should have been afforded significant weight when considering the proposal.

5. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The existence of a fallback position is a material consideration and whilst the Council do not contest that a fallback position exists, they question the weight that should be attributed to it.
6. It is necessary to consider whether there is a realistic prospect of the fallback position being implemented. The Prior Approval was granted on 29 October 2013 and amendments to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) which came into force on 6th April 2016 allow three years for development under what is now Class O of the GPDO to be implemented. Although I do not have full details of the development for which Prior Approval was granted before me, I have been provided with a proposed schedule of works which allows 12 weeks for completion of the conversion scheme. The Council have suggested that there may be doubts over funding for the scheme but have not questioned the timescale for the completion of the works. Consequently, I consider that it is likely these works could be completed before 29 October 2016 when the Prior Approval expires and that there is therefore a realistic prospect of the fallback position being implemented. This is a material consideration which must be given appropriate weight in determining the appeal. In determining the weight that should be given to the fallback position, the principle question is whether the fallback scheme is less desirable than the appeal scheme in terms of its effects on the LSIS and its primary economic function.
7. The purpose of the development plan policies is to retain business floor space in LSIS and the reason for refusal states that the proposal results in the loss of B1 floor space within the LSIS. The Council suggest that the proposal results in an overall loss of 790m² of business floor space and its replacement with 330m² of B1(a) floor space, which is not a priority in the LSIS in terms of Policy DM5.3. However, whilst policy DM5.3 does not prioritise B1(a) floor space, neither does it preclude it, and this notwithstanding, Use Class B1 as defined by the Use Classes Order allows the use for any or all of the purposes falling within subgroups (a), (b) or (c), and the proper operation of the Use Classes Order would not restrict the use to that specified in the planning application provided that the use was one that could be carried out in any residential area without detriment to the amenity of the area.
8. The fallback position would result in 260m² of B8 floor space remaining on the site alongside the residential use whereas the appeal proposal would provide 330m² of B1 floor space. I note that the appellant has suggested that the appeal proposal would create 440m² of additional business floor space compared to 260m² in the fallback proposal, however, the figure of 440m² is the gross external area whilst the figure quoted for the fallback is the gross internal area. Therefore, the additional resulting floor space over and above that retained in the fallback proposal is not as large as suggested. In terms of business floor space remaining post development, whilst the appeal proposal would provide an additional 73m² of business floor space above that retained in the fallback position scheme, I do not consider that this represents such a

significant uplift in retained floor space that the fallback proposal is demonstrably more harmful in this respect.

9. Although the appeal proposal would only introduce one more residential unit into the scheme, the overall floor area of the residential use would be much greater than in the fallback proposal with 1,056m² of residential floor area as opposed to 530m². Whilst noting the appellant's point that not all of the dwellings that would be created by the fallback proposal would meet the floor space standards set out in the London Plan and that the dwellings created by the appeal proposal are of higher standard, the appeal proposal would represent a greater and more intensive encroachment of a residential use into an area designated for commercial purposes than the fallback proposal.
10. Consequently, as the fallback proposal would retain only slightly less business floorspace but would introduce significantly less residential floorspace into a primarily commercial area, it is not inherently less desirable or more harmful than the appeal proposal and as such I can only attach limited weight to the fallback position.
11. The Vale Royal/Brewery Road LSIS is the last significant concentration of industrial land in the Borough and Policy CS13 of the Islington Core Strategy seeks to retain this for industrial/warehousing and employment land. This is supplemented by Policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to prevent the loss of business floor space and retain uses appropriate to the role of the LSIS, particularly uses falling within the B1 c), B2 and B8 Use Classes. Policy DM5.3 requires that exceptional circumstances must be shown to justify a loss or reduction of business floor space which would have a detrimental individual or cumulative impact on the areas primary economic function.
12. No substantive evidence has been put before me to show that the premises have been marketed for the period required by the policy and the premises were not vacant at the time of my site visit. In the absence of any evidence to the contrary, I have to conclude that the premises are not redundant, nor is there a lack of demand for employment space of this nature. As the majority of the floor space in the new building would be residential, this would not be ancillary to a primary employment use of the building or provide services or facilities that are ancillary to, and support the economic and employment function of the LSIS as required by Policy DM5.3. I also saw on my site visit that the building next to the appeal site on the junction of Brewery Road and York Way is a recent mixed use building with a commercial use on the ground floor and residential use above and that there are three storey flats on the north side of Brewery Road opposite the appeal site. The appeal proposal would introduce a further intensive residential use into the area which in combination with the existing residential uses at the west end of Brewery Road would cumulatively erode the commercial nature of the area.
13. The appellant has drawn my attention to two appeal decisions relating to fallback positions as a material consideration. I do not have full details of these cases before me and so cannot be certain that they are directly comparable, but in any event, I have had regard to the fallback position in this case and have concluded that the fallback position would not have a significantly greater impact than the appeal proposal to the extent that it would justify making a decision which does not accord with the development plan.

14. I therefore find that the proposed development would cause harm to the primary economic function of the Islington Locally Significant Industrial Site and is therefore contrary to Policies 2.17, 4.1, 4.2, 4.4 and 4.12 of the London Plan 2015, policy CS13 of the Islington Core Strategy 2011 and policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to support a diverse economy and retain employment space within the Borough.

Conclusion

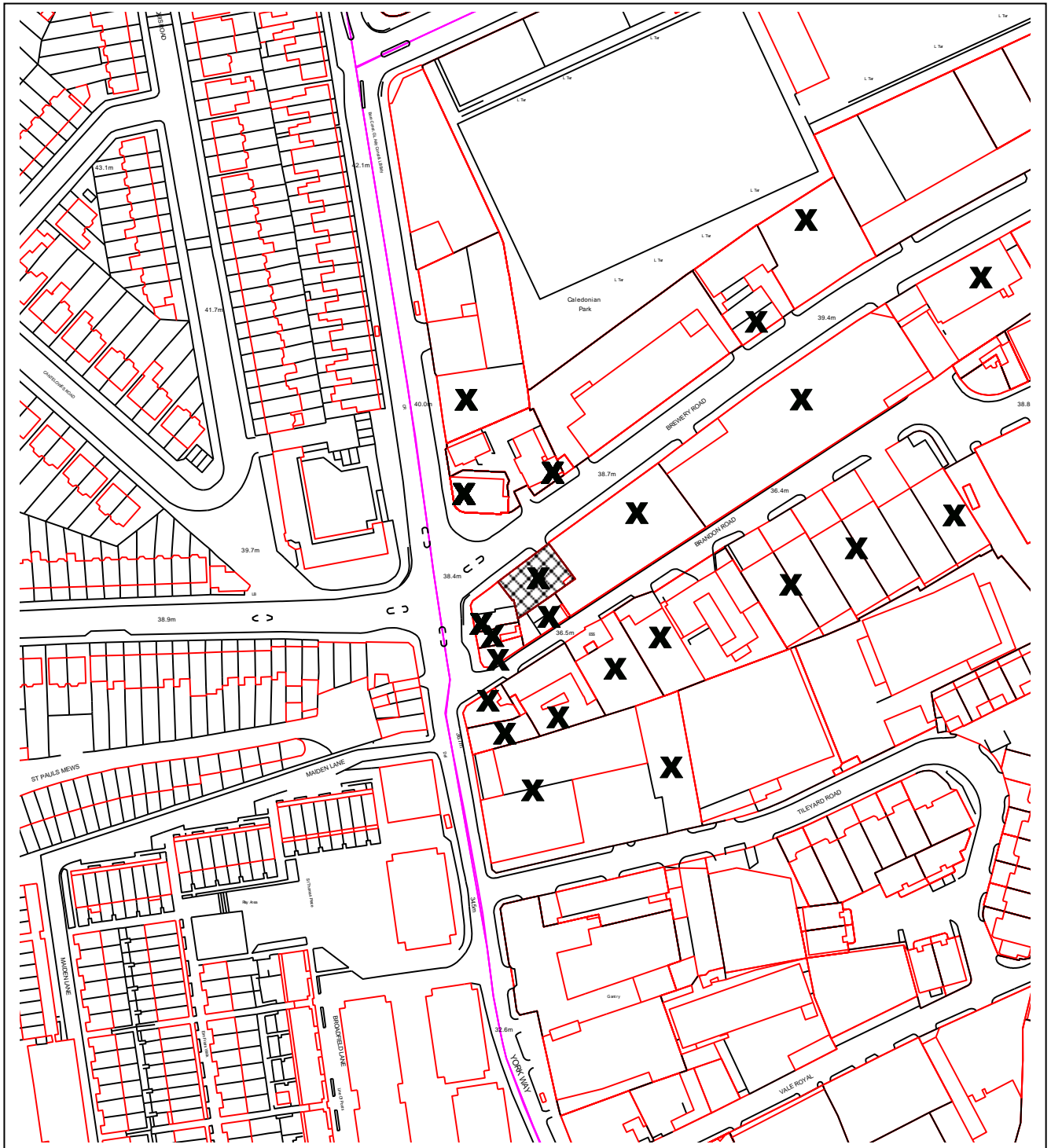
15. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

This page is intentionally left blank

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2015-5102-FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT



ISLINGTON

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



PLANNING COMMITTEE	
Date:	13 th December 2016

Application number	P2016/1999/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Vale Road / Brewery Road Locally Significant Industrial Site
Licensing Implications	None
Site Address	Fitzpatrick Building, 188-194 York Way, London N7 9AS
Proposal	Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (Use Class B1a) and flexible (Use Class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development.

Case Officer	Simon Greenwood
Applicant	Deepdale Investment Holdings Ltd
Agent	Tibbalds Planning and Urban Design – Ms Jennifer Ross

1. RECOMMENDATION

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

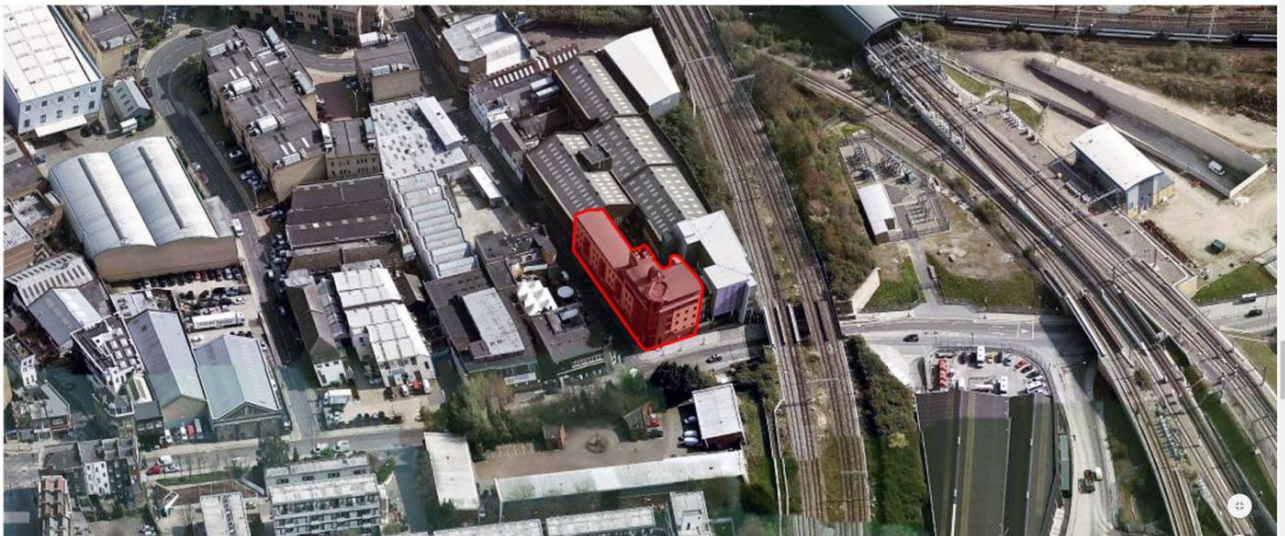
1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

Aerial photograph of site and surroundings (before redevelopment of Maiden Lane site opposite in bottom of picture)



View of site looking north down York Way



View of site looking south down York Way



View of site looking west down Vale Royal



4. SUMMARY

- 4.1 The application site is currently occupied by a purpose built 1980s office building which includes 14 on-site car parking spaces. The application states that the existing office facilities are dated and do not meet the demands of present day occupiers.
- 4.2 The application proposes the demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (Use Class B1a) and flexible (Use Class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage and landscaping. The office floorspace will occupy the basement and the first to eighth floors, whilst the café, reception and flexible Use Class B1 use unit (accessed from Vale Royal) would occupy the ground floor. The building is intended to provide flexible, modern office accommodation with floorspace that can be subdivided to meet the requirements of a range of occupiers, including SMEs.
- 4.3 The site lies within the Vale Royal / Brewery Road Locally Significant Industrial Site (LSIS) where B1(c), B2 and B8 uses are prioritised. The existing building is in office use and therefore the proposal would not result in the loss or reduction of floorspace within the B1(c), B2 or B8 use classes. Accordingly, the proposed land use complies with Policy DM5.3 and is considered acceptable.
- 4.4 The scheme has been amended at application stage to reduce the height of the proposed building under 30m in order to address Officer's concerns regarding excessive height and a conflict with the Council's tall buildings policy. The amended proposal is considered to satisfactorily manage the transition in the height and scale of built form from the 20 storey block on the opposite side of York Way and the existing lower rise development within the LSIS. Accordingly, the proposal is considered acceptable in terms of its height, scale and massing.
- 4.5 The façade of the building is inspired by the historic rail and freight activity in the area and incorporates design features inspired by railway tracks, railway sleepers and shipping containers. It is considered that the proposal represents an interesting and imaginative design which will enliven the street scene whilst reflecting the heritage of the area.
- 4.6 The proposal is considered acceptable in terms of its impact upon the residential amenities of the occupants of the residential blocks on the opposite side of York Way. Furthermore, the proposal is considered acceptable in terms of highways impacts and in terms of technical matters, subject to the recommended conditions.
- 4.7 The proposal would result in an increase in the employment capacity of the site and would deliver flexible office accommodation to meet modern requirements whilst enhancing the street scene and the character of the area. The proposal is considered acceptable in planning terms and it is recommended that planning permission be granted.

5. SITE AND SURROUNDINGS

- 5.1 The approximately 0.1ha site is located on the eastern side of York Way at the junction with Vale Royal and is currently occupied by a six storey purpose built 1980s office building and 14 on-site car parking spaces. The application states that the existing office accommodation does not meet the requirements of present day office occupiers.
- 5.2 The Egg Nightclub occupies a two storey building on the opposite corner of York Way and Vale Royal and the wider area to the north and east of the site is predominantly characterised by lower rise industrial and commercial buildings. The Maiden Lane Estate within the London Borough of Camden lies to the west of the site and is currently in the latter stages of a mixed use, residential led redevelopment to provide a 20 storey block (immediately opposite the application site) and four 7 storey blocks.
- 5.3 A four storey Victorian building adjoins the existing building on the application site to the south and comprises a commercial use on the ground floor with residential accommodation above. The Abbott data storage facility adjoins this building to the south and occupies an L-shaped collection of buildings which extend east alongside the London Overground railway line and has a second frontage onto Vale Royal where it adjoins the eastern end of the existing building on the application site. The Channel Tunnel Rail Link (CTRL) London West Portal Muster Area and a vehicle depot are located beyond the London Overground railway line to the south, beyond which is the CTRL rail line and the 'King's Cross Central' regeneration area within the London Borough of Camden.

6. PROPOSAL (IN DETAIL)

- 6.1 The originally submitted application proposed demolition of the existing building and erection of a part 6, part 16 storey office building. During the application process Officers raised concerns that the proposal conflicted with part E of Policy CS9 of the Council's Core Strategy, which states that tall buildings (i.e. over 30m in height) will not be considered appropriate in his location. Furthermore, concerns were raised that the proposed building, in particular by reason of its height, would result in harm in townscape terms. The applicant responded through a revised scheme which involved a reduction in the height of the proposed building under 30m, such that the proposed height falls under the tall building threshold, as defined by Policy CS9. The revised proposal comprises a part 7, part 8 and part 9 storey building. The elevations of the building have also been revised to appear as a tripartite mass on the Vale Royal frontage, in order to break down the horizontal emphasis and mass of the building.

Originally submitted proposal



6.2 The amended proposal comprises a part 7, part 8, part 9 storey building to provide 6,716m² Use Class B1a (office) and flexible Use Class B1 floorspace, which represents an uplift of 4,760m² employment floorspace on the site.

Revised proposal



- 6.3 The Use Class B1a (office) accommodation is accessed via York Way whilst the ground floor level flexible Use Class B1 unit, suitable for SMEs and light industrial (Class B1c) users, is accessed separately via Vale Royal. The office accommodation will occupy the basement and the first to eighth floors and is intended to be flexible with the opportunity to subdivide the floorspace to meet the requirements of a range of occupiers, including SMEs. The basement would accommodate office floorspace, showers and plant whilst the ground floor would accommodate the café, reception, flexible B1 unit, bicycle store and refuse store. The ground floor uses will serve to activate the York Way and Vale Royal elevations.
- 6.4 It is proposed to widen the public highway on York Way by setting the proposed building back 1m from the building line of the existing block, thereby providing the opportunity for new planting and street trees.
- 6.5 The design and materials of the building are intended to reflect the industrial character linked to the rail and freight businesses long associated with the area. The façade treatment draws its inspiration from railway sleepers, train tracks and freight containers and abstracts them to give each one a function on the façade. The 'sleepers' provide solar shading and reduce the potential for overlooking of the residential building opposite. The tracks become the horizontal expression of the floor plates whilst the goods containers become solid panels to provide insulation and cover the building cores.

CGI of proposed building at corner of York Way and Vale Royal



- 6.6 The application states that the proposal has arisen as a result of the regeneration of King's Cross which has taken place over recent years, and which is set to continue. A number of high profile tenants now occupy offices in the locality which has resulted in existing and anticipated demand for office floorspace from smaller companies

seeking to cluster around the area, providing goods and services to the larger occupiers. The proposed development would meet an anticipated market demand by offering a range of smaller, self-contained spaces at lower rents than would be typical of the main King's Cross Central area which is clustered some distance south of the application site.

7. RELEVANT HISTORY

- 7.1 Planning permission was granted in July 1988 for a part five-storey and part three storey building for business use (Site A); three-storey business units (Site B); use of existing single-storey structure for business use (Site C) and erection of 6 three-storey units for industrial use (Site D) (reference 87158). The existing building on the site was implemented in accordance with this permission.
- 7.2 Prior approval was granted in April 2015 for the change of use of the building to residential to provide 22 flats (reference P2014/0525/PRA). This consent has not been implemented.

Pre-application Advice

- 7.3 Pre-application discussions took place with Officers which commenced in July 2015 and included three formal meetings.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 36 adjoining and nearby properties on Vale Royal, Tileyard Road, York Way on 1 June 2016, and later on 17 October 2016 following receipt of the revised proposals. A site notice and a press advert were displayed on 9 June 2016 and 18 October 2016. The public consultation of the application therefore expired on 8 November 2016. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 3 objections had been received from Anthony Gormley Studios (Nos. 15-23 Vale Royal). The objections related to the initial proposals for a part 6, part 16 storey building. It is considered that the revised proposals for a lower building go some way towards addressing the issues raised, which are summarised below. In cases where the comments are not considered to have been addressed by the revised proposals the paragraph that provides a response to the issue is indicated within brackets.

Objections

- Excessive height / Tower under development in Maiden Lane estate is a mistake and should not be followed by another mistake (note: height has now been reduced);
- Out of character / proposal will contribute to erosion of open character (11.15-11.20);
- Block will create precedent for over-development of the surrounding area (11.15-11.18);

- Loss of light at Studios (11.49- 11.50);
- Increased sense of enclosure at Studios (11.49-11.50);
- Studio yard, which is used for work and recreation, is overlooked by Maiden Lane tower and proposal would result in further overlooking (11.49-11.50);
- Noise, dust, disruption and increased traffic congestion during construction period (11.51-11.52);
- Area should be maintained as low rise and should provide the type of business spaces currently available and which accommodate various industrial and creative industries which currently characterise the area (11.2-11.13; 15-11.18);
- Studio and neighbouring businesses are serviced several times a day and often by heavy goods vehicles which park on the road for long periods resulting in blockages and associated frustration – proposal will make situation worse (11.78-79).

Applicant's Consultation

- 8.3 The applicant carried out a consultation exercise with local residents, including a drop-in session, on 6th and 9th February 2016. The consultation is detailed within a Statement of Community Involvement that accompanied the planning application. At the time of the consultation the proposal involved a part 6, part 19 storey block. The Statement indicated that the majority of attendees were supportive of redevelopment of the site, although the height of the proposed building was a concern. The proposal has since been reduced substantially in height.

External Consultees

- 8.4 Metropolitan Police (Crime Prevention) – no objections raised.
- 8.5 Thames Water – no objections raised.
- 8.6 Network Rail – no objections raised.
- 8.7 London Fire and Emergency Planning Authority - proposal is satisfactory subject to the development meeting the requirements of Approved Document B5 of the Building Regulations.
- 8.8 Transport for London - no objections raised, subject to conditions securing a Delivery and Servicing Plan and a Construction Management Plan.
- 8.9 Greater London Authority (GLA) – the application was initially referable to the GLA under Category 1C of the Mayor of London Order 2008 on the basis that the proposed building was over 30m in height. The GLA provided a Stage 1 report noting that the proposal was considered acceptable in land use and design terms, and that additional information and/or conditions were required in order to address matters relating to accessibility, sustainability, flood risk and transport. The GLA were subsequently informed that the revised scheme was no longer referable as the proposed building no longer exceeded 30m in height.

Internal Consultees

- 8.10 Access Officer – no objections raised subject to a condition securing a strategic management plan for fire evacuation.
- 8.11 Design and Conservation Officer – no objections raised.
- 8.12 Energy Conservation Officer – no objections raised.
- 8.13 Public Protection Division (Land Contamination) – no objections raised subject to a condition securing a contamination remediation verification report.
- 8.14 Public Protection Division (Construction Management) – no objections raised subject to a condition securing compliance with the Site Waste Management Plan and the submission of a Construction Environmental Management Plan.
- 8.15 Spatial Planning and Transport (Transport Officer) – the proposals are generally considered acceptable in highways and transport terms. Discussions in relation to securing satisfactory servicing arrangements were at an advanced stage at the time of writing, and an update will be provided at the meeting.
- 8.16 Sustainability Officer – no objections raised subject to conditions securing measures to promote sustainable development.

Other Consultees

- 8.17 Design Review Panel – an earlier proposal for a part 6, part 19 storey tower was considered by the Design Review Panel on 9 February 2016. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The Panel's observations are attached at **Appendix 3** and are detailed below:

'The Panel was generally supportive of the overarching intent to redevelop this site for employment uses, in particular for use by SME's. The Panel found the references to the surrounding context of the railway and industrial character through the materials interesting.

Panel members noted that the manner in which the elevations on the proposal drawings had been broken up with larger openings/terraces punctuating the façade added interest to the proposed elevational treatment. However, the Panel questioned whether the economic viability of the balcony terraces had been properly tested. They also queried whether the proposed elevation treatment would meet the desired environmental performance of the building including solar gain, heat loss, ventilation and smoke purgation. The Panel considered that this relationship was yet to be fully addressed and resolved.'

Officer's comments: The amended proposals involve a reduction in the amount of external terrace space as compared to the scheme presented to the DRP. The application was accompanied by a Sustainability and Energy Statement and the proposals have been reviewed by the Council's Energy

Officer who advises that the environmental performance of the proposed development is considered acceptable.

The Panel also supported the type of space and type of unit that would be provided by the scheme. However, a concern was expressed about whether the narrow floor plates within the floor to floor ceiling heights combined with the ventilation strategy proposed would be appropriate, attractive and economically viable for SME's.

Panel members questioned the reasoning behind the height for the proposed tower and felt that it may be more appropriate to provide a bigger floor plate, extending the body of the building eastwards, with the height reduced on the corner. The Panel felt that this could create a far more efficient floor plan for the proposed office use, while still providing a similar amount of floor space.

Panel members felt that the key issue with the proposals was whether or not it is desirable to form a 'gateway' with the two towers in this location and questioned exactly where the pair of buildings would be providing a 'gateway' to. The Panel were not convinced that Kings Cross needed a 'gateway' and felt that the existing tall building on the opposite side of York Way, in the London Borough of Camden, did not provide the justification for an additional tall building on the Islington side of the street.

Panel members questioned whether or not any work has been carried out in relation to the down draught effects on the road. They acknowledged that this had not yet been integrated into the design, but the Panel felt that it was an important issue that should be addressed at an early stage and may impact on the overall design.

Officer's comments: The above observations relate to an earlier proposal for a part 6, part 19 storey building. The scheme has been revised during the application process and a part 7, part 8, part 9 storey building is now proposed. It is considered that the above comments are addressed by the revised proposals.

The proposed building now provides a larger floor plate, extending the body of the building eastwards, with the height reduced on the corner. This provides a far more efficient floor plan for the proposed office use.

Panel comments regarding the desirability of a 'gateway' and the lack of justification for a tall building are no longer considered an issue as the tower has been replaced by a lower building, which is not visible in long distance views.

The reduction in the height of the building is also considered to address concerns raised regarding the wind effect of the building.

The Panel raised concerns over the impact on outlook and overlooking on the residential tower on the opposite side of York Way. Panel members felt that

further work was required in order to improve the overlooking on this neighbouring building.

Officer's comments: The proposed building has been reduced in height following pre-application and application stage discussions with Officers. The part of the building facing the Maiden Lane development has been reduced from 19 storeys to 9 storeys in height, with a corresponding reduction in the amount of overlooking. The façade of the building incorporates a metal mesh and vertical timber fins which are intended to reduce overlooking of the apartments. There would be a minimum separation of approximately 19.5m between the proposed block and the Maiden Lane building. Paragraph 2.14 of the Development Management Policies Document specifies an 18m minimum requirement for separation between habitable rooms in residential properties, and advises that overlooking across a public highway does not constitute an unacceptable loss of privacy. It is also noted that the proposed office building should be predominantly occupied during working hours whilst the residential block will likely be occupied more during evenings and weekends.

The Panel felt that there should be further public benefit associated with the scheme and that the current proposals did not provide sufficient improvements at street level, where they felt it was likely that conditions would be made worse with a likely microclimate and increased down draught. The Panel noted that although a number of tall buildings have been approved on the Camden side of York Way towards King's Cross, the potential harm caused by the scale of these buildings had been somewhat reduced by the amount of public open space and other cultural benefits provided in the area. They felt that there should be more public space or street level improvements provided in association with the proposed 19 storey tower, either internally or externally and that nothing was currently proposed to outweigh the potential harm caused to the surrounding area and at street level. It was suggested that the proposed building may be set back further from the street, providing a wider pavement or small public space. The Panel felt that the proposed tower would make this stretch of York Way feel even more oppressive than existing.

Panel members questioned the quality of the roof terrace provided to the lower section of the building that would be overshadowed by the plant building and the 19 storey tower. Concerns were also raised over whether the terrace would be used and whether it would be successful or whether the space could be better used internally in this position.

The Panel felt that at street level the space would be far more enjoyable to pedestrians and those in vehicles on York Way if a lower building were proposed on this site.

Officer's comments: It is considered that the impact of building has been reduced in both environmental and townscape terms through the reduction in its proposed height. The building would be set back 1m from the front building line of the existing block and soft landscaping including tree planting is proposed to improve the public realm. The concerns relating to the roof

terrace above the lower section of the building are no longer relevant following revisions to the scheme.

Summary

Panel members felt that neither the argument to create a 'gateway' to King's Cross, nor the existence of a tall building on the other side of the street as justification for a tower on this site, were that compelling. The Panel thought that it was important to acknowledge that the proposed 19 storey tower is in a different borough to those on the other side of York Way and towards Kings Cross and that the justification for creating a 'gateway' in this position was not convincing. Panel members felt that the existing bridge, or indeed the one existing tower, may act as a 'gateway' or marker for this entry point into the King's Cross development and therefore that it was not necessary to add another tower here in order to emphasise this. The Panel did not agree that this was a natural place to put a 'gateway' or to put a tall building. Panel members supported the use as a building for small businesses that will add vitality to the street and improve the public realm in that regard. The Panel felt that other forms should be explored on this site as there were opportunities to move the form around and avoid the sunlight and daylight and amenity issues that may be associated with the current scheme.

Whilst the Panel welcomed the approach with the overall concept and materials, picking up on the context and developing a building that is very gritty, relating to the adjacent railway they considered that the elevations need to relate to the required environmental performance of the building, user experience and the intended office market.

The Panel felt that it would be beneficial to explore the context further and relate the form of the building more to the proposed materials and aesthetic. Panel members were fully supportive of the ambition to bring more employment to the site, but did not think it was appropriate to take its cue from the 20 storey building on the opposite side of York Way.'

- 8.18 It is considered that the concerns raised by the Panel have been substantially addressed by the revisions to the scheme since it was presented in February.

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

Designations

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

- Vale Royal / Brewery Road Locally Significant Industrial Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

10.1 EIA screening is not required by this development, as the site is less than 1 hectare and the scheme proposes less than 150 residential units.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Accessibility
- Landscaping, trees and biodiversity
- Neighbouring amenity
- Sustainability, energy efficiency and renewable energy
- Highways and Transportation
- Planning obligations/mitigations.

Land-use

11.2 Islington's Core Strategy Policy CS6 identifies specific spatial policies for managing growth and change in and around King's Cross and states that the Vale Royal / Brewery Road area will be retained as the only locally significant concentration of industrial / warehousing / employment land in the borough.

- 11.3 Policy CS13 of Islington's Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including a proportion of small, micro and/or affordable workspace or affordable retail space.
- 11.4 Policy 4.1 of the London Plan is concerned with Developing London's Economy and states, inter alia, that:
- 'The Mayor will work with partners to:
- a1) promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors
 - d) support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity
 - e) sustain the continuing regeneration of inner London and redress its persistent concentrations of deprivation.
- 11.5 Policy 4.2 is concerned with offices and states, inter alia, that 'the Mayor will and boroughs and other stakeholders should:
- a) support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises.'
- 11.6 Policy DM5.1 (New Business Floorspace) of the Council's Development Management Policies Document states, inter alia, that:
- 'F. New business floorspace must be designed to:
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and'
- 11.7 The site lies within the Vale Royal/Brewery Road Locally Significant Industrial Site and Policy DM5.3 states that:
- 'Within the Vale Royal/Brewery Road Locally Significant Industrial site:
- A. The council supports the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).

B. Proposals that would result in a loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence related to the continuous marketing of vacant floorspace for a period of at least two years.

C. Notwithstanding (B), the loss or reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).

D. Planning permission will be refused for the introduction of non-business uses (i.e. which fall outside the B Use Classes) except for services and facilities that are clearly ancillary to, and support the economic and employment function of, the Locally Significant Industrial Site.'

11.8 The supporting text at paragraph 5.22 states that:

'Proposals for uses that complement and support the economic and employment role of the Locally Significant Industrial Site (for example, cafés or offices) will be considered acceptable where there is no impact on its primary economic function.'

11.9 The site is located within the LSIS and the priority land uses for the site are B1c, B2 and B8. The existing building is in office use and therefore the proposal would not result in the loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes and there would be no conflict with the requirements of Policy DM5.3.

11.10 The scheme will provide flexible office floorspace suitable for a range of occupiers, including SMEs, in accordance with the requirements of Policies CS13 and DM5.1. The proposed intensification of the employment use of the site, with accommodation built to specifications demanded by present day occupiers, will deliver corresponding employment and regeneration benefits. The proposed flexible unit at ground floor level will be suitable for B1c use and therefore the scheme could provide some floorspace appropriate to the primary role of the LSIS.

11.11 The site is located on the edge of the LSIS and in relatively close proximity to the 'King's Cross Central' area, which has undergone significant regeneration in recent years. The application indicates that the anticipated market demand for the proposed floorspace will arise primarily from smaller companies seeking lower rents who are looking to cluster around the 'King's Cross Central' area and provide services to the larger occupiers. On this basis, the proposed development may fulfil a role less orientated towards the LSIS, and this may reflect a changing dynamic in the area as a result of the substantial regeneration activity within King's Cross. However, it is also considered that the proposed floorspace could, in principle, fulfil a complementary role to the B1(c), B2 and B8 uses in the area.

11.12 The existing site is in use as offices and the proposal will enhance the economic and employment role of the site whilst not impacting upon the primary economic function

of the LSIS (which would be the case if B1(c), B2 or B8 floorspace was being lost). It can therefore be considered that the proposal is in accordance with paragraph 5.22 of the Development Management Policies Document. The redevelopment of the site for B1(a) office and flexible B1 use is therefore acceptable in principle.

- 11.13 It should be noted that prior consent has been granted for conversion of the existing building to residential use. In view of the location of the site within the LSIS the proposed use is preferable to the alternative residential use.

Design & Appearance

- 11.14 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 11.15 Height, scale and massing: The initial application proposal involved a part 6, part 16 storey building which was intended to respond to the 20 storey block on the opposite side of York Way within the London Borough of Camden. The proposal has since been revised to address Officers concerns that the application site lies outside of the areas identified by the Council as suitable for tall buildings. Furthermore, it was considered that the proposed building would result in a harmful impact in townscape terms. The revised proposal involves a building which will be significantly lower in height than the Maiden Lane tower but will be higher than surrounding development within the LSIS. It is considered that the height and scale of the proposed block is appropriate in that it will serve to manage the transition in the scale of development from the Maiden Lane site to the remainder of the LSIS. The following CGIs illustrate the relationship of the proposed block with the Maiden Lane tower.

CGI view of proposed development from junction of York Way and Freight Lane



CGI view looking south down York Way



- 11.16 The amended proposals involve a revision to the façade treatment on the Vale Royal elevation to present the building as a tripartite mass. It is considered that this approach assists in breaking down the massing and horizontal emphasis of the building and provides for a more satisfactory visual appearance. It is also considered that the detailed elevational design, including the variation in the use of materials, would assist in detracting from any impression of bulk.
- 11.17 The site lies adjacent to a 4 storey building in residential and commercial use. This building currently has a discordant relationship with the adjoining Abbott Data Store and the existing Fitzpatrick building, as can be seen from the photograph below. It is considered that this building is something of an anomaly in terms of the function, scale and character of development in the locality. The proposed development would result in a higher building with an even more discordant relationship with the adjoining building. However, given that the starting point is an incongruous arrangement of built form, it is considered that the proposal would not result in a significant increase in harm to the visual appearance of the street scene.

Adjacent 4 storey residential and commercial building



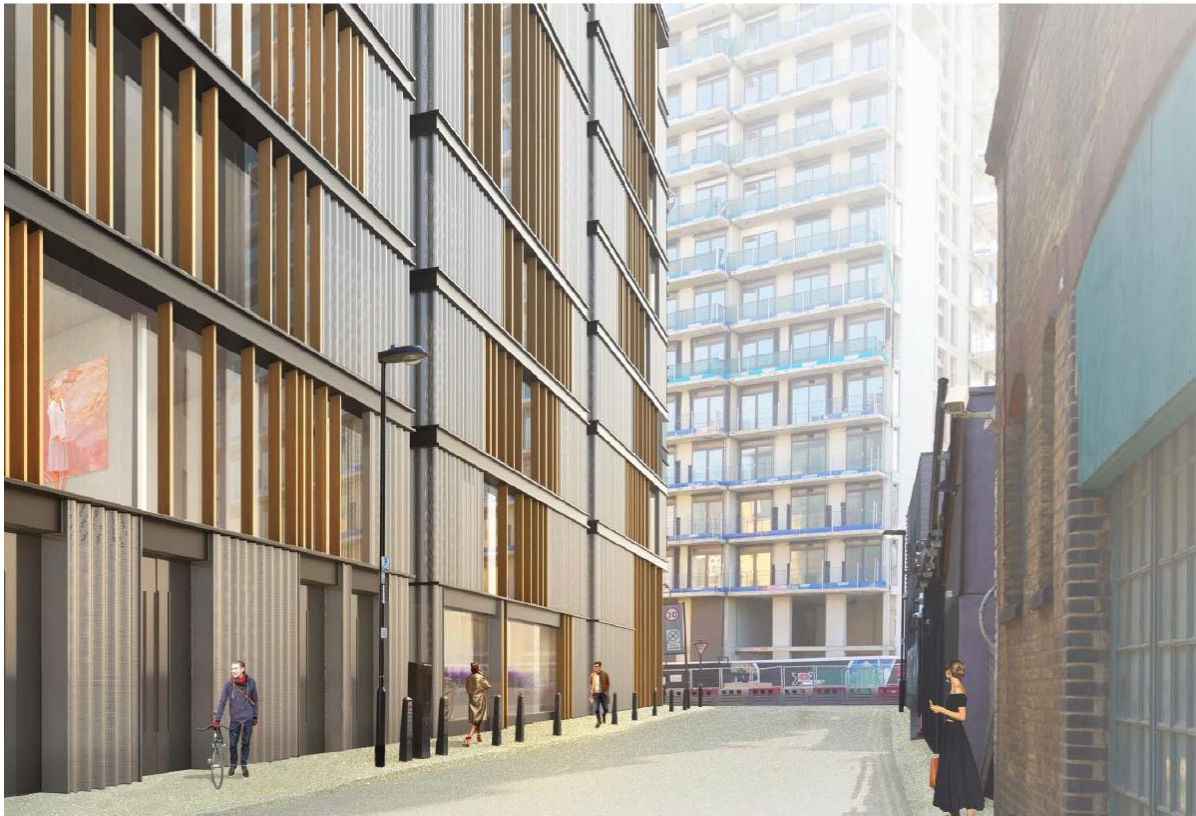
11.18 The building will result in a step up in building height from the adjoining Abbott Data Store on Vale Royal to 7/8 storeys and then 9 storeys, as illustrated in the CGI below. Whilst this would represent a somewhat abrupt relationship, it is considered that this would not result in a harmful impact in townscape terms, particularly given the context of a further substantial step up in building height to 20 storeys on the opposite side of York Way. It is also the case that much of the surrounding area within the LSIS could be considered to represent a relatively low quality and functional urban environment in character terms. The proposed building, and in particular the elevational treatment, is considered to represent a high quality of design which would assist in ensuring that, overall, the building would not result in a harmful impact in townscape terms. The height, scale and massing of the proposed development is therefore considered acceptable.

CGI view of proposed building looking down Vale Royal



11.19 Materials and elevational treatment: The proposed materials are intended to reflect the industrial character linked to the rail and freight businesses which occupied the area in the past. Black metal profiles draw their inspiration from railway tracks and are intended to enhance the level proportions and accentuate the horizontal appearance of the building. Perforated corrugated metal panels are intended to reflect the appearance of goods containers carried by freight trains whilst providing a solid appearance during the day and providing diffused light at night time. The panels will also screen the building cores and provide insulation. Wooden timber fins are intended to reflect the appearance of railway sleepers whilst providing solar shading and reducing overlooking of the residential block opposite. The use of timber as a material is also intended to provide a contrast and a richness and depth to the elevations. The applicant has responded to concerns regarding the weathering of the timber fins by advising that, with correct treatment, a satisfactory appearance could be maintained. Furthermore, the fins could be easily removed and replaced in the event that they developed a badly weathered appearance.

CGI looking down Vale Royal towards York Way and Maiden Lane scheme



CGI to indicate appearance of building at night



- 11.20 It is considered that the proposed façade treatment represents an interesting and imaginative design which will enliven the street scene whilst reflecting the heritage of the area. The external appearance of the building is therefore considered to represent a high standard of design which will result in a positive impact on the character and appearance of the area.
- 11.21 Ground floor and public realm: The ground floor frontage onto York Way and Vale Royal will be activated by the office reception area and cafe. It is proposed to widen the public highway on York Way by approximately 1m through the setting back of the building line. It is proposed to use the additional space on the public highway to provide new soft landscaping including street trees. It is considered that these proposals will result in a benefit to the public realm along this part of York Way which, at present, is of relatively poor quality.
- 11.22 Summary: The applicant has responded to Officer feedback during the application process and the subsequent revisions to the scheme are also considered to respond to earlier concerns raised by the Council's Design Review Panel. The amended proposals are considered appropriate in terms of height, scale and massing whilst the façade treatment is considered to represent an interesting and innovative design which will result in a positive impact on the street scene and complement the local identity. The benefits of the scheme in terms of design and positive impact in character terms are considered to weigh in favour of the proposed development.

Accessibility

- 11.23 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 11.24 The scheme has been amended during the application process in order to promote accessibility and inclusive design. The Council's Accessibility Officer raises no objections to the proposal subject to a condition securing a strategic management plan for the purposes of fire evacuation (condition 22).

Landscaping, Trees and Biodiversity

- 11.25 No existing trees will be affected by the proposals. The landscaping proposals include small trees and planters along York Way as well soft landscaping to the 9th floor rooftop amenity area. The Council's Sustainability Officer has advised that a landscaping scheme should maximise urban greening potential, enhance biodiversity and promote water sensitive urban design. It is recommended that details of landscaping be secured by condition (No. 23) should planning permission be granted.
- 11.26 A green roof is proposed to promote biodiversity and will be secured by condition (No. 6). It is also recommended that nesting boxes for birds and/or bats be secured by condition (No. 16).

Neighbouring Amenity

- 11.27 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 11.28 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.29 The application has been submitted with a Daylight and Sunlight Assessment. The assessment is carried out with reference to the 2011 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'.

- 11.30 The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

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

The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).

- 11.31 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room, it is commonly held that losses in excess of 50% NSL are not acceptable.
- 11.32 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to *proposed* residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.
- 11.33 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of Annual Probable Sunlight Hours (APSH) during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.
- 11.34 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.
- 11.35 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.
- 11.36 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive

development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

- 11.37 Daylight and Sunlight Losses for Affected Properties Analysis: Residential dwellings within the following properties have been considered for the purposes of daylight and / or sunlight impacts as a result of the proposed development:
- Maiden Lane Estate – Blocks A, D, E and G
- 11.38 Block A: This 20 storey block is located immediately opposite the proposed building on York Way. The assessment indicates that 165 of the 216 windows which face onto the site will demonstrate BRE compliance, whilst 51 windows will experience reductions in VSC in excess of 20% contrary to BRE guidelines. Of these 51 windows, 21 would have reductions of between 20-30% which is considered to be a lesser/minor infringement in urban areas. 20 windows would experience reductions in VSC of between 30-40% and a further 10 would experience a 40-50% reduction. The BRE acknowledge that where windows are restricted by balconies, alternative analysis can be undertaken which removes the balconies as an obstruction when assessing the losses of daylight and sunlight. The report identifies that the design of the building, which features entrance recesses and deep balconies, limits the availability of light to the flats. Additional analysis has been undertaken which demonstrates that the reduction in VSC to 34 of these windows would be between 20-28% if the balconies were not in place and this level of reduction would generally be considered acceptable in an urban area. A further 12 windows would have a reduction in VSC of between 30-40% if the balconies were not in place.
- 11.39 The NSL assessment demonstrates that one bedroom would marginally fail to meet BRE recommendations whilst a further 3 bedrooms would experience losses of daylight distribution of 27.1%, 34.7% and 35%. Additional analysis demonstrates that the daylight distribution to all rooms would comply with BRE recommendations if the balconies were not in place.
- 11.40 Full BRE compliance is demonstrated when the impact of the proposed development is considered against the ADF methodology. There are 18 rooms within this block which face within 90° due south and are potentially relevant for sunlight assessment. All of these rooms demonstrate compliance with the BRE guidelines.
- 11.41 Block D: The VSC analysis demonstrates that, of the 114 windows which are relevant for assessment, 97 would demonstrate BRE compliance. The remaining 17 would experience reductions in VSC of between 20-30% which is generally considered acceptable in an urban area. 112 of the 114 windows would demonstrate BRE compliance with the balconies removed, whilst the remaining 2 windows would experience VSC reductions of 20.8% and 21.7%. The NSL assessment demonstrates full compliance with the BRE recommendations.
- 11.42 Six rooms within Block D are relevant for sunlight assessment and the analysis demonstrates that these rooms achieve BRE compliance.
- 11.43 Block E: All of the windows assessed within this block demonstrated full BRE compliance against VSC and NSL daylighting methodologies. Six rooms which face

due south and are relevant for sunlight assessment demonstrated full BRE compliance with regard to APSH.

- 11.44 Block G: 45 of the 46 windows within this block demonstrated full BRE compliance against the VSC methodology whilst the remaining window experiences a reduction in VSC of 28.6%, which can be considered acceptable in an urban setting. This window serves a room which complies with the BRE recommendations when considered against the NSL methodology. Three rooms within this block are potentially relevant for sunlight assessment and these rooms demonstrate full compliance with the BRE guidelines in relation to APSH.
- 11.45 Overlooking / loss of privacy: The proposed building has been reduced in height following pre-application and application stage discussions with Officers. The part of the building facing the Maiden Lane development has been reduced from 19 storeys to 9 storeys in height, with a corresponding reduction in the amount of overlooking. The façade of the building incorporates a metal mesh and vertical timber fins which are intended to reduce overlooking of the apartments.
- 11.46 There would be a minimum separation of approximately 19.5m between the proposed block and the Maiden Lane building. Paragraph 2.14 of the Development Management Policies Document specifies an 18m minimum requirement for separation between habitable rooms in residential properties, and advises that overlooking across a public highway does not constitute an unacceptable loss of privacy. It is also noted that the proposed office building should be predominantly occupied during working hours whilst the residential block will likely be occupied more during evenings and weekends. It is therefore considered that the proposal will not result in a harmful degree of overlooking of neighbouring residential dwellings.
- 11.47 Outlook / sense of enclosure: The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 11.48 In view of the siting of the proposed block and its height and massing it is considered that there would not be a harmful loss of outlook to nearby dwellings, including those which are still under construction on the Maiden Lane estate.

Anthony Gormley Studios

- 11.49 Objections have been received from Anthony Gormley Studios relating to matters including loss of light, overlooking, loss of outlook and an increased sense of enclosure. The objections related to the initial proposal for a part 6, part 16 storey building. The Studios building is the white rendered building with multi-pitched roof and yard in the photograph below, with the application site to the bottom left of the photograph.
- 11.50 It should be noted that the amenities of artist's studios (Use Class B1) are not afforded the same degree of protection as residential dwellings within Development Plan policies. To a certain extent, it is considered that the revised application

proposals should address concerns raised by the occupants of the Studios in relation to amenity. It is further considered that, in view of the scale and form of development proposed and its relationship with the Studios site, there would be no unduly harmful impact upon the standard of amenity experienced by the occupants of the Studios.

Anthony Gormley Studios and application site



- 11.51 **Construction Impacts:** In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council's Code of Construction Practice. Compliance would need to be secured as part of a section 106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered to be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. The submission of a method statement for the construction phase and a construction logistics plan would also be required.
- 11.52 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception).

Sustainability, Energy Efficiency and Renewable Energy

- 11.53 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 (use less energy), be clean (supply energy efficiently), be green (use renewable energy).
- 11.54 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. London Plan Policy 5.5 sets strategic targets for new

developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.

- 11.55 London Plan Policy 5.2 requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 11.56 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. Policy CS10A of Islington's Core Strategy requires onsite total CO₂ reduction targets (regulated and unregulated) against Building Regulations 2013 of 27% where connection to a decentralised energy network is not made and 39% where connection to a decentralised energy network is possible. Typically all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.

BE LEAN

Energy efficiency standards

- 11.57 The council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation. The proposed U-values are: walls = 0.15, roof = 0.15, floors = 0.20 and glazing = 1.10 and these values are considered to be generally very good. The air tightness of the proposed building would be 3m³/m²/hr and this value is accepted. Low energy lighting is also proposed. These measures are supported and further details will be secured by condition should planning permission be granted.

BE CLEAN

District heating

- 11.58 DM7.3A requires all developments to be designed to be able to connect to a District Energy Network (DEN) if and when such a network becomes available. Specific design standards are set out in the councils Environmental Design SPD. DM7.3B and C state that where there is an existing or future DEN within 500m of the site, the development should connect. The applicant has satisfactorily demonstrated that it is unlikely to be technically feasible to connect to the King's Cross heat network at the present time.
- 11.59 DM7.3D states that where there is no existing or proposed future DEN within 500m of the site, where possible developments should connect to a shared heating network, unless not reasonably possible. No shared heat network (SHN) is proposed and the council is satisfied that there are no current buildings or pending developments which could provide an opportunity for importing or exporting low carbon heating to the proposed development at this time. The applicant proposes that the system will be future-proofed for connection to a local heat network and this is supported.

Combined Heat and Power

- 11.60 The energy strategy proposes a micro combined heat and power (CHP) unit which will supply part of the heating and domestic hot water demand via a building wide heating system and this is supported.

BE GREEN

Renewable energy technologies

- 11.61 The Energy Strategy Report proposes a roof mounted solar photovoltaic (PV) installation which would generate 26,984 kWh/year, equivalent to an annual CO2 emissions saving of 15 tonnes CO2 per year. The use of a solar photovoltaic array is supported. Further details of renewable energy technologies will be secured by condition should planning permission be granted.
- 11.62 Council policy DM 7.4 A requires that major non-residential developments achieve 'Excellent' under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve 'Outstanding'. The proposed development has been designed to achieve a BREEAM rating of 'Excellent' with a score of 74.86% .
- 11.63 Carbon Emissions: The applicant proposes a reduction in regulated emissions of 35% compared to a 2013 Building Regulations baseline which achieves the London Plan target and is welcomed. The development would achieve a reduction of 18.5% in total emissions which falls short of Islington's 27% target (for all emissions). In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £306,918 will be sought by way of section 106 agreement.
- 11.64 Overheating and Cooling: DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control.
- 11.65 Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance. The thermal modelling submitted addresses this issue to the satisfaction of the councils Energy team.
- 11.66 Dynamic thermal modelling has now been carried out, in line with Islington's guidance, and a summary of the results provided. The assumptions used in the modelling are considered to be reasonable. The results indicate that measures such as solar control glazing, exposed thermal mass and natural ventilation can significantly reduce the extent of overheating – but cannot bring this within compliance of the CIBSE criteria, without the assistance of artificial cooling. Therefore, it is accepted that there is a need for cooling within the building.
- 11.67 Summary: The proposal is considered acceptable from a sustainable development and renewable energy point of view, subject to matters to be secured through conditions and a Section 106 agreement.

- 11.68 Sustainable Urban Drainage System (SUDS): The application is accompanied by a Drainage and SUDS Strategy which proposes measures including green/blue roofs and below ground cellular storage to reduce surface water runoff to 50% of the existing rate. The proposal is considered acceptable from a drainage point of view subject to a condition securing details of a Sustainable Urban Drainage System.
- 11.69 Site Waste Management Plan: The application is accompanied by a Site Waste Management Plan (SWMP) which details proposals for waste reduction, waste monitoring and recycling of demolition, construction and operational waste. The SWMP has been reviewed by the Council's Sustainability Officer and Environmental Health (Pollution) Officer and is considered acceptable.
- 11.70 Contaminated Land: The application is accompanied by a Land Contamination Assessment which identifies that the site has a low potential to be designated as contaminated land. It is anticipated that any land contamination will be remediated by the removal of soil to facilitate the construction of the basement. Furthermore, the ground floor of the development will comprise hard surfacing which will prevent any act between site users and any remaining residual contamination. The Council's Environmental Health (Pollution) Officer has raised no objections to the proposal subject to a condition securing a land contamination remediation verification report.

Highways and Transportation

- 11.71 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent)
- 11.72 Cycle access and parking: Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Appendix 6 of the Development Management Policies document requires cycle parking to be provided at a rate of 1 space per 80m² (GIA) which equates to a requirement for 84 cycle parking spaces. 148 cycle parking spaces are proposed and this significantly exceeds the minimum requirement.
- 11.73 Servicing, deliveries and refuse collection: An on-street servicing bay on Vale Royal is proposed. A planning application was validated on 23 November 2016 for the refurbishment and extension of the Egg Nightclub opposite the application site at Nos. 5-13 Vale Royal. Should planning permission be granted, the redeveloped nightclub will also require vehicular servicing. It is anticipated that the proposed development and the nightclub could share an on-street servicing bay, subject to the approval of delivery and servicing plans to secure compatible arrangements for the servicing of the developments.
- 11.74 The location identified for an on-street servicing bay would necessitate the relocation of 3 on-street pay and display parking bays. There are presently concerns that the relocated parking bays may prejudice the access arrangements for a future development at Nos. 196-228 York Way. A scenario may therefore arise whereby the pay and display bays cannot be relocated. The applicant has therefore agreed in principle to enter into a section 106 agreement which covers alternative scenarios as follows:

The developer will either:

- Cover the cost of the relocation of the pay and display parking bays unless it is subsequently demonstrated that the loss of the three parking bays would not result in an unacceptable level of parking stress in the locality (in which case the relocation of the bays would not be required);

Or

- Make a financial contribution (amount to be agreed) to compensate for the Council's loss of income as a result of the removal of the parking bays, and incorporate enhanced measures into the Full Travel Plan to promote modal shift in order to mitigate increased parking stress.

- 11.75 The detail relating to the above was the subject of ongoing discussions at the time of writing and a verbal update will be provided at the Committee meeting.
- 11.76 A condition is recommended to secure a Delivery and Servicing Plan which will ensure compatibility with the servicing arrangements of any other users of the servicing bay (condition 24).
- 11.77 Vehicle parking: Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking) requires new homes to be car free, including the removal of rights for residents to apply for on-street car parking permits.
- 11.78 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking).
- 11.79 The applicant has agreed to make a contribution of £24,000 towards the provision of accessible transport initiatives, to be secured through a Section 106 agreement.
- 11.80 Construction Management Plan: The application is accompanied by a draft Construction Management Plan which provides the overarching strategy in terms of managing traffic movements during demolition and construction. It is recommended that a full Construction Management Plan be secured by condition (No. 19) should planning permission be granted.
- 11.81 Travel Plan: The application is accompanied by a draft Framework Travel Plan which details proposals to promote sustainable travel amongst future occupiers of the building. It is recommended that a full Travel Plan be secured through the Section 106 legal agreement, should planning permission be granted.
- 11.82 Transport for London: TfL raise no objections to the proposals subject to conditions securing a Delivery and Servicing Plan, a Travel Plan and a Construction Management Plan.
- 11.83 Spatial Planning and Transport: The Council's Spatial Planning and Transport Officer has advised that the proposals are generally considered acceptable in highways and transport terms, subject to appropriate conditions.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 11.84 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 11.85 The Section 106 agreement would include the following agreed Heads of Terms:
- Contribution of £306,918 towards offsetting projected residual CO2 emissions of the development;
 - The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required;
 - Compliance with the Code of Employment and Training;
 - Facilitation of 5 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £25,000 to be paid to LBI;
 - Compliance with the Code of Local Procurement;
 - Compliance with the Code of Construction Practice, including a monitoring fee of £7,326;
 - Provision of 12 additional accessible parking bays or a contribution of £24,000 towards provision of on-street bays or other accessible transport initiatives;
 - Submission of a Green Performance Plan and a post occupation Green Performance Plan;
 - Submission of a 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;
 - Submission of a final post occupation Green Performance Plan;
 - Payment of Council's fees in preparing and monitoring the S106;
 - Future proofing in order that the development can be connected to a local energy network if a viable opportunity arises in the future;
 - Relocation of parking bays (if required) or compensation for the Council's loss of income.
- 11.86 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

National Planning Policy Framework

11.87 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 The application site is currently occupied by a purpose built 1980s office building with 14 on-site car parking spaces. The application states that the existing office facilities are dated and do not meet the demands of present day occupiers.
- 12.2 The application proposes the demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (Use Class B1a) and flexible (Use Class B1) floorspace. The building is intended to provide flexible, modern office accommodation with floorspace that can be subdivided to meet the requirements of a range of occupiers, including SMEs.
- 12.3 The site lies within the Vale Royal / Brewery Road Locally Significant Industrial Site (LSIS) where B1(c), B2 and B8 uses are prioritised. The existing building is in office use and therefore the proposal would not result in the loss or reduction of floorspace within the B1(c), B2 or B8 use classes. Accordingly, the proposed land use complies with Policy DM5.3 and is considered acceptable.
- 12.4 The scheme has been amended at application stage to reduce the height of the proposed building under 30m in order to address Officer's concerns regarding excessive height and a conflict with the Council's tall buildings policy. The amended proposal is considered to satisfactorily manage the transition in the height of built form from the 20 storey block on the opposite side of York Way and the existing lower rise development within the LSIS. Accordingly, the proposal is considered acceptable in terms of its height, scale and massing.
- 12.5 The façade of the building is inspired by the historic rail and freight activity in the area and incorporates design features intended to reflect railway tracks, railway sleepers and shipping containers. It is considered that the proposal represents an interesting and imaginative design which will enliven the street scene whilst reflecting the heritage of the area.
- 12.6 The proposal is considered acceptable in terms of its impact upon the residential amenities of the occupants of the residential blocks on the opposite side of York Way. Furthermore, the proposal is considered acceptable in terms of highways impacts and in relation to technical planning matters, subject to the recommended conditions.
- 12.7 The proposal would result in an increase in the employment capacity of the site and would deliver flexible office accommodation to meet modern requirements whilst enhancing the street scene and the character of the area. The proposal is considered acceptable in planning terms and it is recommended that planning permission be granted.

Conclusion

- 12.8 The proposal is considered to comply with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1– RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. Contribution of £306,918 towards offsetting projected residual CO2 emissions of the development.
2. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
3. Compliance with the Code of Employment and Training.
4. Facilitation of 5 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £25,000 to be paid to LBI.
5. Compliance with the Code of Local Procurement.
6. Compliance with the Code of Construction Practice, including a monitoring fee of £7,326.
7. Provision of 12 additional accessible parking bays or a contribution of £24,000 towards provision of on-street bays or other accessible transport initiatives.
8. Submission of a Green Performance Plan and a post occupation Green Performance Plan.
9. Submission 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.
10. Submission of a final post occupation Green Performance Plan.
11. Payment of Council's fees in preparing and monitoring the S106.
12. Future proofing in order that the development can be connected to a local energy network if a viable opportunity arises in the future.
13. Relocation of parking bays (if required) or compensation for the Council's loss of income.

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 (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 14063_C645_P_B1_001 Rev. B; 14063_C645_P_B1_001 Rev. C; 14063_C645_P_02_001 Rev. C; 14063_C645_P_08_001 Rev. C; 14063_C645_P_09_001; 14063_C645_P_RF_001 Rev. A; 14063_C645_E_NW_001 Rev. C; 14063_C645_E_SE_001 Rev. C; 14063_C645_E_NE_001 Rev. C; 14063_C645_S_AA_001 Rev C; 14063_C645_S_BB_001 Rev C; 14063_C645_S_CC_001 Rev C; Draft Construction Management Plan (May 2016); Draft Framework Travel Plan (May 2016); Draft Delivery and Servicing Plan (May 2016); Structural Method Statement (25.04.2016); Site Waste Management Plan (May 2016); Proposed Drainage and SUDS Strategy (03.05.2016); Addendum to Proposed Drainage and SUDS Strategy (04.10.2016); Flood Risk Assessment and Surface Water Drainage Strategy (April 2016); Sustainability and Energy Statement Rev. 05 (October 2016); Transport Assessment (May 2016); Transport Assessment Update (06.10.2016); Draft Green Performance Plan (October 2016); Revised Health Impact Assessment (05.10.2016); Planning Design Amendments (October 2016); Planning Statement (May 2016) as updated by letter dated 07.10.2016.</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 (Compliance and Details)</p> <p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Timber fins, including details of treatment and routine maintenance; b) Metal panels; c) Window and doors; d) Green procurement plan for sourcing the proposed materials; e) Any other external facing materials to be used. <p>The Green Procurement Plan shall demonstrate how the procurement of materials</p>

	<p>for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Construction Environmental Management Plan (Details)</p> <p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE CEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
5	<p>BREEAM (Compliance)</p> <p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
6	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Notwithstanding the roof plan indicated on drawing reference C645_P_RF_001 Rev. A, details of biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <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>
7	<p>Land Contamination Remediation</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> <ul style="list-style-type: none"> - 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 the PERA. <p>REASON: Given the history of the site the land, remediation is necessary to safeguard the health and safety of future occupants.</p>
8	<p>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 facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
9	<p>Piling Method Statement (Details)</p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
10	<p>Energy Efficiency – CO2 Reduction (Compliance/Details)</p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than an 18.5% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 18.5% onsite total</p>

	<p>C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2010. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
11	<p>Renewable Energy (Compliance)</p> <p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than 9.3% on-site regulated CO₂ reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than 9.3% onsite regulated CO₂ reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
12	<p>Solar Photovoltaic Panels (Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> - Location; - Area of panels; and - Design (including 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 interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
13	<p>Combined Heat and Power (Details)</p> <p>CONDITION: Details of the Combined Heat and Power facility and associated infrastructure, which shall provide for no less that 3.3% regulated CO₂ reduction shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

	<p>superstructure works commencing on site. The details shall include location, specification, flue arrangement and operation/management strategy.</p> <p>The Combined Heat and Power facility and infrastructure shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility and associated infrastructure are provided and so that it is designed in a manner which allows for the future connection to a district system.</p>
14	<p>Cycle Parking Provision (Details)</p> <p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall provide for no less than 148 cycle spaces and shall include automated doors to the long stay cycle parking.</p> <p>The bicycle storage areas shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
15	<p>Sustainable Urban Drainage System (Details)</p> <p>CONDITION: Details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
16	<p>Nesting Boxes (Details)</p> <p>CONDITION: Details of bird and bat nesting boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details submitted shall include the number of boxes, the exact location, specification and design of the habitats.</p> <p>The nesting boxes shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
17	<p>Roof-top Plant and Lift Overrun</p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> • roof-top plant; • ancillary enclosures/structure; and • lift overrun <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
18	<p>Future Connection</p> <p>CONDITION: Details of how the boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system</p>
19	<p>Construction Management Plan and Construction Logistics Plan (Details)</p> <p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
20	<p>Refuse/Recycling Provided (Compliance)</p> <p>CONDITION: The dedicated refuse / recycling enclosures shown on drawing no. c645_p_00_001 Rev. C shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

21	<p>Code of Construction Practice Compliance Report</p>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the 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 interest of pedestrian and highway safety and to ensure satisfactory arrangements during the demolition and construction process.</p>
22	<p>Strategic Fire and Emergency Evacuation Management Plan</p>
	<p>A Strategic Fire and Emergency Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building hereby permitted. The Plan shall detail the co-ordination of evacuation procedures amongst all occupiers of the building and shall detail arrangements for the ongoing monitoring and review of evacuation procedures.</p> <p>REASON: In order to ensure co-ordinated arrangements amongst all occupiers for fire and emergency evacuation of the building.</p>
23	<p>Landscaping (Details)</p>
	<p>CONDITION: A landscaping scheme, including details of landscaping to the roof terrace, 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 seek to maximize the urban greening potential of the development and shall include the following details:</p> <ol style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) proposed trees: their location, species and size; c) soft plantings including shrub and herbaceous areas; d) hard landscaping; e) measures to promote water sensitive urban design; f) any other landscaping features 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</p>

	<p>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>
24	<p>Delivery and Servicing Plan</p> <p>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 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>

List of Informatives:

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

	<p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: 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>Thames Water (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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
5	<p>Thames Water (Mains Water Pressure)</p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	<p>Trade Effluent Consent</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>
7	<p>Waste Oil and Fat</p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering 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>
8	<p>Groundwater Discharges</p>

	<p>We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. 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 . Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:" 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 wwriskmanagement@thameswater .co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
9	<p>CIL Informative</p>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

3 London's people

Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's Economy

Policy 4.2 Offices

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 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 7.13 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

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 CS6 King's Cross

Policy CS8 Enhancing Islington's Character

Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

Policy CS19 Health Impact Assessments

Strategic Policies

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

Policy CS10 Sustainable Design

Policy CS11 Waste

Policy CS13 Employment Spaces

Policy CS19

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Employment

DM5.1 New business floorspace

DM5.3 Vale Royal / Brewery Road

Locally Significant Industrial Site

Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and
biodiversity

DM6.6 Flood Prevention

Energy and Environmental Standards

DM7.1 Sustainable design and
construction statements

DM7.2 Energy efficiency and carbon
reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new
developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

5. Designations

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

- Vale Royal / Brewery Road Locally
Significant Industrial Site

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

London Plan

- Environmental Design SPD

- Inclusive Design in Islington SPD

- Accessible London: Achieving and
Inclusive Environment SPG

- Planning Obligations SPD
- Urban Design Guide SPD
- Regenerating King's Cross Neighbourhood Framework Document
- Environmental Design SPD
- Streetbook SPD
- Basement Development SPD
- The Control of Dust and Emissions during Construction and Demolition SPG
- Sustainable Design & Construction SPG
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy
- Planning for Equality and Diversity in London

APPENDIX 3: DESIGN REVIEW PANEL LETTER DATED 29.02.16

CONFIDENTIAL

ATT: Fiona Sibley
Tibbalds Planning and Urban Design Ltd
19 Maltings Place
169 Tower Bridge Road
London SE1 3JB

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk
Our ref: DRP/84
Date: 29 February 2016

Dear Fiona Sibley,

ISLINGTON DESIGN REVIEW PANEL

RE: Fitzpatrick Building, 188-194 York Way, London, N7 9AT – pre-app ref. Q2015/2316/MJR

Thank you for attending Islington's Design Review Panel meeting on 9 February 2016 for a review of the above scheme. The proposed scheme under consideration is for the demolition of the existing building and the redevelopment of the site to provide a new 19-storey office building providing modern and flexible office accommodation (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (chair), Stephen Archer, Patrick Lynch, Damian Rogan, Stafford Critchlow and Tim Ronalds on 9 February 2016 including a site visit, a presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

The Panel was generally supportive of the overarching intent to redevelop this site for employment uses, in particular for use by SME's. The Panel found the references to the surrounding context of the railway and industrial character through the materials interesting. Panel members noted that the manner in which the elevations on the proposal drawings had been broken up with larger openings/terraces punctuating the façade added interest to the proposed elevational treatment. However, the Panel questioned whether the economic viability of the balcony terraces had been properly tested. They also queried whether the proposed elevation treatment would meet the desired environmental performance of the building including solar gain, heat loss, ventilation and smoke purgation. The Panel considered that this relationship was yet to be fully addressed and resolved.

The Panel also supported the type of space and type of unit that would be provided by the scheme. However, a concern was expressed about whether the narrow floor plates within the

floor to floor ceiling heights combined with the ventilation strategy proposed would be appropriate, attractive and economically viable for SME's.

Panel members questioned the reasoning behind the height for the proposed tower and felt that it may be more appropriate to provide a bigger floor plate, extending the body of the building eastwards, with the height reduced on the corner. The Panel felt that this could create a far more efficient floor plan for the proposed office use, while still providing a similar amount of floor space.

Panel members felt that the key issue with the proposals was whether or not it is desirable to form a 'gateway' with the two towers in this location and questioned exactly where the pair of buildings would be providing a 'gateway' to. The Panel were not convinced that Kings Cross needed a 'gateway' and felt that the existing tall building on the opposite side of York Way, in the London Borough of Camden, did not provide the justification for an additional tall building on the Islington side of the street.

Panel members questioned whether or not any work has been carried out in relation to the down draught effects on the road. They acknowledged that this had not yet been integrated into the design, but the Panel felt that it was an important issue that should be addressed at an early stage and may impact on the overall design.

The Panel raised concerns over the impact on outlook and overlooking on the residential tower on the opposite side of York Way. Panel members felt that further work was required in order to improve the overlooking on this neighbouring building.

The Panel felt that there should be further public benefit associated with scheme and that the current proposals did not provide sufficient improvements at street level, where they felt it was likely that conditions would be made worse with a likely microclimate and increased down draught. The Panel noted that although a number of tall buildings have been approved on the Camden side of York Way towards King's Cross, the potential harm caused by the scale of these buildings had been somewhat reduced by the amount of public open space and other cultural benefits provided in the area. They felt that there should be more public space or street level improvements provided in association with the proposed 19 storey tower, either internally or externally and that nothing was currently proposed to outweigh the potential harm caused to the surrounding area and at street level. It was suggested that the proposed building may be set back further from the street, providing a wider pavement or small public space. The Panel felt that the proposed tower would make this stretch of York Way feel even more oppressive than existing.

Panel members questioned the quality of the roof terrace provided to the lower section of the building that would be overshadowed by the plant building and the 19 storey tower. Concerns were also raised over whether the terrace would be used and whether it would be successful or whether the space could be better used internally in this position.

The Panel felt that at street level the space would be far more enjoyable to pedestrians and those in vehicles on York Way if a lower building were proposed on this site.

Summary

Panel members felt that neither the argument to create a 'gateway' to King's Cross, nor the existence of a tall building on the other side of the street as justification for a tower on this site, were that compelling. The Panel thought that it was important to acknowledge that the proposed 19 storey tower is in a different borough to those on the other side of York Way and towards Kings Cross and that the justification for creating a 'gateway' in this position was not convincing. Panel members felt that the existing bridge, or indeed the one existing tower, may act as a

'gateway' or marker for this entry point into the King's Cross development and therefore that it was not necessary to add another tower here in order to emphasise this. The Panel did not agree that this was a natural place to put a 'gateway' or to put a tall building. Panel members supported the use as a building for small businesses that will add vitality to the street and improve the public realm in that regard. The Panel felt that other forms should be explored on this site as there were opportunities to move the form around and avoid the sunlight and daylight and amenity issues that may be associated with the current scheme.

Whilst the Panel welcomed the approach with the overall concept and materials, picking up on the context and developing a building that is very gritty, relating to the adjacent railway they considered that the elevations need to relate to the required environmental performance of the building, user experience and the intended office market.

The Panel felt that it would be beneficial to explore the context further and relate the form of the building more to the proposed materials and aesthetic. Panel members were fully supportive of the ambition to bring more employment to the site, but did not think it was appropriate to take its queue from the 20 storey building on the opposite side of York Way.

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.

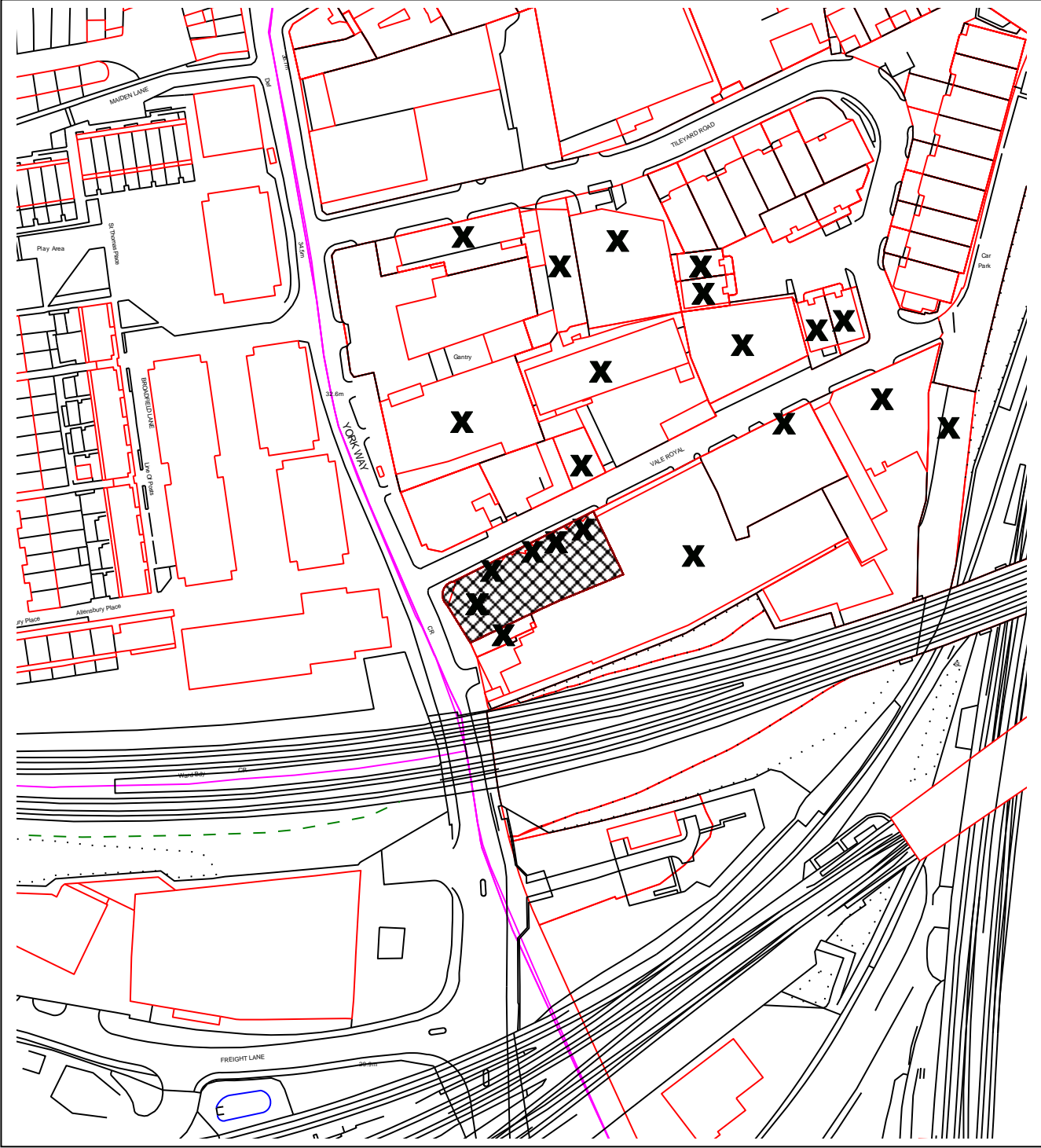
Yours sincerely,



Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager



NORTHGATE SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. P2016/1999/FUL

This page is intentionally left blank