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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **20 June 2017 at 7.30 pm.**

**Yinka Owa**  
**Director – Law and Governance**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 12 June 2017

**Welcome:**

Members of the public are welcome to attend this meeting.

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

Committee Membership

Wards

Substitute Members

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

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

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<b>B. Consideration of Planning Applications</b>	<b>Page</b>
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2.	469 HORNSEY ROAD, ISLINGTON LONDON, N19 3QL	69 - 106
3.	ISLINGTON ARTS FACTORY, 2 PARKHURST ROAD & 2A PARKHURST ROAD, LONDON, N7 0SF	107 - 232
4.	LONDON METROPOLITAN UNIVERSITY, 166-220 HOLLOWAY ROAD, ISLINGTON, LONDON, N7 8DB	233 - 286
5.	THE OLD SESSIONS HOUSE, 22 CLERKENWELL GREEN, LONDON, EC1R 0NA	287 - 320
6.	THE OLD SESSIONS HOUSE, 22 CLERKENWELL GREEN, LONDON, EC1R 0NA	321 - 356

**C. Consideration of other planning matters Page**

**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, 18 July 2017

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

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

## **PROCEDURES FOR PLANNING COMMITTEE**

### **Planning Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

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

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

**For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Jackie Tunstall on 020 7527 3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

**COMMITTEE AGENDA**

**1 1 - 9 White Lion Street**  
**LONDON**  
**N1 9PD**

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**2 469 Hornsey Road**  
**Islington**  
**LONDON**  
**N19 3QL**

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**3 Islington Arts Factory, 2 Parkhurst Road & 2A Parkhurst Road, London N7 0SF.**

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**4 London Metropolitan University**  
**166 - 220 Holloway Road**  
**Islington**  
**LONDON**  
**N7 8DB**

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**5 The Old Sessions House, 22 Clerkenwell Green, London, EC1R 0NA**

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**1 1 - 9 White Lion Street**  
**LONDON**  
**N1 9PD**

**Ward:** Barnsbury

**Proposed Development:** The construction of a single storey roof addition at 9 White Lion Street to create additional B1 office floorspace and associated alterations including rooftop plant/enclosures; Demolition of existing building to the rear of 9 White Lion Street and construction of a new building to create basement, ground plus six upper floors comprising flexible A1 retail/A3 restaurant and cafe (ground floor), B1 office (basement, and first to third floors), and six residential units (fourth to sixth floors); together with landscaping and associated works.

**Application Number:** P2016/4721/FUL

**Application Type:** Full Planning Application

**Case Officer:** Colin Leadbeater

**Name of Applicant:** .

**Recommendation:**

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**2 469 Hornsey Road**  
**Islington**  
**LONDON**  
**N19 3QL**

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**Ward:** Hillrise

**Proposed Development:** Demolition of existing two storey building and erection of 4 storey building plus set back roof addition and part basement to provide office (B1 use) at ground and part basement floor and 7 self-contained resident units (6x2 beds, 1x3 bed) plus cycle parking and associate refuse. (Reconsultation on amended sunlight daylight report received 19th March 2017, all other aspects of the submitted scheme remain unchanged.)

**Application Number:** P2016/4928/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Mr Payne

**Recommendation:**

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### 3 Islington Arts Factory, 2 Parkhurst Road & 2A Parkhurst Road, London N7 0SF.

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**Ward:** Holloway

**Proposed Development:** Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear. This application may affect the setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); [In association with Listed Building Consent Application P2015/0330/FUL].

**Application Number:** P2016/5054/LBC

**Application Type:** Listed Building

**Case Officer:** John Kaimakamis

**Name of Applicant:** Mr Mike Kettle

**Recommendation:**

**Ward:** Holloway

**Proposed Development:** Redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works. This application may affect the character and appearance of the conservation area and setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); [Revised Description] [In association with Listed Building Consent Application P2016/5054/LBC].

**Application Number:** P2015/0330/FUL

**Application Type:** Full Planning Application

**Case Officer:** John Kaimakamis

**Name of Applicant:** Mr Mike Kettle

**Recommendation:**

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### 4 London Metropolitan University

166 - 220 Holloway Road

Islington

LONDON

N7 8DB

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**Ward:** Highbury West

**Proposed Development:** Erection of an additional 2 storeys of accommodation to J-Block resulting in a height increase to 4 storeys. Alterations to J-Block comprising alterations to openings and additional openings, demolition of bridges from J-Block to F-Block and Tower level 1; internal reconfiguration to existing building, external plant, and associated works.

**Application Number:** P2017/1383/FUL

**Application Type:** Full Planning Application

**Case Officer:** Jan Slominski

**Name of Applicant:** Mr Dominic Slevin

**Recommendation:**

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## 5 The Old Sessions House, 22 Clerkenwell Green, London, EC1R 0NA

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**Ward:** Clerkenwell

**Proposed Development:** Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1613/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).' The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays. - RE-ADVERTISED due to receipt of amended plans and documents

**Application Number:** P2016/4841/S73

**Application Type:** Removal/Variation of Condition (Section 73)

**Case Officer:** Geraldine Knipe

**Name of Applicant:** Satila Faringdon Ltd

**Recommendation:**

**Ward:** Clerkenwell

**Proposed Development:** Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1614/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).' The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays - RE-ADVERTISED due to receipt of amended plans and documents

**Application Number:** P2016/4842/S73

**Application Type:** Removal/Variation of Condition (Section 73)

**Case Officer:** Geraldine Knipe

**Name of Applicant:** Satila Faringdon Ltd

**Recommendation:**

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London Borough of Islington

## Planning Committee - 27 April 2017

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 27 April 2017 at 7.30 pm.

**Present:**           **Councillors:**       Khan (Chair), Klute (Vice-Chair), Nicholls, O'Halloran,  
Poyser and Picknell  
**Also**               **Councillors:**       Councillor Webbe  
**Present:**

### Councillor Robert Khan in the Chair

#### **274**        **INTRODUCTIONS (Item A1)**

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

#### **275**        **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillors Donovan, Chowdhury, Convery and Ward.

#### **276**        **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

#### **277**        **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

#### **278**        **ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda

#### **279**        **MINUTES OF PREVIOUS MEETING (Item A6)**

##### **RESOLVED:**

That the minutes of the meeting held on 6 February 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **280**        **FINSBURY TOWER, 103-105 BUNHILL ROW, LONDON, EC1Y 8LZ (Item B1)**

Erection of a 12 storey extension to the existing 16 storey building and a 3 to 6 storey

## Planning Committee - 27 April 2017

extension to the existing podium block up to 7 storeys to provide additional office (Use ClassB1a) floorspace; recladding of the existing building to match the materials of the extensions; change of use of part of the ground floor accommodation to flexible Class A1 (retail) and A3 (restaurant/cafe) uses; demolition of single storey structures and the erection of 6 storey block adjacent to the western elevation to provide 25 affordable dwellings; alterations to the public realm, including landscaping and highways improvements and other associated works.

(Planning application number: P2016/3939/FUL)

In the discussion the following points were made:

- Planning Officer informed the meeting of a correction with the Heads of Terms of the committee report that stated that work placements during the construction phase should be provided for 13 weeks instead of 26 weeks.
- Planning Officer advised Members that if planning permission was granted the application would be subject to a Stage II referral to the Mayor of London and that a Section 38 and a Section 278 agreement would be required in relation to the public realm and highways works which is to be secured through the Section 106 agreement.
- A stopping up order would be required for Blue Anchor Yard and Errol Street in order to deliver the scheme which would be secured through the s106 agreement.
- The Head of Terms regarding the phasing of the delivery of the housing and affordable workspace had been updated to note that both affordable housing and affordable workspace would be handed over prior to first occupation of the office floorspace.
- Members acknowledged that the public benefit of the scheme outweighed any harm to the heritage assets as the scheme offered affordable homes; work space suitable for small businesses; public realm improvements and a significant uplift in office floor space on the site.
- The Committee noted that the erection of a further 12 storeys was not a significant departure from Council's Tall Building Policy as the existing building is a 'tall building'.
- The Committee requested that details and sample of the brickworks/cladding material be submitted to the Chair and Vice Chair of the Planning Committee for approval.

Councillor Klute proposed a motion requesting that details and sample of the cladding material to be agreed by both the Chair and Vice Chair of the Committee. This was seconded by Councillor Poyser and carried.

### **RESOLVED:**

That planning permission be granted subject to conditions set out in the officer report and the additional condition above regarding the details and sample of the cladding materials, subject to s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1.

**281** **ISLINGTON ARTS FACTORY, 2 PARKHURST ROAD & 2A PARKHURST ROAD,  
LONDON N7 0SF (Item B2)**

Redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works.

(Planning application number: P2015/0330/FUL)

In the discussion the following points were made:

- Members were informed that although Islington Arts Factory would be relocated to a new facility in the basement of the scheme, it would not necessarily meet the requirements for other communal users.
- Members were advised that although rent increase was not a material consideration, it was important that both Islington Borough Council and the City of London continued its support of the Islington Arts Factory via grants.
- A suggestion to impose a condition that the proposed D1 Use space could only be used for the purposes of an Arts Centre (not used with B1 purposes) within the D1 Use Class category was noted.

Councillor Klute proposed a motion for a condition to ensure that the work space is secured for the purposes of an Arts Centre. This was seconded by Councillor Khan and carried.

**RESOLVED:**

That planning permission be granted subject to conditions in the officers report and the additional condition outlined above regarding the continued use of the work space by the Arts Centre and subject to s106 legal agreement heads of terms as set out in Appendix.

**282** **ISLINGTON ARTS FACTORY, 2 PARKHURST ROAD & 2A PARKHURST ROAD,  
LONDON N7 0SF (Item B3)**

Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear.

(Planning application number: P2016/5054/LBC)

**RESOLVED:**

That Listed Building Consent be granted subject to the conditions set out in Appendix 1 of the officer report and subject to Planning Permission being Granted for the planning application P2015/0330/FUL.

283

**THE TRIANGLE ESTATE, GOSWELL ROAD/COMPTON STREET/CYRUS STREET & 131-135 [ODD] GOSWELL ROAD, LONDON, EC1 (Item B4)**

Demolition of six dwellings, the central podium, garages and one retail unit and the construction of 54 new dwellings (including 27 homes for social rent), provided as infill developments, an additional seventh floor on existing residential blocks and a new part 7/part 8 storey corner building with associated private amenity space, bicycle storage, a new landscaped courtyard garden and improvements to the public realm. The application also includes the provision of 146.8sqm of retail floorspace to replace the demolished unit.

(Planning application number: P2016/4634/FUL)

In the discussion the following points were made:

- The Planning Officer clarified an error in the report about shared ownership as there was none in this scheme.
- The Planning Officer advised that the new proposal would create 54 new homes, new retail unit, improved access to the dwellings and new landscaping including community and growing gardens
- With regards to the landscaping the meeting was advised that the communal garden would be built on top soil in its entirety and that throughout the application process residents were adequately consulted either on open days or written letters.

**RESOLVED:**

That planning permission be granted subject to the conditions and director level agreement securing the heads of terms for the reasons and details as set out in Appendix 1.

284

**WILLIAM MARTIN COURT, 65 MARGERY STREET, LONDON, WC1X 0JH (Item B5)**

Use of premises as a hostel providing residential accommodation for hotel staff (Sui Generis).

(Planning application number: P2016/2405/FUL)

In the discussion the following points were made:

- The Planning Officer advised that although the loss of a care home was a material consideration, the Council had provided adequate replacement accommodation for the previous occupants.

## Planning Committee - 27 April 2017

- Members informed Members that condition 3 which required the applicant to paint the roller shutter that covers the entrance to the basement black should be deleted as the applicants had undertaken the works.
- The Planning Officer informed that the applicant would still be required to address concerns relating to equity of access and mobility, sustainability and carbon reduction.

### **RESOLVED:**

That planning permission be granted subject to conditions and s106 as set out in Appendix 1.

The meeting ended at 9.45 pm

**CHAIR**

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Report of: Assistant Chief Executive – Governance and Human Resources

Meeting of	Date	Ward(s)
Planning Committee	20 June 2017	All

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

### 1. Synopsis

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

### 2. Recommendations

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

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

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

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

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

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

2.7. That the following members, Chairs, be appointed for the municipal year 2017/2018 or until successors are appointed.

Planning Sub-Committees:

<b>Planning Sub-Committee A</b>	<b>Planning Sub-Committee B</b>
Martin Klute (Chair) Tim Nicholls Angela Picknell Osh Gantly Nick Ward	Alice Donovan (Chair) Robert Khan James Court Jenny Kay Kat Fletcher

### **3. Background**

- 3.1 The Council is required to allocate committee places to political groups according to the “political balance rules” under the Local Government and Housing Act 1989. These are designed to ensure that the political composition of the Council’s decision making and deliberative committees as far as possible replicates the political composition of the full Council.
- 3.2 The current membership of the authority is 47 Labour Group members and 1 independent Green member and the Council therefore only comprises of one political group, so the “political balance rules” do not apply.
- 3.3 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington and is asked to appoint two Planning Sub-Committees. It is recommended that the remaining members and substitute members of the Planning Committee as substitute members on the Planning Sub-Committees. The quorum of the Planning Sub-Committees is three Councillors.
- 3.4 The terms of reference for the Sub-Committee are set out in Appendix B. The terms of reference of this Committee are set out in Appendix A.

### **4 Implications**

#### **4.1 Financial implications**

The Corporate Director of Finance and Resources confirms that costs associated with the Planning Sub-Committees have been budgeted for in the 2017/18 budget.

#### **4.2 Legal Implications**

These are set out in the body of the report.

#### **4.3. Resident Impact Assessment**

Meetings are held at the Town Hall which is fully accessible. Other access needs are addressed as they arise. Meetings are held in public and members of the public are able to speak on application which enables participation across all the equality strands.

### **5 Conclusion and reasons for recommendations**

The Committee should approve this report in order for the Planning Sub-Committees to be properly constituted.

**Background papers:**



## PLANNING COMMITTEE

### Quorum

The quorum shall be three members.

### Terms of Reference

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

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

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

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

## PLANNING SUB-COMMITTEES

### Quorum

The quorum shall be three members.

### Terms of Reference

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

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

partner);

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

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 3333  
 Town Hall

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B1</b>
<b>Date:</b>	20 June 2017	<b>NON-EXEMPT</b>

Application number	P2016/4721/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Unlisted, but adjacent to locally listed building at 23-25 Islington High Street
Conservation area	Within 50m of the Angel and New River Conservation Areas, and 100m of the Chapel Market Conservation Area
Development Plan Context	Central Activities Zone (CAZ), Employment Growth Area (EGA), Angel and Upper Street Key Area, Angel Town Centre, Archaeological Priority Area, Crossrail 2 Safeguarding Area Site within 100m of an SRN Road Site within 100m of a TLRN Road Mayors Protected Vista (Alexandra Palace to St Pauls)
Licensing Implications	Yes – A1/A3 unit at ground floor level could be subject to an alcohol license.
Site Address	1 - 9 White Lion Street, London, N1 9PP
Proposal	The construction of a single storey roof addition at 9 White Lion Street to create additional B1 office floorspace and associated alterations including rooftop plant/enclosures; Demolition of existing building to the rear of 9 White Lion Street and construction of a new building to create basement, ground plus six upper floors comprising flexible A1 retail/A3 restaurant and cafe (ground floor), B1 office (basement, and first to third floors), and six residential units (fourth to sixth floors); together with landscaping and associated works.

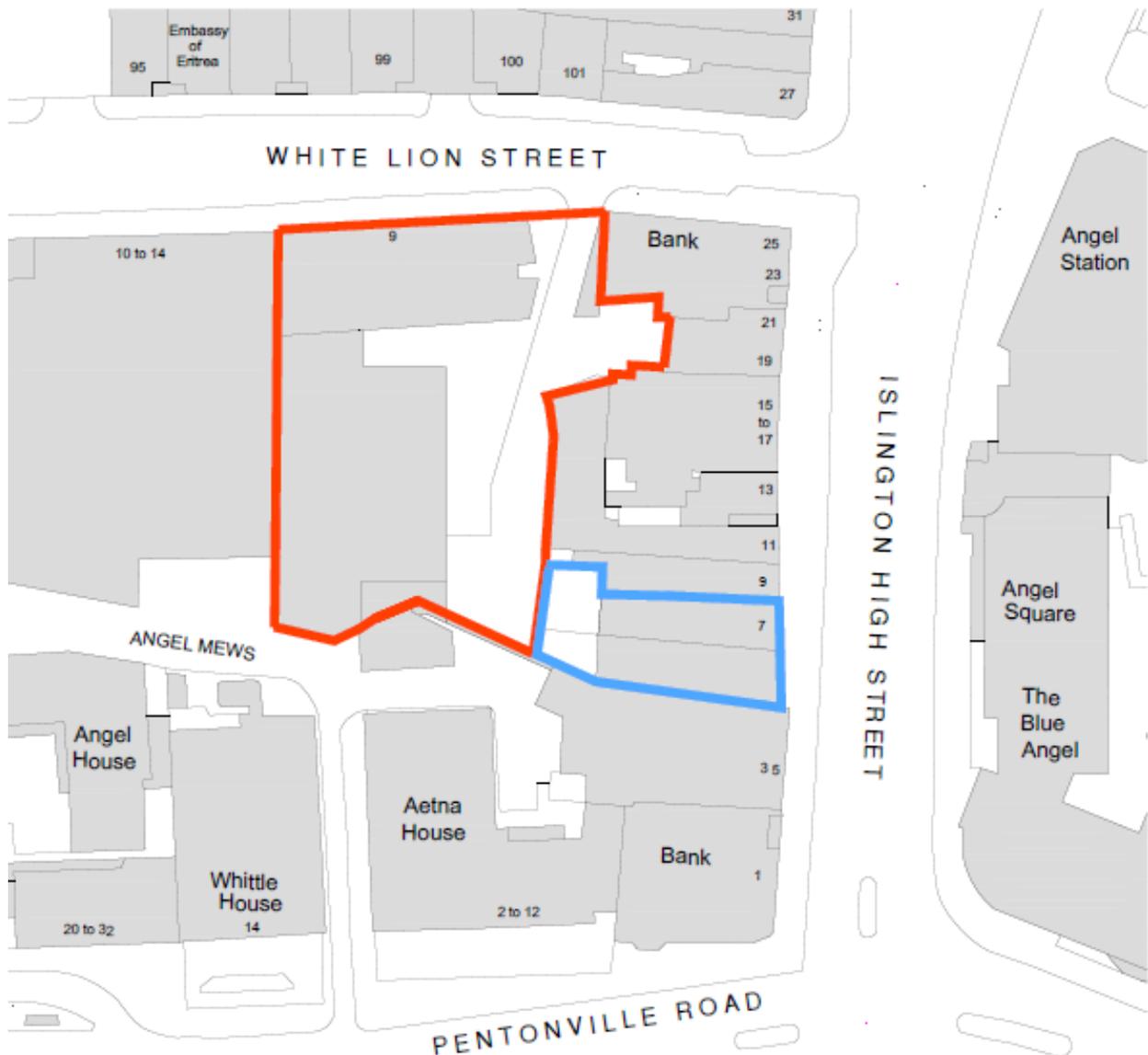
Case Officer	Colin Leadbeatter
Applicant	Hatton Garden Properties
Agent	Savills

## 1. RECOMMENDATION

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

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

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



### 3. PHOTOS OF SITE/STREET

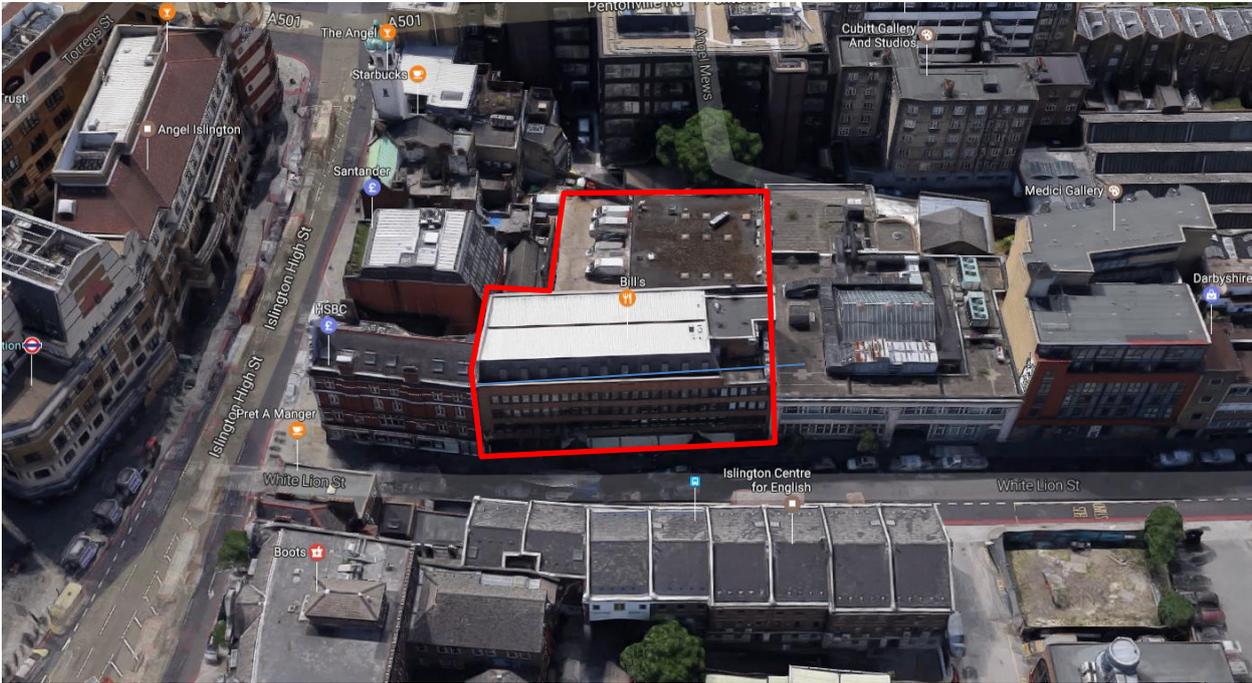


Figure 1; Aerial view of the site from the north.



Figure 2; View of site looking north-west from White Lion Street



Figure 3; Rear of the site facing towards 1-9 White Lion Street:



Figure 4; Rear of the site facing towards the rear of Pentonville Road;

## 4. SUMMARY

- 4.1 The proposed development would comprise of a refurbishment and single storey roof extension to the existing 5 storey office building fronting White Lion Street (to house additional B1(a) floorspace), along with the demolition of the existing two storey former B1(c) bakery building to the rear of the application site and construction of a part 5, part 6 and part 7 storey replacement building to house 568sqm of A1/A3 at ground floor level, 3867sqm of B1(a) floorspace at basement, first, second and third floor levels with 6 residential units (3 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom) above.
- 4.2 There is policy support for the delivery of new office floorspace given that the site is located within the Central Activities Zone and an Employment Growth Area. There is a loss of B1(c) floorspace but as the site is not located within a Locally Significant Industrial Site, there is no explicit protection of this industrial use. It is therefore considered that as the resulting development would provide for an uplift of employment generating floorspace of 2,220sqm a significant contribution to the provision of commercial space in this location is being made.
- 4.3 The applicant has agreed to pay a small sites affordable housing financial contribution of £300,000 and two B1(a) units suitable for SME's would be provided on site (1 x 90sqm, 1 x 97sqm) in order to satisfy affordable workspace policies.
- 4.4 The height of the building fronting White Lion Street would be increased by one storey, removing an existing mansard roof and replacing it with a two storey addition housing B1(a) floorspace. This extension would be set back from the principal elevation fronting White Lion Street, and would step away from the neighbouring locally listed building at 23-25 Islington High Street. The materials to be used include polished concrete fins (in a Portland stone colour) set in front of aluminium framed double glazed window panels, with the upper level being clad in a grey zinc. The proposed seven storey new building to the rear of 1 – 9 White Lion Street would be constructed of a 'roman style' brick, with large window openings featuring deep chamfered reveals overlooking a courtyard space, with set back upper levels creating terraces to the proposed residential properties and a zinc clad addition at roof level.
- 4.5 It is considered that the proposed development would not create harm to the setting, character and/or appearance of either the adjacent Angel Conservation Area, the adjacent New River Conservation Area, or the nearby Chapel Market Conservation Area. Furthermore, the scheme has been designed so as to take into account the neighbouring locally listed building.
- 4.6 The 6 proposed residential units would all with the exception of one unit be dual aspect, with generous outdoor amenity space offered in the form of terraces. The proposed residential units would all comply with London Plan space standards both internally and with regard outdoor amenity space, would be accessible by lift and would provide a good standard of residential accommodation. There would be no issues of overlooking or loss of privacy to neighbouring residential properties, and no harm to amenity as a result of the proposed retail/A3 floorspace at ground floor level.
- 4.7 Green roofs and photovoltaics would be provided at roof level, along with a commitment to reduce total carbon emissions by 30% over the existing building, in line with adopted policy.
- 4.8 Servicing would take place from an existing servicing bay located on White Lion Street, along with an off-street servicing arrangement through an existing undercroft to the

proposed rear courtyard area. The applicants have provided a full Delivery and Servicing Plan as part of this application, which has been reviewed by officers and TfL and is considered to be acceptable.

- 4.9 The applicants have agreed in principle to a Section 106 agreement to comply with the Council's Financial Obligations SPD, which would deliver £135,122 towards carbon offsetting in the borough, and a £300,000 off-site affordable housing contribution. The proposed development would also be liable for both the Mayoral and local CIL, and a Crossrail contribution of £368,275.

## 5. SITE AND SURROUNDING

- 5.1 The application site is roughly rectangular in shape, located to the southern side of White Lion Street and occupies an area of approximately 1,600sqm. The site is currently occupied by a 5-storey building fronting White Lion Street. At ground floor is an existing café/restaurant use with independently accessed office uses on the upper floors. To the rear is a single storey double height building that is currently used as a catering preparation and food packing unit (B1c). It is accessed through an existing gated undercroft from White Lion Street and provides parking on its forecourt.
- 5.2 The site is located within a designated Employment Growth Area (EGA) and the Central Activities Zone (CAZ), in an area characterised by a variety of uses comprising retail, business, hotel and leisure uses as well as some residential. It is also located within Angel Town Centre.
- 5.3 Angel Conservation Area lies to the north/east of the application site, with the New River Conservation Area to the south. Chapel Market/Penton Street Conservation Area lies to the north of the application site. No. 23-25 Islington High Street, which also lies to the east of the site, is a locally listed building.
- 5.4 There are a mixture of buildings in terms of age, style and height in the immediate area. The more historic buildings tend to be characterised by Victorian municipal buildings, as evidenced by no. 23-25 Islington High Street (currently a HSBC bank). The surrounding buildings are mostly post-WW2, and are currently predominantly in office use with building heights ranging from between four and nine storeys.
- 5.5 White Lion Street is part of the LTRN which connects Pentonville Road with Islington High Street in Angel Town Centre, and forms an important part of the local bus network.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposed development would comprise of:
- 6.2 **Existing Building fronting White Lion Street:** a refurbishment and single storey roof extension to the existing 5 storey building fronting White Lion Street (currently housing 1,647sqm of B1(a) floorspace, and 265sqm of A3 floorspace) creating an additional 354sqm of B1(a) floorspace at sixth floor.

**Proposed Building to the Rear:** the demolition of an existing single storey double height bakery (B1(c)) building (494sqm) to the rear of the application site and the construction of a part 5, part 6 and part 7 storey replacement building to accommodate 298sqm of retail / café (A1/A3 use class) at ground floor level, 1,866sqm of B1(a) floorspace at basement, first, second and third floor levels, and 6 residential units (3 x 1 bed, 2 x 2 bed, 1 x 3 bed) above incorporating roof terraces to provide private outdoor amenity space.

- 6.3 Across the two buildings, the development would result in a total of 3,867sqm of B1(a) floorspace, 568sqm of flexible A1/A3 floorspace, 634sqm of C3 floorspace and 236sqm of plant.
- 6.4 The materials to be used for the existing building at 1 – 9 White Lion Street would be a mixture of polished concrete, glass and metal cladding, set behind a brick parapet fronting the road, whereas the proposed rear building would be predominantly brick, with deep chamfered window reveals, with a two storey zinc clad element at roof level.
- 6.5 The proposed development would incorporate secure internal bicycle storage for the proposed retail, office and residential uses, along with off-street refuse storage.
- 6.6 Off-street servicing would be carried out within the proposed internal courtyard area (accessed through an existing undercroft), with some existing on-street servicing retained through the use of an existing loading bay on White Lion Street. Cycle storage for all proposed uses would be secured at ground and basement level.
- 6.7 A total CO2 reduction of 30% over the existing building (of both regulated and unregulated emissions) would be achieved, with provision made for a possible future connection to a District Energy Network. In addition, PV arrays on the flat roof of the building fronting White Lion Street would be incorporated, along with PV's to the flat roof of the proposed building to the rear of the application site.

## 7. RELEVANT HISTORY:

### Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered relevant:
- 7.2 **871581** erection of an additional mansard for office use. Granted 03/11/1987.
- 7.3 **990316** erection of an additional floor level to the rear building at 1 – 9 White Lion Street. Granted 28/04/1999.
- 7.4 **P102423** change of use of the ground floor from Office (B1) to A3 (Café/Restaurant) Use. Refused 31/01/2011 due to insufficient information regarding the management and servicing of the premises.
- 7.5 **P110500** change of use of the ground floor from Office (B1) to Café/Restaurant (A3) use. Granted 28/04/2011.
- 7.6 **P110500** change of use of the ground floor from Office (B1) to Retail (A1) use. Granted 29/04/2011.

### **Adjoining sites**

- 7.7 Since the submission of this application, an application for development has been received at the adjoining site.

**P2017/0297**; 10-14 White Lion Street; Demolition of existing building and construction of six storey office building providing 6,206 sqm B1 (Office) floorspace.

## **PRE-APPLICATION ADVICE:**

- 7.8 The proposal has been the subject of pre-application advice from officers. The applicant was advised that there would be a requirement for on-site affordable workspace, and the maximisation of B1(a) floorspace.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 188 adjoining and nearby properties on White Lion Street, Islington High Street, Angel Mews, Angel Square, Upper Street and Pentonville Road on 9 December 2016. A site notice and a press advert were displayed on 04 January 2017. The same properties were re-consulted on the 29 March 2017 due to a change in the design of the additions at roof level to the building fronting White Lion Street (pulling back the building line from the front elevation, and setting back part of the 6<sup>th</sup> floor away from the neighbouring building at no.25 Islington High Street) to the proposed development. The public consultation of the application therefore expired on the 13<sup>th</sup> April 2017. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **External Consultees**

- 8.3 London Fire and Emergency Planning Authority – no objections raised.
- 8.4 Historic England (Greater London Archaeology Advisory Service) – no objections raised subject to a condition being attached seeking a Written Scheme of Investigation.
- 8.5 Metropolitan Police (Crime Prevention) – The overall design and layout of the scheme is very good from a security perspective, and is on course to achieve Secured By Design Accreditation.
- 8.6 Thames Water – no objections raised, subject to a condition being added with regard to piling.
- 8.7 Transport for London – Raised no objection to Delivery and Servicing Management Plan subject to a current use survey being carried out, along with a Travel Plan under S106 obligations.
- 8.8 Crossrail 2 Safeguarding – No objection raised, subject to a condition with regard to piling.

### **Internal Consultees**

- 8.9 Access Officer – Concerns with regard to disabled parking provision not being on street (which cannot be provided as White Lion Street is on the TLRN) however the proposed development is considered broadly acceptable, subject to suitable conditions.
- 8.10 Design and Conservation Officer – the revised design of the building is considered to be acceptable, and would make a positive contribution to the streetscene while respecting the neighbouring locally listed building.

- 8.11 Policy Officer – The substantial uplift in B1 office floorspace at this location is supported in line with DM5.1A, and the design of the floorspace complies with DM5.1F. The provision of two affordable workspace units of c. 90sqm each suitable for occupation by micro and small enterprises is supported in line with DM5.4 (this equates to 4.6% of the total proposed B1 floorspace, or 8.5% of the uplift in B1(a) floorspace). The provision of six residential units accords with the requirements of DM5.1E, and it is understood that the required financial contribution will be secured via S106 in line with the Affordable Housing Small Sites S106. The new A1/A3 unit at ground floor to the rear of the site will provide an active frontage and is a suitable use for this town centre location, in the context of the substantial B1 office uplift secured over the site as a whole. In view of this, taken as a whole the proposed quantum/mix of uses is considered to provide the maximum amount of business floorspace reasonably possible alongside a mix of complementary uses and therefore satisfies the requirements of DM5.1 alongside other relevant policy requirements.
- 8.12 Energy Conservation Officer – no objections raised.
- 8.13 Public Protection Division (Air Quality) – no objections raised subject to a condition securing a Construction Environmental Management Plan.
- 8.14 Public Protection Division (Noise Team) – No objections raised subject to a condition restricting plant noise levels and a condition securing a Construction Environmental Management Plan.
- 8.15 Public Protection Division (Land Contamination) – No objections raised.
- 8.16 Spatial Planning and Transport (Transport Officer) – no objections raised.
- 8.17 Sustainability Officer – no objections raised subject to conditions attached with regard to Green Roofs and BREEAM, along with a condition with regard to nesting birds and birdboxes.
- 8.18 The proposed development was not presented to a Design Review Panel.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy (2011) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

## **Designations**

9.3 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Angel and Upper Street Key Area
- Angel Town Centre
- Archaeological Priority Area
- Crossrail 2 Safeguarding Area
- Site within 100m of an SRN Road
- Central Activities Zone (CAZ)
- Employment Growth Area (EGA)
- Site within 100m of a TLRN Road
- Mayors Protected Vista (Alexandra Palace to St Pauls)

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- SME Floorspace & Quality of Office Accommodation
- Design and Appearance
- Quality of Residential Accommodation
- Accessibility
- Neighbouring Amenity
- Sustainability
- Highways and Transport
- Archaeology
- Planning obligations and Community Infrastructure Levy

### **Land-use**

10.2 The proposed development would deliver 3,867sqm of B1(a) floorspace, along with 568sqm of A1/A3 floorspace which would support the local economy and the vitality of the Angel Town Centre. The proposed development would also deliver six residential units, of between 1 and 3 bedrooms in size, which would deliver a mix of high quality residential units.

10.3 The proposal involves the loss of 494sqm of existing B1(c) (Light Industrial) use and introduction of an additional 2,220sqm of B1a office space over the existing quantum of office floorspace currently on the site. That, along with the proposed six residential units and 568sqm of A1/A3 floorspace makes it necessary to examine the appropriateness of these uses within the context of relevant policy and the site being within the CAZ, an Employment Growth Area and Angel Town Centre.

### **The London Plan (2016)**

10.4 London Plan policies promote the continued development of a strong, sustainable and diverse economy by improving London's competitiveness by focussing new employment generating development within suitable locations with good transport links; bringing forward capacity for retail development within Town Centres and increasing London's housing supply.

## The Islington Core Strategy (2011) (ICS)

The Islington Core Strategy addresses a number of key issues, including the provision of employment generating floorspace balanced against demand for housing within the borough. The Core Strategy seeks to create a stronger and economically, environmentally and socially sustainable community for Islington and its residents. This is delivered through a spatial strategy, which includes specific policies to support the function and continued viability of Angel and Upper Street.

## The Islington Development Management Policies (2013)

- 10.5 The Islington Development Management Policies (DMP) document provides specific guidance as to how policies from within national legislation, the London Plan and Islington's LDF should be implemented. DM5.1 (New Business Floorspace) requires that a scheme incorporates the maximum amount of business floorspace reasonably possible on relevant application sites, while DM policies 4.2, 4.3 and 4.4 encourage retail/night-time uses to be located within Town Centres. The DMP sets out standards for residential accommodation through policies DM3.1 (Mix of Housing Sizes), 3.4 (Housing Standards) and 3.5 (Private Outdoor Space) while also setting out how existing and proposed residential amenity with regard to noise is to be protected through DM3.7 (Noise and Vibration).

### **Proposed Development**

#### *Loss of B1(c) Floorspace*

- 10.6 The loss of B1(c) floorspace is considered to be acceptable in this location as the resulting development would provide for an overall uplift of employment generating floorspace of 2,220sqm which is appropriate in the Employment Growth Area.

#### *Office Use*

- 10.7 The proposed scheme would create new office (B1a) accommodation over the existing business floorspace of 1,726sqm, approximately an 81% uplift of employment floorspace, including two units suitable for SME's (one 90sqm, and one 97sqm).

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

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

- 10.9 Policy CS 13 (Employment Spaces) of the ICS states that Islington will encourage new employment floorspace to locate within the CAZ and Town Centres. The proposed development would deliver a total 3,867sqm of B1(a) floorspace within the CAZ and the Angel Town Centre and so would comply fully with this policy. In addition, DM 5.1 (New

Business Floorspace) encourages the intensification, renewal and modernisation of existing business floorspace within Town Centres and Employment Growth Areas.

10.10 When weighing up the proposed uplift of commercial space with other policy considerations (such as the need for an element of housing, along with the restricted backland nature of the application site and the need for off-street servicing), this uplift is considered to be acceptable and is the highest quantum the site can reasonably be expected to deliver without being a pure office scheme. Officers worked with the applicants through the course of pre-application discussions and the application to further maximise the quantum of office floorspace on the site by reducing the quantum of residential floorspace.

10.11 The refurbished and proposed office floorspace on the application site would be of a much higher standard than the existing floorspace, with updated servicing, climate control, electrics and IT infrastructure, and would allow for future flexibility for a range of uses including future subdivision and/or amalgamation for a range of business accommodation.

10.12 The proposed B1(a) floorspace would have the flexibility to be let as a single, large unit or on a floor by floor basis in accordance with Policy 4.1 of the London Plan. The uplift in office space is tabulated below:

	B1c (sqm)	B1a(sqm)	C3(sqm)	A1/A3(sqm)
Existing	494	1647	0	265
Proposed	0	3867	634 (6 units)	568
Uplift (sqm)	-494	+2200	+634	+303

10.13 DM5.4 (Size and Affordability of Workspace) states that within Employment Growth Areas and Town Centres that major development proposals for employment floorspace must incorporate an appropriate amount of affordable and/or workspace suitable for SME's. To comply with this requirement, two separate units suitable for SME occupiers have been provided at basement level, accessed independently from the rest of the office floorspace in the development. The two units would have access to natural light by roof level skylights, and would measure 90sqm and 97sqm respectively constituting 5% of the total B1(a) floorspace of the application site. The quality of this floorspace is discussed in more detail in the 'SME Floorspace' section of this report.

### *Residential*

10.14 Policy 4.3 of the London Plan states that 'Within the Central Activities Zone...increases in office floorspace...should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies within this plan'. This is further strengthened by Policy DM5.1 of the Council's Development Management Policies (June 2013) which is concerned with New Business Floorspace. The subtext at paragraphs 5.9-5.10 states, inter alia, that: 'London Plan Policy 4.3 states that, within the CAZ, strategically important office developments should provide for a mix of uses, including housing. Policy DM5.1 quantifies this requirement by stating that major development proposals which would result in a net increase of office floorspace should also incorporate housing; and that the total amount of housing floorspace should be equivalent to at least 20% of the total net increase in office floorspace'. To accord with this requirement, the development includes 6 new residential units with a total floorspace of 634sqm. The net increase in office floorspace is 2,200 sqm so this provision is equivalent to 28% of the total net increase in office floorspace.

10.15 Balanced against this is the stipulation in the Core Strategy at CS5 which addresses the over-arching spatial strategy for Angel and Upper Street that any “significant introduction of residential uses, including student accommodation, will be resisted. However, retail led, mixed use development with an element of conventional residential units which makes a significant contribution towards meeting affordable housing objectives will be acceptable. “ It is recognised that this is a commercially- led mixed use scheme rather than being retail- led but in this instance, the particular mix of uses are considered to be appropriate to the Angel Town Centre and so the introduction of residential uses is not seen as being in conflict with this policy. In addition, it is noted that the applicants have agreed to the payment of a contribution of £300,000 towards provision of off-site affordable housing elsewhere in the borough. This is calculated on the basis of the Small Sites formula whereby each additional unit in a scheme of 10 units or less is required to pay a contribution of £50,000 per unit in the north and middle parts of the borough (north of Pentonville Road and City Road).

### *Retail Use*

- 10.16 Policy CS 14 (Retail and Services) states that any new retail development should be located within town centres. In addition, Policy CS 5 (C) also states that “Additional employment growth in retail and other service industries will be supported by encouraging ground floor retail units in the office redevelopments along the main shopping streets”. Paragraph 4.27 in the supporting text of Policy DM4.4 states that “Proposals for retail, services, entertainment, assembly and leisure uses within the Central Activities Zone may be appropriate where these would not detrimentally affect the vitality and viability of Town Centres and/or local amenity... The policy therefore takes a flexible, judgement-based approach...”.
- 10.17 DM4.4 (Promoting Islington’s Town Centres) states that the Council seeks to maintain and enhance the retail and service function of Islington’s town centres, stating that applications for more than 80sqm of floorspace within the A Use Class should be located within the borough’s 4 town centres. As the site lies within Angel Town Centre, proposed retail uses at ground floor level are considered to comply with this policy requirement. It is considered that the proposed development is appropriate to the scale, character and function of the centre in that it would allow for the expansion of an existing business, or suitable accommodation for either a retail or restaurant operator in a previously inaccessible location. It is considered that the proposal would contribute positively to the vitality and viability of the town centre by offering an element of publicly accessible outdoor space which could be utilised for outdoor tables and chairs to retail or restaurant operator, and an element of public realm which had previously been a car park and servicing yard.
- 10.18 The proposed development would provide for either one large retail/A3 unit of 568sqm (to accommodate an expansion of the existing tenant), or two separate units of 270sqm and 298sqm respectively. The applicants have suggested that this floorspace could potentially be let by the existing occupier of the existing building fronting White Lion Street (Bill’s Restaurant) in order to expand their business, or by a separate entity operating as an independent unit.
- 10.19 DM4.3 (Location and Concentration of Uses) set out the Council’s requirements with regard to the provision of cafes, restaurants and drinking establishments. There is an existing café/restaurant on the ground floor of the White Lion building and the proposal would allow for an uplift of 303sqm of café/restaurant use (A1/A3). Whilst this is an increase in concentration of uses, it is not considered that there would be any negative cumulative impact given that this is a Town Centre location where such uses are

encouraged. The proposed A1/A3 use at ground floor level to the proposed rear building is therefore considered to be appropriately located. The Council's Planning Policy Team have confirmed that they see no conflict between the proposed retail / café use (A1/A3) in the context of the substantial B1 office uplift secured over the site as a whole. Through the use of the courtyard as a seating area for the A1/A3 use, ground floor activity in this area would be encouraged along with increased natural surveillance, which is supported by the Crime Prevention Officer. Conditions are proposed to restrict the hours of operation of the proposed retail/cafe floorspace in order to protect the amenity of neighbouring residential properties (Condition 21), and the residential properties proposed at the application site. A condition is also proposed (Condition 15) in order to seek details of any flue/extraction and/or mechanical ventilation that may be required in association with either a retail or restaurant use.

### *Central Activities Zone*

10.20 Within the Central Activities Zone there is a requirement for certain proposed developments to help fund Crossrail. Under the Council's Planning Obligations SPD this requirement charged at £140 per square metres of office floorspace, and £90 per square metres of retail floorspace. The development proposed here would require a payment of £368,275 towards Crossrail. This has been included in the Heads of Terms for the Section 106 agreement and has been accepted by the applicants.

### Land Use Summary

10.21 Relevant Development Plan policies promotes office development on this site as part of a mixed use development to include B1a office space, housing and A1/A3 retail floorspace. There is also policy support for the delivery of new offices and the promotion of economic development, particularly given that the site is located within the Central Activities Zone and an Employment Growth Area. The proposed development will provide a significant uplift in office floorspace. The applicant has agreed to financial contributions in lieu of on-site affordable housing and it is considered that, in this case, there is adequate justification for the proposed building to have contributed the maximum reasonable quantum of B1(a) floorspace.

### **SME Floorspace and Quality of Office Accommodation**

10.22 Policy DM5.4 is concerned with the size and affordability of workspace and states that:

'A. Within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises.

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

10.23 In addition to encouraging new business floorspace in general, policy DM5.1Fi of the Islington Development Management Policies requires the inclusion of design features

that would allow the floorspace to be adapted in the future for a range of uses and occupants, including small and medium enterprises. In this instance, this is achieved by the allocation of 187sqm in 2 separate office units measuring 90sqm and 97sqm (GIA) at basement level of the new building to the rear, specifically workspace suitable for SME's.

- 10.24 The two SME units would be accessed independently through the rear courtyard and both offices would have access to natural daylight by the use of glazed roof panels set into the courtyard level. While it is acknowledged that these units would have limited amenity in terms of outlook, they are well located within Angel Town Centre, with excellent access to local, regional and national transport links, and so would be suitably attractive to SME occupiers.
- 10.25 Cycle storage and showering facilities are located on the same level as the SME units, to which these units would have access. The SME units would share the same refuse storage as the other B1(a) floorspace proposed within the development.
- 10.26 The B1(a) floorspace on the 1<sup>st</sup> to 6<sup>th</sup> floors would be set out predominantly as open plan office floorspace which could be let floor-by-floor, or through further sub-division to allow for smaller sized businesses to let the appropriate amount of floorspace for their needs. This office accommodation would have windows with views either over White Lion Street, or the proposed rear courtyard space.

### **Design and Appearance**

- 10.27 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. All proposals for development in Islington are expected to be of good quality design, respecting their urban context in accordance with planning policy guidelines.
- 10.28 The London Plan (2016) Policy 7.6 expects architecture to make a positive contribution to the public realm, streetscape and wider cityscape. Developments should incorporate the highest quality materials and be designed in such a way as to be appropriate to their context.
- 10.29 Islington's Core Strategy Policy CS5 states that development within the Angel and Upper Street area will protect and enhance its historic character by utilising high quality design that respects the local context of Angel and its surroundings.
- 10.30 Policy DM2.1 (Design) of the Islington Development Management Policies requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 10.31 DM2.4 (Protected Views) states that the Mayor of London's Strategic Views will be protected. The proposed development sits within the 'Right Lat Assessment Area' of the Alexandra Palace to St Pauls Viewing Corridor (1A.1), however due to the minimal height increase of the proposed development there would be no impact on the view of the dome and western towers of St Paul's Cathedral, nor would there be any impact on the distinction between the middle ground and background between either Alexandra Palace or St Pauls.

## Height and Massing



**Figure 5; Proposed massing**

- 10.32 The proposed development would remove an existing mansard roof addition from the building fronting White Lion Street, and replace it with a two storey addition, the upper level of which would be set back from the street frontage, with the top storey set back from the neighbouring building. In relation to the existing building fronting White Lion Street, this results in the addition of one storey over what currently exists, creating a part 4, and part 5 storey building with a flat roof fronting White Lion Street.
- 10.33 In order to allow for the potential future redevelopment of the adjacent site at 10 – 14 White Lion Street, a blank flank western elevation is created. The rear elevation of the extended existing building is proposed to be a full 5 storeys from ground to roof level with no setbacks.
- 10.34 The proposed rear building would involve the demolition of the existing two storey former bakery building, and the construction of a part 3, part 4, part 5, part 6 and part 7 storey building which steps away from the south elevation as it rises, with the top two storeys being set away from both the south elevation of the existing/proposed building fronting White Lion Street, and away from the neighbouring building at 10 – 14 White Lion Street.
- 10.35 The proposed massing of the development would be broadly in line with that of existing surrounding properties, with building heights along White Lion Street and Pentonville Road to the rear of the application site varying from around 5 storeys, to 8 storeys. The adjoining building at no. 10 to 14 White Lion Street is viewed as being as an anomaly within the street, as it is only two storeys in height and in fact an application is currently being assessed P2017/0297 for 'Demolition of existing building and construction of six storey office building'. This application is a material consideration in determination of the current proposal as it makes the likelihood of future, more dense development on the site, a realistic prospect.

10.36 The highest point of the proposed development would be the two storey addition to the top of the new rear building. However, due to the backland nature of this part of the application site, the additional height would not be visible from Pentonville Road, Islington High Street or White Lion Street.

### Site Layout

10.37 The proposed development would comprise of the existing building fronting White Lion Street to the north of the application site, with the proposed new building to the rear, to be located on the western side of the site, with a new publicly accessible courtyard/servicing space located at ground floor level to the east of the site (accessed through an existing undercroft to White Lion Street).

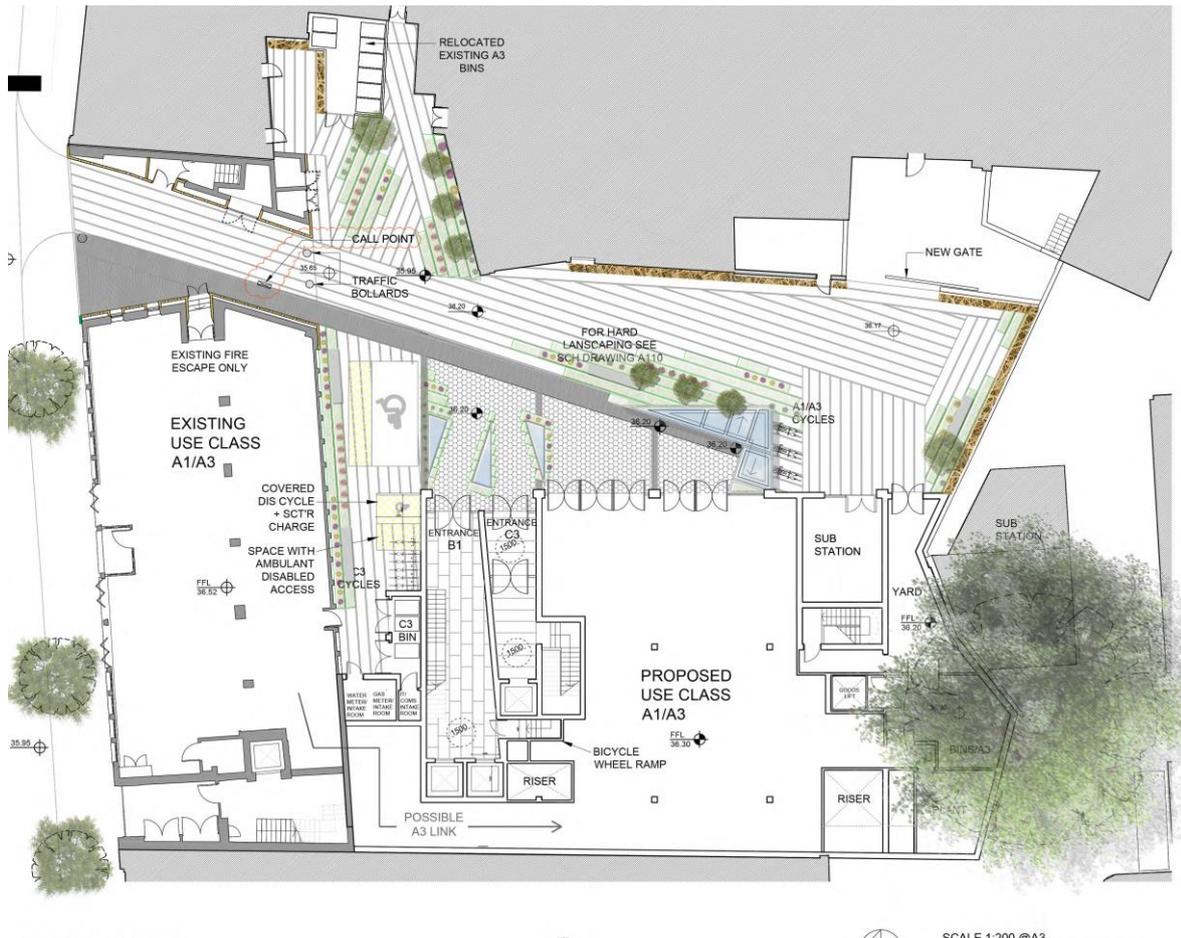


Figure 6; Site layout

10.38 The proposed A1/A3 (retail/restaurant) floorspace would occupy the ground floor of both buildings, with the B1(a) (office) floorspace at basement, and across the entire first, second and third floors of both buildings. The fourth and fifth floors of the building fronting White Lion Street would be made up of B1(a) (office) floorspace, while the fourth, fifth and sixth floors of the proposed rear building would be residential floorspace.

10.39 The proposed courtyard/servicing area would be made up of a mixture of hard and soft landscaping in order to accommodate an outdoor tables/chairs area for the rear A1/A3 unit, along with allowing for the movement of servicing vehicles. A mixture of hard surfaces including paving, cobblestones and concrete, with elements of planting and some low level planters is indicated with full details of the proposed landscaping to be secured by condition (Condition 23).

## Detailed Design and Materials

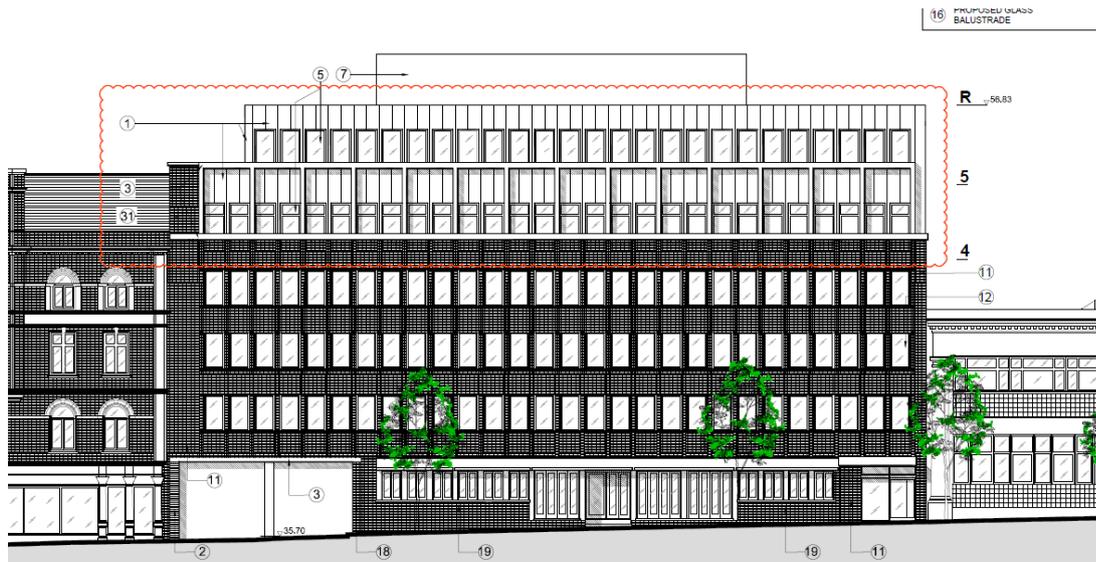


Figure 7; Proposed front elevation to White Lion Street

The proposed 4<sup>th</sup> and 5<sup>th</sup> floors of the extension to the top of the existing building fronting White Lion Street would be clad in grey zinc standing seam panels at 5<sup>th</sup> floor level, set behind polished concrete/Portland stone coping pieces at 4<sup>th</sup> floor level, with window fenestration patterned to match the existing building below.



Proposed rear building and two storey addition at roof level



10.40 The proposed rear building would be constructed of a slim height brick, with splayed 300mm deep reveals to the window openings. The two storey addition at roof level would be constructed of the same zinc panelling as the two storey extensions to the existing building fronting White Lion Street, with vertical fins and stone/concrete fins to mimic those of the principal elevation.

10.41 In relation to the proposed entrance from White Lion Street, this is indicatively shown as brick walls with integrated lighting to define the entrance and with ground and ceiling lighting to animate the undercroft entrance to the rear element. The integration of paving strips and clear sight-lines is intended to help draw people in from White Lion Street through the undercroft. As this is currently a dark and uninviting entrance this approach is welcomed. A condition is recommended to seek full details of this entrance area (Condition 3) along with full details and samples of all facing materials to be used in the proposed development in order to ensure that the highest quality materials are secured,.

## Impacts on Heritage Assets

10.42 Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### *Conservation Areas*

10.43 Policy DM2.3 (Heritage) states that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. The application site is not within a Conservation Area but is adjacent to both the New River Conservation Area and the Angel Conservation Area. The application site is also within 100m of the Chapel Market Conservation Area. The particular heritage consideration is therefore the effect on the character or appearance of the designated heritage assets comprising the New River and Angel Conservation Areas and the non-designated, locally listed building at nos. 23-25 Islington High Street.

10.44 There are two elements to the application, the first being the additional storeys to the block fronting White Lion Street, the second comprising the new build to the rear. In respect of the additional storeys to the White Lion Street building, these would only be visible from White Lion Street and from limited views within the conservation area and would be improvement on the existing situation. The new six storey element to the rear responds to the changing context of the surrounding development where recent developments at nos. 15 to 18 White Lion Street, to the north of the site, and nos. 4 to 10 Pentonville Road have successfully established increased heights within the rear settings of their sites. In addition, the character of the Angel Conservation Area is noted as having an awareness of taller developments behind historic buildings associated with Islington High Street and Upper Street. As a result, the surrounding buildings will obscure any views toward the proposed rear development and it would not be visible from the Angel Conservation Area.

10.45 To the south of the site is the New River Conservation Area which is predominantly in residential use, although there are elements of commercial development moving towards Angel most notably the Angel Building at 4-10 Pentonville Road which lies to the rear of the application site. This is reflective of an urban setting in a main town centre where there is an expectation of increased height of development approaching the heart of the town centre and the main bus and underground links at Angel. The presence of this existing development and the nature of the townscape means that there are more limited views of the application proposals from New River Conservation area and it is concluded that there would therefore be no detrimental impact on its character or appearance.

### *Locally listed building*

10.46 Nos. 23-25 Islington High Street (formerly the White Lion Public House but now occupied by HSBC) is identified as being a locally listed building by the local planning authority. Its

architectural interest is focused on its principal elevation to Islington High Street. To White Lion Street the building is much plainer but there are remnants of its previous use as a public house from the 16th to the mid 20th centuries in the form of a lion panel on White Lion Street. As such it forms a non-designated heritage asset.

10.47 The proposed design has been reviewed by the Council’s Design and Conservation Team and concerns were originally raised with regard to the relationship of the proposed building on White Lion Street with the neighbouring locally listed building. As a result, the scheme was revised in order to step back the proposed 4<sup>th</sup> floor level from the building line, and to step the proposed 5<sup>th</sup> floor level. It was also agreed that a solid end to the proposed roof extension would terminate the proposals effectively and allow it to remain subservient to the locally listed building. The proposed zinc standing seam roof also responds appropriately to the slate roof of the locally listed building. This results in the locally listed building remaining as the dominant element in the view along White Lion Street and for a successful relationship with the proposed development.

Design Summary

10.48 The proposed design is considered to be acceptable, with the materials and detailing being of a high quality. The proposed development is considered to be of a height and massing that would be in keeping with surrounding properties, and the resulting development would have no significant detrimental impact on either the views from within the nearby conservation areas or on the locally listed building at no. 23-25 Islington High Street.

**11. Quality of Resulting Residential Accommodation**

11.1 Policy 3.5 (Quality and Design of Housing Developments) of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The policy states that all new housing developments should enhance the quality of local places taking into account physical context; local character; density; tenure and land use mix – along with the provision of public, communal and open spaces. DM 3.4 (Housing Standards) requires that new residential accommodation be designed with due consideration to aspect, outlook, noise, ventilation, privacy and light.

11.2 The proposed development would provide 6 residential units with adequate space standards when assessed against Table 3.3 (minimum space standards for new development) of the London Plan. The internal floor area of the units would all exceed the minimum space standards required by Policy DM3.4 and set out in table 3.2 of the Development Management policies.

Unit no. in proposed development	DM Policy reqt.	Proposed Development
1 (1 x bed, 2 person)	50sqm	56sqm
2 (1 x bed, 2 person)	50sqm	52sqm
3 (1 x bed, 2 person)	50sqm	52sqm
4 (2 x bed, 4 person)	70sqm	70sqm
5 (2 x bed, 4 person)	70sqm	72sqm
6 (3 x bed, 5 person)	86sqm	113sqm

11.3 The proposed development would deliver suitable private outdoor amenity space in the form of roof terraces to each of the proposed residential units. The Mayors Housing SPG (2016) sets out these space standards and their location within the Angel Town Centre

where the opportunity for providing external spaces is limited, this provision is considered to be a positive aspect of the proposed development. The provision is set out below;

Unit no.	Housing SPG standard	Proposed Development
1 (1 x bed, 2 person)	5sqm	5sqm
2 (1 x bed, 2 person)	5sqm	11sqm
3 (1 x bed, 2 person)	5sqm	21.5sqm
4 (2 x bed, 4 person)	7sqm	39sqm
5 (2 x bed, 4 person)	7sqm	27.1sqm
6 (3 x bed, 5 person)	9sqm	137sqm

- 11.4 While it is acknowledged that the 3 bedroom, 5 person unit over 6<sup>th</sup> and 7<sup>th</sup> floor levels to the proposed rear building is 27sqm over the minimum floorspace standards as set out in the London Plan and the Council’s Development Management Policies, it is considered that due to the design of the building stepping back into an irregular shape (for amenity reasons), that this additional floorspace over what is required by policy, could not be incorporated into another dwelling, nor form part of an additional unit. It is considered that the 113sqm 3 bedroom, 5 person dwelling with its large amount of private amenity space could offer high quality family accommodation.
- 11.5 Policy DM3.4 part D sets out that ‘new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated’. The policy then goes on to state that ‘for sites where dual aspect dwellings are demonstrated to be impossible or unfavorable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room’. The proposed units are all dual aspect with one exception: a one bedroom unit at fourth floor level. This is considered acceptable due to the need for the proposal not to compromise future development at the neighbouring site at 10-14 White Lion Street for which an application is currently under consideration. The one single aspect unit would face south, and would have access to a 21.5sqm private terrace.
- 11.6 The proposed dwellings would be arranged over 3 floors – part 4<sup>th</sup> floor level, 5<sup>th</sup> floor and 6<sup>th</sup> floor. The residential units would be arranged around their own dedicated core, and would be accessed from an entrance at ground floor level fronting onto the shared courtyard. This entrance would offer level access, including for wheelchair users. All the residential units would be accessible by lift. The residential cycle storage would be located adjacent to the main entrance lobby of the residential units, with the residential waste storage located in a waste store adjacent to the cycle storage.
- 11.7 Policy 3.8 of the London Plan (Housing Choice) states that new developments should offer a range of housing choices in terms of the mix of sizes and types. The proposed development would deliver 3 x 1 bedroom units, 2 x 2 bedroom units and 1 x 3 bedroom unit suitable for a family to occupy. The proposed dwellings would all have access to outdoor amenity space. It is noted however that the proposed development would deliver no affordable housing on site due to falling below the 10 unit threshold for this requirement, however an off-site affordable housing contribution would be sought under a Section 106 agreement.
- 11.8 Policy DM3.1 of the Development Management Policies (Mix of Housing Sizes) states that all sites need to provide a good mix of housing sizes. The proposed development

would provide 3 x 1-bedroom units (50% of the total number of units), 2 x 2-bedroom units (33%) and 1 x 3 bedroom unit (17%). DM3.1 advises that for residential development 10% should be 1-bedroom, 75% 2-bedroom and 15% 3-bedroom. While it is acknowledged that the proposed development would not meet the mix as advised in the policy, the Council's Planning Policy officers have advised that in this instance, in this location and in the context of the wider redevelopment proposals for the application site that the dwelling mix as proposed is acceptable and would still deliver a good range of housing size, and would also be in line with CS12 of the Core Strategy.

### Quality of Residential Accommodation Summary

11.9 Overall it is considered that the six residential units would provide a good quality of accommodation, and deliver an acceptable mix of sized units to accommodate different needs.

### Accessibility

11.10 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.

11.11 The Access Officer raised concerns with regard the 3 bedroom duplex unit at 5<sup>th</sup> and 6<sup>th</sup> floor level. The proposed unit would have access on the 5<sup>th</sup> floor level, which is where the bedrooms are proposed to be located, with the 6<sup>th</sup> floor living space accessed by stairs. While this arrangement is not ideal with regard to wheelchair adaptable units, it is considered that the unit in question is of a size that would allow for an altered layout to accommodate wheelchair users at the lower level.

11.12 The Council's Access Officer raises no other objections to the proposal subject to securing details of delivery times, external landscaping and lighting details in order to minimise the potential conflict between disabled visitors to the site and vehicle movements and in order to ensure the site is lit appropriately for people with visual impairments (Condition 10).

### Neighbouring Amenity

11.13 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.

11.14 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, the Building Research Establishment (BRE) criteria is used. 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.

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

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

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

11.16 The no sky-line or daylight distribution contour shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.

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

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

11.18 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, and it is accepted that the advice is not mandatory. In urban areas in particular, the advice is interpreted flexibly where “...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”.

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

11.20 The applicants have provided a full Daylight and Sunlight Assessment that concludes that there are just three residential properties that would be affected by the proposed development: 3 – 5, 7 and 11 Islington High Street (located to the east of the application site).

11.21 These properties would experience a reduction in daylight and sunlight as compared to the existing arrangement and these are detailed within the tables below.

Vertical Sky Component

Property	Room	Existing (%)	Proposed scheme (%)	Percentage change (%)
11 Islington High Street	R1/W1	30.3	25.0	-17.5
3 – 5 Islington High Street	R1/W1	21.5	19.1	-11.2
7 Islington High Street	R1/W1	26.2	23.0	-12.2

Daylight Distribution

Property	Room	Existing Lit area (m <sup>2</sup> )	Proposed lit area (m <sup>2</sup> )	Loss (m <sup>2</sup> )	Percentage change (%)
11 Islington High Street	R1/W1	15.6	13.38	2.22	-14.22
3 – 5 Islington High Street	R1/W1	17.8	17.8	0.00	0.00
7 Islington High Street	R1/W1	22.75	22.73	0.02	-0.09

### Annual Probable Sunlight Hours

Property	Room	Annual Sunlight (% APSH)			Winter Sunlight (%APSH)		
		Existing	Proposed Scheme	Percentage Change	Existing	Proposed Scheme	Percentage Change
11 Islington High St	R1/W1	40	34	-15.00	5	5	0

- 11.22 The above tables demonstrate that the reductions in daylight and sunlight are generally marginal, with all losses being less than 20% which is within the BRE suggested guidelines.
- 11.23 In summary, the massing of the proposed building compared to that of the existing property is considered acceptable in terms of the impact on daylight and sunlight to neighbouring residential dwellings.
- 11.24 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. The form and massing of the proposed development is broadly consistent with surrounding buildings.
- 11.25 The increased massing to the existing building fronting White Lion Street will be partly obscured from the street due to the design of the proposed set-back addition at roof level. The proposed larger rear building would be obscured from the street by the existing building fronting White Lion Street. The increase in bulk and massing of the building to the rear of the site would result in a slight loss of outlook from some neighbouring residential windows at 11 Islington High street. However, the building would be set back from these windows by 18m, and would stagger back and away from the site boundaries at upper levels.

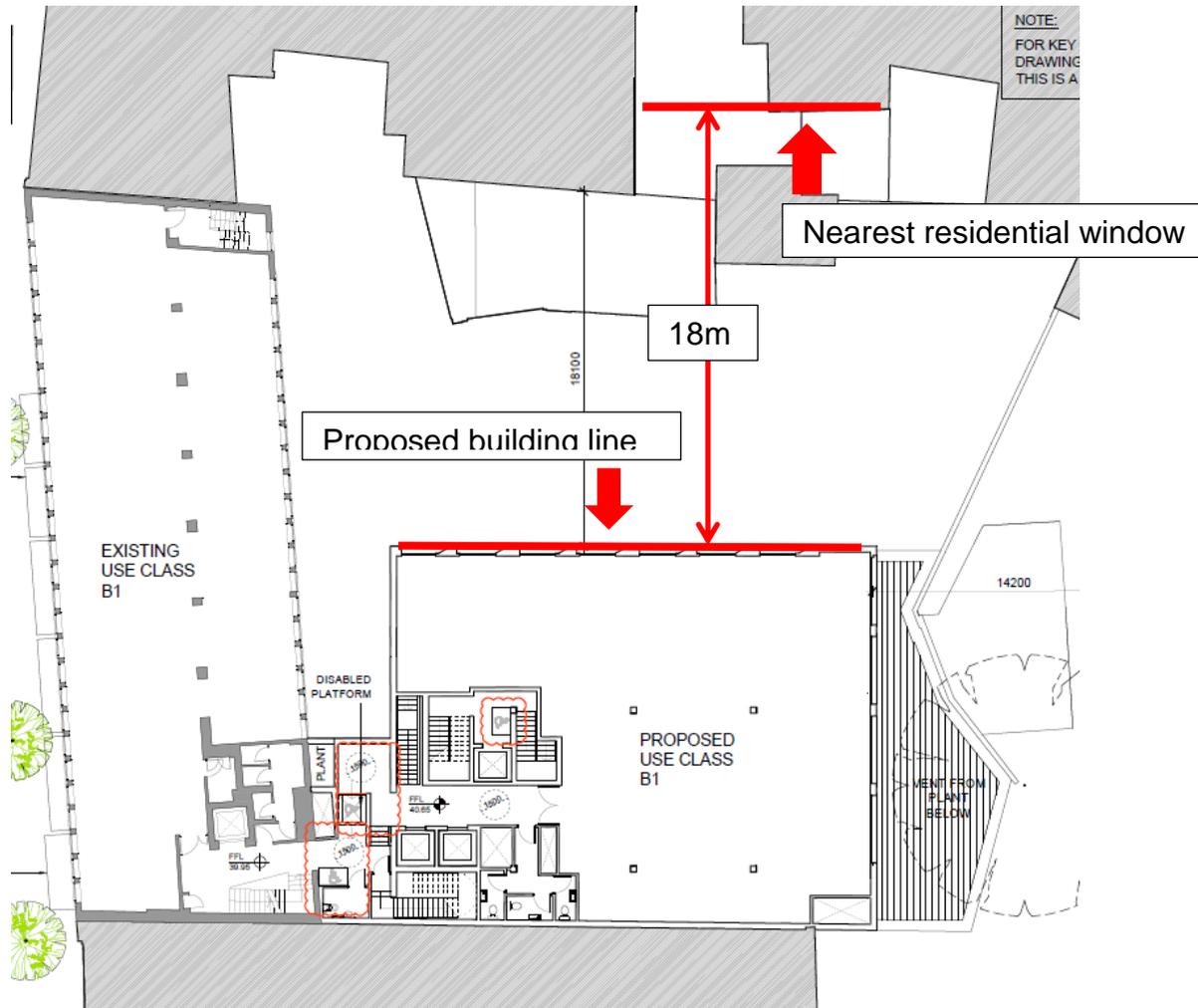


Figure 8; Overlooking distances to nearest residential properties

11.26 In view of the built up urban context of the site it is considered that the increased loss of outlook that will result from the additional bulk and massing of the proposed building would not result in undue harm so as to warrant refusal of planning permission.

11.27 The proposed terraces at 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor levels would be over 18m away from the nearest residential windows and would predominantly overlook neighbouring commercial properties. As discussed below, it is considered that the proposed development would not unduly harm the privacy of any neighbouring residential property and the terraces are considered to be acceptable as they would provide usable outdoor amenity space to the residential units they serve.

11.28 Overlooking / Privacy: Development Management Policy 2.1 identifies that ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.

- 11.29 When considering new development, a guideline of 18m window to habitable room window separation distance should be provided to prevent any undue loss of privacy. In order to avoid overlooking (between the proposed building and the residential properties to the rear of Islington High Street) the proposed windows would be almost exactly 18m from the nearest residential windows which are sited at 11 Islington High Street, but would be at a higher level.
- 11.30 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 management plan would also be required (Condition 4).
- 11.31 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**

- 11.32 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 11.33 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (CS10). The contribution relating to this scheme is £135,122. This is reflected in the heads of terms related to this report and agreed by the applicant.
- 11.34 The proposal would achieve a CO<sub>2</sub> emissions reduction of 44% when compared to a Building Regulations 2013 compliant development for regulated emissions, and 30% for total emissions including unregulated. This is considered to be acceptable, and in line with adopted policy.
- 11.35 It is accepted that the scheme has reduced onsite CO<sub>2</sub> emissions to the extent that it is reasonably possible to do so and the headline figure is accepted.
- 11.36 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the

energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.

11.37 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. However there is no available local DEN network to link up to within 500m of the site at present.

11.38 The applicant proposes that the system will be future-proofed for connection to a local heat network. This is strongly supported, as this is an area where the Council envisages the further development of heat networks in the coming years. It is recommended that details of future-proofing for connection to a DEN be secured by condition (No. 16), in particular to ensure that there is sufficient room for a plate heat exchanger within the plant room and to ensure that there is a safeguarded and available route to the site boundary.

11.39 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.

### Renewable Energy

11.40 The applicants Energy Statement includes the provision of solar photo-voltaics at roof level for the building to the rear, which would be used in conjunction with the air source heat pumps and the heat recovery system in order to improve the energy efficiency of the development. It is anticipated that the array will be connected to each residential unit with a percentage contribution by floor area, thus reducing energy demand. This is considered to be acceptable.



Location of Photo Voltaic Panels

### Overheating and Cooling

11.41 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. The applicants Energy Strategy demonstrates that the risk of overheating has been minimised in accordance with this policy by the proposed building fabric(s). Mechanical cooling for the

commercial element of the scheme through the ASHP system is to be used, but only where dictated by operational needs. This approach has been agreed by the Council's Energy Officer.

### **Green Performance**

- 11.42 Policy CS10G requires all developments to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles, and to be adaptable to changing needs and circumstances over their lifetime.
- 11.43 In recognition of this, policy DM7.1E requires the submission of a Green Performance Plan (GPP), to help to close the gap between design expectations and delivered performance. A full GPP would be required within 6 months of occupation and would be secured through inclusion of a clause within the 106 agreement. The submitted draft GPP is considered to be acceptable.

### **BREEAM**

- 11.44 CS10B requires the development to achieve a target level relating to the relevant BREEAM schemes. Policy DM7.4D requires non-residential developments to achieve Excellent (with a target of Outstanding) under the relevant scheme. The commitment to achieve excellent in this instance is supported and secured by condition (Condition 24).
- 11.45 Policy CS10 part C requires residential schemes to achieve a water efficiency target of 95 litres/ person/ day or less. This has been demonstrated and is supported.
- 11.46 DM7.4E requires 50% of credits on materials, at least 1 credit on responsible resourcing and 50% of credits on construction waste management. All required credits are targeted, which is strongly supported and conditioned.
- 11.47 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate', where feasible. Conditions (No.s 6 and 14) are recommended to secure details of a Sustainable Urban Drainage System and details of green roofs to ensure compliance with Policy DM6.6.

### **Highways and Transportation**

- 11.48 The site is located on the north side of White Lion Street (in between Penton and Baron Streets). The site is well located in relation to public transport and has a Public Transport Accessibility Level rating of at least 5 (very good).
- 11.49 The site is situated approximately 100 metres from Angel Underground Station, which provides train services on the Northern Line. It is also located immediately adjacent to three bus routes (30, 73 and 476) that extend along Baron Street and White Lion Street (these sections of road form part of the Transport for London Route Network (TLRN)) and is also located approximately 140 metres from Pentonville Road, which provides two bus routes (205 and 214).
- 11.50 The application is accompanied by a Transport Statement which concludes that the proposed development will have a negligible impact on the surrounding transport and highway infrastructure. The Council's Highways Officer has raised no objections to the proposal.

- 11.51 Cycle access and parking: Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Appendix 6 of the Development Management Policies document requires cycle parking for office floorspace to be provided at a rate of 1 space per 80m<sup>2</sup>. The proposal therefore gives rise to a requirement for a minimum of 48 cycle parking spaces based on the total B1(a) floorspace of 3867sqm. 48 spaces are proposed at basement level of the building to the rear (accessed via lift) along with showers for cyclists. The proposed B1 cycle parking provision is considered acceptable. 6 additional cycle parking spaces are also proposed for the residential development (and a mobility scooter storage space), and a further 6 cycles proposed for the A1/A3 floorspace. A condition is proposed to seek additional cycle parking facilities for the residential floorspace (which should be covered and conveniently located) to provide 1 space per bedroom of the proposed development, which would be 10 spaces (Condition 13).
- 11.52 Deliveries and Servicing: The proposed courtyard space to the rear of the development combines pedestrian access, disabled access, outdoor tables and chairs and the proposed skylights to the basement office accommodation, as well as supplying space for some off-street servicing, delivery and the cycle access to the development. It is considered that these elements combined could create a conflict between vehicular movements, pedestrians and cyclists – as well as putting pressure on delivery times and movements.
- 11.53 The Delivery and Servicing arrangements for the proposed development are also complicated by the fact that the existing arrangement on the site is made up of a mix of on-street and off-street deliveries, and the fact that the development sits on TfL's LRTN. The proposed development would retain a servicing arrangement to the rear of the application site, accessed through an existing under-croft, but would continue to utilise the existing loading bay located adjacent to the development on White Lion Street.
- 11.54 During the course of the application the applicants were requested to compile a full Delivery and Servicing Management Plan in order to alleviate concerns with regard to a conflict between pedestrian and vehicle movements, along with providing additional information and control over how deliveries and servicing would be managed. This full DSMP has been drawn up in consultation with Transport for London, taking into account the concerns raised by Islington officers. The applicants have updated their proposals in order to better delineate vehicular and pedestrian movements across the site, and have confirmed that only 1 – 9 White Lion Street will be serviced from the off-street yard.



**Figure 9; Proposed servicing arrangement**

11.55 The proposed servicing yard would be controlled by a call point, with automatically raising bollards controlling access to the yard. During office hours this would be through an entry-phone system on the call point, and outside of office hours would be operated by either key-code or access fob by residents/occupiers of the proposed development. Once past the bollards, vehicles would then move along a clearly marked vehicle route, separated from the pedestrian route which would be paved in a contrasting material. The rear servicing yard has been designed in order that vehicles would be able to access and egress the development in forward gear.

11.56 In the event of there being two separate A1/A3 units at ground floor level the unit fronting White Lion Street would continue to be serviced in accordance with current arrangements from White Lion Street, with the rear unit serviced from the off-street servicing yard. In the event of the units being amalgamated, the majority of deliveries for the combined business would take place from the off-street arrangement, with only larger vehicles utilising the White Lion Street servicing bay.

11.57 The Delivery and Servicing Management Plan has been reviewed by Transport for London who consider it to be acceptable.

### **Archaeology**

11.58 The site falls within a designated Archaeological Priority Area (APA). It lies on the fringes of historic Islington and where medieval conduits have been projected to have run. A pre-commencement condition (Condition 21) is recommended to be attached to any planning permission granted requiring the implementation of a programme of archaeological investigation in accordance with an agreed written scheme of investigation.

### **Trees**

11.59 There are no trees on the application site, however there is one mature tree to the rear of the application site within a parking area and space on Angel Mews accessed from

Pentonville Road. The tree roots may potentially be growing under the external wall of the boundary. This tree is mature, and has a large canopy. In addition, there are three street trees along the White Lion Street pavement, and given the potential for these trees to be impacted by the proposed development, various tree protection measures are proposed to ensure they are adequately protected (Condition 25).

### **Contaminated Land**

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

11.61 The Council's Environmental Health Officer has raised no objections to the proposal in terms of contaminated land subject to a condition (Condition 7) securing a land contamination investigation and a programme of any necessary land contamination remediation works. The proposal is therefore considered acceptable in terms of land contamination.

### **Planning Obligations and Community Infrastructure Levy**

11.62 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.

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

- Contribution of £135,122 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 TfL Highways, paid for by the applicant/developer and the work carried out by TfL Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5,000 to be paid to LBI.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,865.
- Provision of 4 additional accessible parking bays or a contribution of £8,000 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 final Travel Plan.
- Payment of Council's fees in preparing and monitoring the S106.
- Payment in lieu of on-site affordable housing of £300,000.
- A contribution towards Crossrail of £368,275.
- Car free residential units – removal of future residents rights to obtain an on-street parking permit.
- Developments providing wheelchair accessible private or shared ownership units will be required to market, them as such for a minimum period of 6 months.

11.64 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.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

12.1 It is proposed to demolish an existing mansard roof addition, and construct a two storey roof addition to the existing building fronting White Lion Street, and the construction of a part 3, part 4, part 5, part 6 and part 7 storey (plus basement) office (Use Class B1a) building (3,867sqm), with 568sqm of A1 (retail) and A3 (restaurant) use at ground floor level, and 6 residential units at 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor level.

12.2 There is policy support for the delivery of new offices and the promotion of economic development, particularly given that the site is located within the Central Activities Zone and an Employment Growth Area. The proposed development will provide office floorspace, alongside retail uses at ground floor level (compatible with a Town Centre Location) and officers accept that the quantum of office floorspace uplift constitutes the maximum that could reasonably be expected in this location, while factoring in other policy requirements such as the provision of housing. The applicant has agreed to financial contributions in lieu of on-site affordable housing and provides two separate B1(a) units suitable for SMEs.

12.3 It is considered that the layout, form and massing of the building would not be considered to result in undue harm to the amenities of the occupants of neighbouring residential dwellings.

12.4 The design and appearance of the proposed building is considered to represent an improvement over that of the existing building on the site and it is considered that the proposed building will sit comfortably on the street scene and will not detract from the character and appearance of adjacent conservation areas or the setting of the locally listed building at no.25 Islington High Street.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. Contribution of £135,122 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 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5,000 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 £2,865.
7. Provision of 4 additional accessible parking bays or a contribution of £8,000 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 final Travel Plan.
10. Payment of Council's fees in preparing and monitoring the S106.
11. Payment in lieu of on-site affordable housing of £300,000.
12. A contribution towards Crossrail of £368,275
13. Car free residential units – removal of future residents rights to obtain an on-street parking permit.
14. Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months.

That, should the **Section 106** Deed of Planning Obligation not be completed within 2 weeks of the date of the Planning Committee when a resolution to grant planning permission for the application is reached (or a future date as agreed between the Local Planning Authority and the applicant), 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><b>Commencement (compliance)</b></p>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list (compliance)</b></p>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A001 Rev B, A010 Rev B, A011 Rev B, A012 Rev B, A013 Rev B, A014 Rev B, A015 Rev B, A020, A021, A022, A023, A024, A025, A026, A027 EXISTING ELEVATION 7 FACING EAST, A028, A031, A032, A100 Rev B, A101 Rev D, A102 Rev F, A103 Rev D, A104 Rev D, A105 Rev D A106 Rev D, A107 Rev D, A108 Rev D, A109 Rev D, A110 Rev B, A112, A113 Rev A, A114 Rev A, A115 Rev A, A116 Rev A, A117 Rev A, A118 Rev A, A119 Rev A, A120 Rev A, A121 Rev A, A123 Rev A, A125 Rev A, A126 Rev A, A133 Rev A, A134 Rev A, A135, A140 Rev C, A141 Rev C, A142 Rev C, A143 Rev C, A144 Rev C, A145 Rev C, A146 Rev C, A150 Rev A, A151 Rev A, A152, Design and Access Statement (March 2017, Rev A), Heritage Statement (November 2016), Statement of Community Involvement (November 2016) (Your Shout), Health Impact Assessment (November 2016) (Savills), Daylight and Sunlight (ref: 9364, dated 23.11.2016) (GIA), Noise Survey and Assessment (ref: 16/0442/R1, 2nd Revision 16.11.2016) (Cole Jarman), Transport Statement &amp; Travel Plan Statement (ref: T&amp;PPB5228R005F03, Rev 03/Final, 24.11.2016) (Royal Haskoning DHV), Technical Note (ref: T&amp;PPB5228N001D0.1, dated 10.03.2017) (Royal Haskoning DHV), Sustainable Design and Construction Strategy (updated 23.02.2017) including Appendix 1 Energy Statement (updated 23.03.2017) (GDM Partnership Building Services Consultants Limited), Overheating Assessment Statement (dated 23.02.17) (GDM), BREEAM Pre-Assessment (Rev B, November 2016) (Verte Sustainability), Draft Green Performance Plan (Rev A, October 2016) (Verte Sustainability), Ecology Survey Report (October 2016) (Greengage Environmental Ltd), Draft Construction Management Plan (Ross &amp; Partners), Sustainable Urban Drainage (SUDS) Strategy Report (Ross &amp; Partners), Structural Method Statement (Ross &amp; Partners), Ground Engineering Report – desk study (Ground Engineering Limited), Tree Survey, Arboricultural Impact Assessment &amp; Arboricultural Method Statement (November 2016) (Greengage Environmental Ltd), Archaeological Desk Based Assessment (October 2016) (CgMs), Planning Statement (November 2016) (Savills), Delivery and Servicing Plan dated 30 May 2017</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><b>Entrance Details, Materials and Samples (Compliance and Details)</b></p>
	<p>Details and samples of the following facing materials and details shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

	<p>superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Solid brickwork, bond and mortar courses;</li> <li>b) Zinc panelling;</li> <li>c) Window and doors;</li> <li>d) Roofing materials;</li> <li>e) Roof terrace materials including privacy screens;</li> <li>f) Railings;</li> <li>g) Green procurement plan for sourcing the proposed materials;</li> <li>h) Soffits;</li> <li>i) Ground floor signage;</li> <li>j) Any other materials to be used.</li> <li>k) Full details of the proposed entrance to the site from White Lion Street (as annotated on approved drawing A121 Rev A)</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Construction Environmental Management Plan (Details)</b></p>
	<p>CONDITION: Notwithstanding the details submitted with the application, an expanded construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Method of Demolition and Construction Statement shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning (within the site) and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> <li>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste</li> </ul>

	<p>resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>m) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled White Lion Street, nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The report shall also demonstrate how vehicle movements would be designed around any local matchday road closures to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning within the site or as otherwise agreed by this condition during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and the free flow of traffic on White Lion Street, local residential amenity and to mitigate the impacts of the development.</p>
5	<p><b>BREEAM (Compliance)</b></p>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> <p style="text-align: center;">Page 54</p>

6	<p><b>Green/Brown Biodiversity Roofs (Details)</b></p> <p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
7	<p><b>Land Contamination (CIL Pre-commencement condition)</b></p> <p>Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <ul style="list-style-type: none"> <li>a) A land contamination investigation.</li> </ul> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <ul style="list-style-type: none"> <li>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</li> </ul> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <ul style="list-style-type: none"> <li>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b)."</li> </ul> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
8	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p>

	REASON: In the interests of neighbouring residential amenity.
9	<b>Piling Method Statement (Details)</b>
	<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	<b>Lighting Plan (Details)</b>
	<p>CONDITION: Full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter. The lighting should be designed with the principles of Inclusive Design taken into consideration, specifically with regard to people with visual impairments.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
11	<b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than a 30% 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 30% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013. 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>

	REASON: In the interest of addressing climate change and to secure sustainable development.
12	<p><b>Solar Photovoltaic Panels (Details)</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
13	<p><b>Cycle Parking Provision (Details)</b></p> <p>CONDITION: Details of the layout, design and appearance (shown in context) of the residential bicycle storage area(s) 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 10 cycle spaces, be covered and secure.</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>
14	<p><b>Sustainable Urban Drainage System (Details)</b></p> <p>CONDITION: Details of the Sustainable Urban Drainage System are required:</p> <ul style="list-style-type: none"> <li>A) 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.</li> <li>B) The proposed run off rate as stipulated in the application documents is 5l/s (at peak), however, the maximum dischargeable rate policy DM6.6 allows is 50l/h/sec which would approximately equate to 3.6l/s. The justification for 5l/s based on the prevention of blockages is based on guidance which has now been amended. Details of how measures to further reduce the run off rate to achieve policy compliance, or demonstrate why it cannot be accommodated, must be submitted to and approved by the Local Planning Authority prior to commencement of construction works in line with part (a) above.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>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>
15	<p><b>Flues, Extraction, Roof-top Plant and Lift Overrun</b></p> <p>CONDITION: Details of any flues, mechanical extraction, roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>• roof-top plant;</li> <li>• Flues and mechanical extraction from the A1/A3 unit(s);</li> <li>• ancillary enclosures/structure; and</li> <li>• lift overrun</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
16	<p><b>Future Connection</b></p> <p>CONDITION: Details of how the boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system.</p>
17	<p><b>Accessibility Arrangements (Details)</b></p> <p>Details of the internal layout and arrangement of the WCs, showers and safe refuges shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: In order to ensure an appropriate standard of inclusive design.</p>
18	<p><b>Use of flat roof for maintenance only (compliance)</b></p> <p>CONDITION: Any flat roofs other than those shown on the plans hereby approved as terraces shall not be used except for the purposes of maintenance access.</p> <p>REASON: To protect the privacy of the adjoining occupiers.</p>
19	<p><b>Delivery and Servicing Plan</b></p> <p>CONDITION: Delivery and servicing must be carried out in accordance with the</p>

	<p>Delivery and Servicing Plan hereby approved.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
20	<p><b>Retail / Café (A1/A3) Hours of Operation</b></p> <p>CONDITION: The retail / café (A1/A3) floorspace hereby approved shall not operate except between the hours of 08:00 and 23:00 on any day. The courtyard area hereby approved to the rear of the application site shall not be used in association with any A1/A3 floorspace except between the hours of 09:00 and 22:00 on Mondays – Saturdays, and 11:00 - 21:00 on Sundays and Bank Holidays.</p> <p>A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The NMP shall identify measures to reduce the impact of the noise on the community. The NMP shall be submitted and approved prior to the commencement of the use to which this consent relates. The NMP shall be fully implemented and operated at all times in accordance with the approved details.</p> <p>REASON: In order to protect the amenity of both existing and future nearby residential properties and to ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity</p>
21	<p><b>Archaeology (Written Scheme of Investigation)</b></p> <p>CONDITION: No demolition or development shall take place until a Stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing in consultation with Historic England.</p> <p>For land that is included within the WSI, no demolition (other than down to the top of the existing ground floor slab) or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing in consultation with Historic England. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, and;</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme as set out in Stage 2 of the WSI.</p> <p>REASON: In order to protect any hidden or buried archaeological artefacts or other heritage assets as may be found during construction works.</p>
22	<p><b>Bird Boxes</b></p> <p>CONDITION: In accordance with the submitted Ecology Assessment, a minimum of</p>

	<p>3 bat boxes (south facing) and 3 sparrow nest boxes (east facing &amp; close to eaves) shall be installed on the development hereby approved prior to first occupation.</p> <p>REASON: In order to encourage biodiversity and providing a suitable habitat for nesting birds.</p>
23	<p><b>Landscaping</b></p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to works apart from demolition commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a scaled plan the proposed planting location, size and design;</li> <li>b) specification to ensure successful establishment and survival of new planting.</li> <li>c) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>d) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>h) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
24	<p><b>BREEAM (Compliance)</b></p>
	<p>CONDITION: The development shall achieve a BREEAM (2014) rating of no less than 'Excellent'.</p> <p>A Green Guide shall be provided to future retail tenants to inform them of the measures they will need to incorporate as part of the fit out process to further enhance the environmental performance of the units.</p> <p>A copy of the Green Guide shall be provided to the Council prior to occupation of any of the retail units.</p>

	REASON: In the interest of addressing climate change and to secure sustainable development.
25	<b>Arboricultural Method Statement</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until an arboricultural method statement (AMS) in accordance with British Standard BS 5837: 2012 –Trees in Relation to Demolition, Design and Construction and outlining the safe retention of the offsite tree located to the rear of 4 &amp; 10 Pentonville Road and adjoining street trees has been submitted to and approved in writing by the local planning authority.</p> <p>These details shall include a scheme for the protection of the retained trees, the appropriate working methods within the trees root protection area (RPA) and be in accordance with the works outlined in the construction method statement (Condition 4).</p> <p>The development shall be carried out in accordance with the details as approved.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided.</p>
26	<b>Crossrail Protection</b>
	<p>None of the development hereby permitted shall be commenced until detailed design and Construction method statements for all of the ground floor structures, <u>foundations and basements</u> and for any other structures <u>below ground level</u>, <u>*including piling</u> and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which:-</p> <ul style="list-style-type: none"> <li>(i) Accommodate the proposed location of the Crossrail 2 structures including temporary works</li> <li>(ii) Accommodate ground movement arising from the construction thereof,</li> <li>(iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.</li> </ul> <p>*Crossrail 2 will need to review of the proposed foundation design details and in particular the use of any ‘piled’ foundations that are being considered in the construction of this development before any approval/consent is given by the local planning authority.</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.</p> <p>REASON: In the interests of protecting Crossrail infrastructure.</p>

**List of Informatives:**

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

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](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

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.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://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/>

## 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 2016, 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 2016 - Spatial Development Strategy for Greater London Consolidated with Alterations since 2011**

Policy 3.2 Improving health and addressing health inequalities  
Policy 3.11 Affordable Housing Targets

Policy 4.1 Developing London's Economy  
Policy 4.2 Offices  
Policy 4.12 Improving Opportunities for all

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 5.10 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 5.17 Waste capacity

Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.19 Biodiversity and access to nature  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the housing challenge)

CS13 (Employment Space)

CS18 (Delivery and Infrastructure)

CS19 (Health Impact Assessment)

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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM3.3** Residential Conversions and Extensions

**DM3.4** Housing Standards

**DM3.5** Private outdoor space

**DM3.7** Noise and vibration (residential uses)

**DM4.4** Promoting Islington's Town Centres

**DM5.1** New business floorspace

**DM5.4** Size and affordability of workspace

**DM6.1** Healthy development

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Flood prevention

**DM7.1** Sustainable design and construction statements

**DM7.3** Decentralised energy networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

**DM8.6** Delivery and servicing for new developments

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## **5. Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Angel and Upper Street Key Area
- Angel Town Centre
- Archaeological Priority Area
- Crossrail 2 Safeguarding Area
- Site within 100m of an SRN Road
- Central Activities Zone (CAZ)
- Employment Growth Area (EGA)
- Site within 100m of a TLRN Road
- Mayors Protected Vista (Alexandra Palace to St Pauls)

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

The following SPGs and/or SPDs are relevant:

### Islington Local Development Plan

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

### London Plan

- Accessible London: Achieving an Inclusive Environment
- Sustainable Design & Construction Planning for Equality and Diversity in London
- Mayor's Housing SPG

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT



<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B2</b>
Date:	20th June 2017	NON-EXEMPT

Application numbers	P2016/4928/FUL
Application types	Full Planning
Ward	Hillrise Ward
Listed building	n/a
Conservation area	None
Development Plan Context	Article 4 Direction – office to residential Cycle Routes (local) Rail Land Ownership – National Rail Surface
Licensing Implications	None
Site Address	469 Hornsey Road, Islington, London, N19 3QL
Proposals	Demolition of existing two storey building and erection of 4 storey building plus set back roof addition and part basement to provide office 226sqm (B1 use) at ground and part basement floor and 7 self-contained resident units (6x2 beds, 1x3 bed) over second to fourth floor levels plus cycle parking and associated refuse, removal of existing cross over and on street servicing.

Case Officer	Joe Aggar
Applicant	Mr Payne
Agent	Mr Alessio Cuzzo

### 1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1; and
- 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

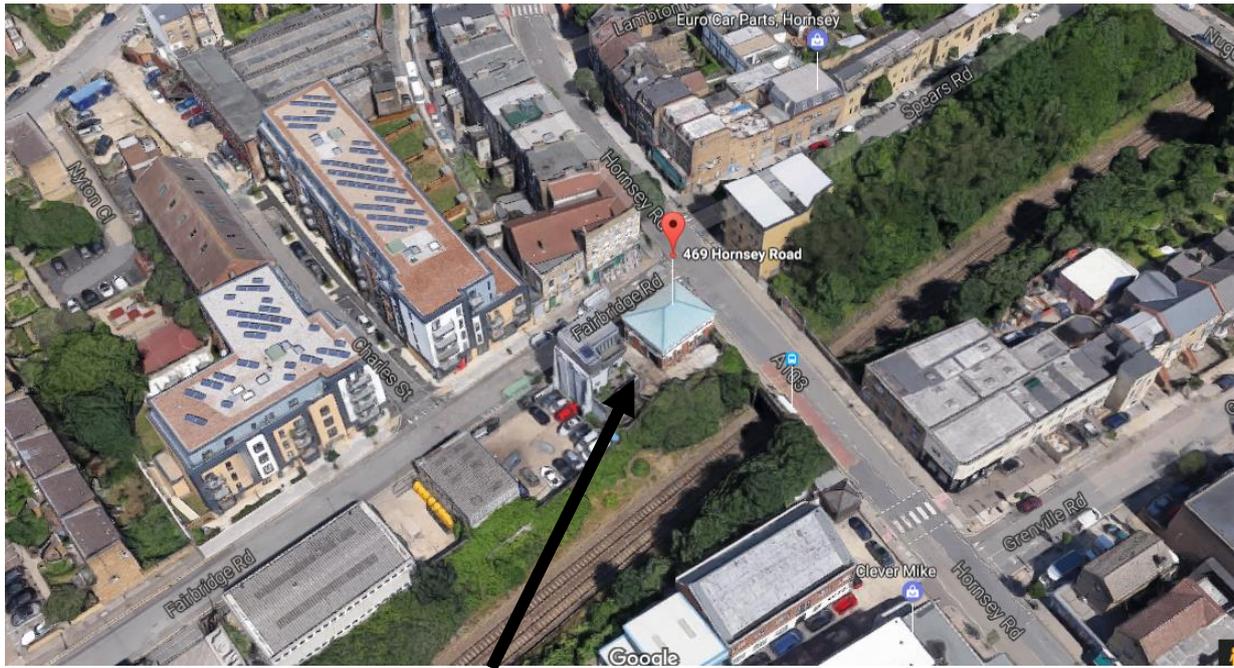


Image 1 - Aerial view of the site and surroundings



Image 2 - Aerial view of the site and surroundings



**Image 3** – View of site from Hornsey Road



**Image 4** – View of site from Hornsey Road looking west to Fairbridge Road.

#### **4. SUMMARY**

- 4.1 The application site is comprised of a two storey commercial building (B1 use) with hardstanding to the west and south of the main building. The area is mixed in character and use. The site is not located within a conservation area, nor is the existing building on site listed.
- 4.2 The proposal is to erect a four storey building plus set back roof extension and part basement level. The basement and ground floor are proposed to comprise office use (B1) with the upper floors comprising 7 residential units. The proposed elevations are designed as a grid with the horizontal and vertical columns finished in brick, with large windows. The building's southern facade is split into four bays, 5 bays to the eastern façade and seven bays to the northern elevation.

- 4.3 The existing building is in active use as office and workshop for a building maintenance company (Tradeforce). The site is located within an Employment Growth Area. The proposed would development provide a of total 226sqm of office space (B1 use) located at the proposed ground and basement floors. The proposed development would provide an uplift in office space of approximately 50sqm. The development accords with DM5.1 as the proposal results in an intensification, modernisation and renewal of existing business floorspace.
- 4.4 The design, layout scale and massing of the proposed development is considered acceptable and to accordance with CS9 of the Islington Core Strategy, DM2.1 of the Development Management Policies and the Urban Design Guide.
- 4.5 The quality and sustainability of the resulting scheme is acceptable, the residential units complying with the minimum internal space standards required by the London Plan (2016). The proposed scheme provides a good mix of 2 and 3 bedroom residential units, and is considered to comply with Policy CS12 and Development Management Policy DM3.1 (Mix of housing sizes).
- 4.6 Private amenity space is provided in accordance with Development Management Policy DM3.5. It is proposed that the new self-contained units would be constructed to meet the National Housing Standards set by the Building Regulations.
- 4.7 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of daylight or sunlight, outlook nor increased sense of enclosure and would accord with policy DM2.1 of the Islington Development Management Policies June, 2013.
- 4.8 The redevelopment of the site would result in no vehicle parking being provided within the site. Future residential occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 which identifies that all new development shall be car free. The provision of on street servicing based on a reduction in the overall vehicular trips to and from the site and satisfactory delivery and servicing from Fairbridge Road is considered acceptable and would not warrant a reason for refusal in this instance.
- 4.9 The application is referred to committee as a result of the number of objections. The proposal is considered acceptable in terms of land use, design, the quality of the proposed residential accommodation, dwelling mix, affordable housing, inclusive design, sustainability and energy, subject to conditions and to an appropriate Section 106 (S106) agreement. The main shortcomings of the proposed development relate to transportation and servicing and a marginal increase in sense of enclosure to the adjoining neighbouring property. These and other matters are outweighed by the benefits of the proposed development, are minor in nature, or can be addressed through a S106 agreement and conditions.
- 4.10 The proposal is considered, to be acceptable (and subject to conditions) in accordance with the Development Plan policies. Planning permission is recommended for approval.

## **5. SITE AND SURROUNDING**

- 5.1 The site comprises a two storey commercial building with vehicular entrance from Fairbridge Road and hardstanding / car parking to the rear and side of the main building. The site is located on a prominent corner of Hornsey Road and Fairbridge Road. The site is gently sloping from front to back with a chain link fence to the train line boundary and self-seeded vegetation to the embankment. Directly adjacent to the application site, to the west, is a four storey residential building comprised of one residential unit and one live work unit. The site is not affected by any formal heritage constraints.

- 5.2 A National Rail Surface railway line runs along the rear of the site. This provides a degree of relief in built form and affords longer views of the site, notably views north from Hornsey Road.
- 5.3 Fairbridge Road is a local road with no classification and is a local cycle route. Double yellow lines exist directly outside the site on Fairbridge Road. The site has vehicular access via a crossover onto Fairbridge Road. This gives access to the service yard which is located to the side and rear of the main two storey building. The A103 (Hornsey Road) which the site also fronts is part of the local strategic road network. Hornsey Road from Fairbridge Road to the Bus Stop is standard single yellow, with parking restrictions from 8:00 am to 6:30pm Monday to Friday and 8am to 1:30pm Saturday and no restrictions on a Sunday.
- 5.4 Fairbridge Road is characterised by 2-3 storey commercial buildings on the south side and 3-5 storey residential buildings to the north. These generally have yellow brick elevations (which continue onto Hornsey Road). To the east of the site on the corners of Spears Road and Hornsey Road are 3-4 storey buildings with commercial ground floors and residential uses to the upper floors.
- 5.5 There is a mix of uses in the surrounding area, including retail and other commercial uses along Hornsey Road (within the Hornsey Road North Local Shopping Area) to the North West. Other adjacent properties, including those immediately opposite, are in commercial and residential uses, generally with commercial uses on the ground floor, and further commercial or other floorspace above.

## **6. PROPOSAL (in Detail)**

- 6.1 The applicant proposes the demolition of the existing building on site and the removal of the crossover fronting Fairbridge Road and excavation at basement level, redevelopment of the site to provide 226sqm of office space at ground and basement levels, plus 7 residential units (6 x 2-bedroom flats, and 1x3 bedroom flat) at first floors and above. The proposed building would be 4 storeys in height plus a setback roof addition. Located at ground floor would be a designated bin store with residential cycle parking located at basement level and office cycle parking located at ground floor level. Residential access is proposed from Fairbridge Road with access to the office premises from both Hornsey Road and Fairbridge Road.
- 6.2 The façade is proposed to be constructed in yellow stock brick. The elevations articulate a grid façade with strong vertical elements and large inset windows to the upper floors consisting of metal side panels. A blank bay to Fairbridge Road would consist of hit and miss brick work. The ground floor has been designed to appear 'heavier' with a rusticated brick bond and would appear darker than the brick above with large expanses of glazing to serve the proposed office at ground floor.
- 6.3 Inset balconies are proposed to serve as private amenity spaces for the residential units. These are located to the north east and south east corners of the building and a proposed roof terrace is located above the fourth floor to serve the 3 bedroom dwelling. At the first floor level and above to the south west corner of the proposed building line is angled away from the adjoining property at 212 Fairbridge Road. The elevations are proposed to be topped with reconstituted stone coping.
- 6.4 The top storey would be set back 2.3m from the buildings parapet and is proposed be clad in a green wall. The internal stairwell and the lift would be located directly behind the hit and miss brick façade. A lift is proposed to access all floors. The building would comprise a lift overrun, located to the west of the building above roof level and would be visible from public views. Screening is proposed to the southern elevation and a green roof and photovoltaic panels are proposed at roof level.

- 6.5 The proposed curtilage of the site is roughly rectangular in shape and the proposed footprint of the building would cover the application site. It is proposed to carry out servicing and deliveries, on street, from Fairbridge Road.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

- 7.1 469 Hornsey Road, application 831756 for Redevelopment to provide a 3 storey building to be used as light industry and ancillary stores and offices and as a retail shop was granted on 19/04/1984.
- 7.2 469 Hornsey Road, application P930188 for Construction of two storey building for B1 use was granted on 17/05/1993.
- 7.3 469, Hornsey Road, application P120992 for Demolition of existing 2 storey B1 workshop building and store. Erection of new 6 storey building to comprise workshops and one car parking space on the ground floor and 13 x one, two and three bedroom flats on the upper floors was refused on 13/05/2005.
- 7.3 469 Hornsey Road, application P2014/0110/OUT for Demolition of existing building and erection of 4 storey building to provide one commercial B1 unit to ground and first floors and 5 two bedroom flats and 3 one bedroom flats to upper levels was refused on 24/03/2014.
- 7.4 469 Hornsey Road, application P2014/1862/PRA for Prior approval application for proposed change of use of the first floor and part of ground floor of the building to create two flats, comprising one x two-bedroom unit and one x one-bedroom unit was refused on 08/07/2014.

**REASON: In accordance with The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and specifically the provisions of (amended) Paragraph N (2A), the Local Planning Authority refuses this application as in its opinion, the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with restriction J.1.(b) which requires that the use of the building subject to this application was as B1(a) offices on or before 30 May 2013.**

- 7.5 469 Hornsey Road, application P2015/1885/OUT for Outline Planning Application for Demolition of existing building and erection of 4 storey building to provide one commercial (B1) unit with parking on ground floor and part first floor and 7no.residential units to upper levels comprising of 4no. 1 bed units, 2no. 2 bed units and 1 no. 3 bed units, plus cycle parking and associated refuse was refused on 15/02/2016.

**REASON: The proposed detailed design of the proposed building by reason of its poor overall finish, articulation of its main elevations, utilitarian features, poor window articulation and detailed design would fail to form a contextual and attractive addition to the surrounding streetscene to the detriment of the character and appearance of the surrounding urban form. The proposal also fails to provide an appropriate level of activity at street level and would fail to appropriately preserve or enhance the character and appearance of the site, the streetscene and the surrounding townscape. The proposal is contrary to policies 3.5 (Quality design of housing developments), 7.4 (local character) and 7.6 (architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's Character) and CS9 (Protecting and Enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, Policy DM2.1 (Design) of the Islington Development Management Policies 2013 and Islington's Urban Design guidance 2006.**

- 7.6 202 – 210 Fairbridge Road pre-application Q2016/1991/MJR for the Demolition of the existing MOT Garage (Use Class B2) and the erection of a 6 storey mixed use building,

comprising a 92sqm ground floor commercial unit (Use Class A1/A2/B1) 19 flats (Use Class C3) and ancillary cycle storage, refuse storage and outdoor amenity spaces.

#### **ENFORCEMENT:**

7.7 None

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

7.8 469 Hornsey Road, pre-application response for the 'Pre-application for demolition of existing building and erection of four storey building (plus setback penthouse storey) to provide one commercial (B1) unit at ground floor and part first floor and eight No. residential units to upper levels comprising of three No. 1 bed units, three No. 2 bed units and two No. 3 bed units, plus cycle parking and associated refuse.'

*"In summary, the principle of a mixed-use development or a residential development at the site may be supported subject to robustly justifying the proposed quantum and quality of the proposed new employment space on site, the residential mix of units, acceptable overall design and massing and ensuring acceptable living conditions for prospective occupiers and safeguarding the amenity levels of adjoining occupiers and those within the development. There may be potential to maximise employment space further on site through the creation of a basement level to the building."*

Officers suggested:

- *The inclusion of a lift to all levels of the building to provide level access.*
- *The inclusion of basement to generate a greater uplift in the quantum of floorspace.*
- *Repositioning the internal stairs, lift and bin storage to create more functional ground floor commercial space.*
- *Overhanging balconies considered unacceptable and should be inset.*
- *Provide a visually strong base to the proposed building.*
- *Removal of the proposed recessed ground floor and reinstate the building line to the street.*
- *Reduction in the number of one bedroom units proposed (3x1 bedroom units).*
- *Provide distinct separation of residential and commercial uses.*
- *Reduction in the proportions of parapet.*
- *Demonstrate ability to accommodate on street servicing that would be safe and not cause traffic obstruction.*

7.9 469 Hornsey Road, pre-application response for the 'Demolition of existing two storey building and erection of 4 storey building plus set back roof addition to provide office (B1 use) at ground and part basement floor and 7 self-contained resident units (6x2 beds, 1x3 bed) plus cycle parking and associate refuse.'

*"In summary, the principle of a mixed-use development is considered acceptable. The uplift in the office floor space is considered in accordance with Policy DM5.1. The provision of largely 2 bed units is considered to comply with Policy DM3.1 of the Development Management Polices and are of a sufficient size and quality overall.*

*The council welcomes the recent changes and details contained within the pre application and officers consider that the scheme has come a long way to creating a high quality redevelopment of the site."*

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent on the 11<sup>th</sup> January to occupants of 216 adjoining and nearby properties at Fairbridge Road, Porter Square, Charles Street, Hornsey Road, Spears Road and Lambton Mews
- 8.2 A site notice was also displayed. Consultation expired on the 9<sup>th</sup> February 2017. It is the Council's practice to continue to consider representations made up until the date of a decision. A further period of consultation expired on the 12<sup>th</sup> April 2017 based on additional sunlight daylight information being received. Further drawings were also received which reduce the size of the roof terrace and introduce full height glazed screens to the south elevation facing the railway embankment in response to Network Rails concerns.
- 8.3 At the time of writing this report 8 objections have been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Loss of sunlight & daylight to adjoining properties (paragraph 10.25-10.28, 10.30-10.33)
  - The daylighting study fails to recognise 212 is split into two properties (paragraph 10.27)
  - Potential of overlooking from upper level windows at the proposed site (paragraph 10.39)
  - Overlooking from terrace area (paragraph 10.39)
  - Scale, massing would create a sense of enclosure to 212 Fairbridge Road (paragraph 10.35-10.37)
  - The proposed building is an overdevelopment of the site (paragraph 10.12 & 10.18)
  - Increase in parking problems (paragraph 10.61, 10.72)
  - Another nurse, doctors or building to serve the community (paragraph 10.4)
  - Must take into account Human Rights (paragraph 10.87)

### **External Consultees**

- 8.4 **Network Rail:** The basement is in close proximity to the rail embankment and has the potential to destabilise the land leading us to raise this as a potential issue in causing high safety concerns for our network. The site is adjacent to a railway cutting which is approximately 7m deep. A geotechnical investigation will be required to determine foundation options. Network Rail should be consulted at an early stage to determine any requirements that they may have.

### **Internal Consultees**

- 8.5 **Design and Conservation Officer:** the design is of good quality, modern yet contextual approach and responds to the surrounding townscape.

**Environmental Protection:** Concern regarding the sites proximity to the railway in terms of noise and vibration. Also measures to ensure sufficient sound insulation and air quality are required. If officers are minded to approve, conditions are recommended to ensure satisfactory residential standards.

- 8.6 **Tree Preservation Officer:** no trees in the vicinity of the site which would be adversely impacted. No objection to the application.

- 8.7 **Planning Policy:** Whilst the policy states maximisation of business floor space, this is not implicit within DM5.1 for minor schemes. The proposal represents uplift in floor space by almost a third and the proposed new floor space can be split into smaller units which is welcomed in providing potential space from SMEs. The proposed segregation of uses on separate floors, with sufficient measures, will not comprise the ongoing proposed commercial use and function of the proposed office space or Employment Growth Area generally.

- 8.8 **Highways Officer:** objection to the location of loading and unloading to Hornsey Road and Fairbridge Road. Provision should be retained for service and delivery within the curtilage of the site based on potential issues arising from loading from the highway.

From Hornsey Road there are approximately 3 vehicle spaces for stacking based on the location of the servicing vehicle. Given how busy the road is this will fill quickly and lead to blockage at the junction and on Hornsey Rd (particularly with the northbound bus stop in close proximity) as there is a likelihood vehicles will be oncoming along Fairbridge Road regularly so there will not be the opportunity to go around the parked vehicle.

On Fairbridge Road if a servicing vehicle is parked, loading, there is insufficient space for vehicles in both directions to pass then blockage will occur on Fairbridge Road when those from Hornsey Road turn in and head westbound. Loading only in the interpeak may help but this junction is considered busy at all times.

- 8.9 **Access Officer:** commitment to meet M4(2) Accessible and adaptable dwellings. The lift in the commercial unit is only a platform lift, this is not ideal. Consideration should also be given to the provision of some facility for the storage and charging of mobility scooters and accessible cycle storage.

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

### Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 1 to this report.

### Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

Employment Growth Area

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

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, appearance
- Impact on the amenity of neighbouring residents
- Residential mix
- Quality of accommodation
- Refuse
- Accessibility
- Small Site Housing Contributions and Carbon Offsetting
- Highways
- Trees
- Sustainability
- Basement Development
- Community Infrastructure Levy
- Other Matters

### Land Use

10.2 Planning application 921415 was granted for the 'construction of two storey building for B1 use'. This permission indicates the properties lawful use is B1 use which can include office uses. It is apparent the nature of operations which have taken place at the premises have not always reflected the lawful use of the premises and are considered to have previously comprised sui generis or B2 uses. None of the previous uses which fall outside B1 have been established through certificate of lawfulness, or via planning permission. Therefore it is considered the existing lawful use of the building is B1, which can include offices (other than those that fall within A2), research and development of products and processes and light industry appropriate in a residential area.

10.3 The site contains a two storey building with associated parking and servicing to the side and rear of the main building. The site was previously used by a company 'Zone-2-Zone Transport Limited' as an operation base for their business which comprised private hire services and courier services. The upper floors comprised the control office, while the ground floor comprised vehicle maintenance workshop and storage area. A prior approval application (P2014/1862/PRA) for the proposed change of use of the first floor and part of ground floor of the building to create two flats, comprising one x two-bedroom unit and one x one-bedroom unit was refused on 08/07/2014. Based on the above, the site was not in use as B1(a) offices on or before 30 May 2013.

10.4 The site is currently in use as office and workshop space for a property maintenance and refurbishment business (TradeForce). While the exact nature of the business is not known, it is considered that the current operation can be considered to fall within (B1) based on use of office and an element of light industrial operation. Nevertheless, the lawful use of the site is considered B1 based on the relevant planning history. The proposal is for re-provision of business (B1) floorspace. In this regard, Policy DM5.1 of the Development Management Policies is relevant given the sites location within an Employment Growth Area (EGA). DM5.1, part A is clear that proposals for redevelopment are required to incorporate the maximum amount of business floorspace reasonably possible on site. The existing commercial floor space comprises approximately 176sqm. The proposed office floor space (B1a use class) is 226sqm at basement and ground floors. This provides an uplift of approximately 28% in business floor space at the site.

- 10.5 The business floorspace is shown as one open office and overall the new floors space is considered improved in terms of its overall quality and usability. The proposed floor space also has the ability to be split into three separate units to provide Small and Medium Enterprise (SME) space in line with the aims of DM5.1. The basement floor still maintains level access via a through the floor lift and sufficient light is maintained via an internal lightwell to the basement as shown in the sunlight daylight report. The floor to ceiling heights of the proposed ground floor are 2.6m and the basement floor, 2.5m, DM5.1 requires adequate floor to ceiling heights (at least 3 metres of free space). Whilst the proposed height does not meet the stated minimum height, this must be balanced against the consideration to overall height of the building and its relationship to adjoining buildings, which is considered satisfactory in townscape terms. In conclusion, based on the overall uplift in business floor space within the Employment Growth Area the proposal is considered to comply with aims of Policy DM5.1 of the Development Management Policies.
- 10.6 Of material consideration in the assessment of the above application are two previous outline applications submitted in relation to the site. Both applications were for the demolition of existing building and erection of 4 storey building comprising office and residential uses. Within the assessment of application P2014/0110/OUT there was a proposed net loss of 1sqm of commercial space and a 2sqm loss proposed as part of P2015/1885/OUT.
- 10.7 Neither of the above applications were refused based on the proposed provision of commercial space. Based on the merits of the current application, given the uplift proposed in floorspace by almost a third and taking into account the previous decisions as material considerations, the proposal is considered in accordance with policy DM5.1 of the Development Management Policies.

### **Design and Conservation**

- 10.8 The existing site comprises a two storey building of little architectural merit. The site also contains a servicing yard and directly adjoins the embankment to the railway line to the south and a residential property to the west. The site sits on a prominent corner of Hornsey Road and Fairbridge Road. The railway cutting provides open views of the site from the south. There is no policy basis for the retention of the building on site. The building is not locally or statutorily listed. The proposed demolition of the existing building and redevelopment of this site is welcomed in design terms.
- 10.9 Policy CS9 of Islington's Core Strategy (CS), 2011 and Policy DM2.1 of Islington's Development Management Policies 2013, accord with the National Planning Policy Framework (NPPF). Taken together, they seek to ensure that amongst other things, development respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character.
- 10.10 The Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New building should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.11 At Kipling House on the north side of Fairbridge Road, the buildings rise to 5 storeys. Directly opposite the site on the corner of Hornsey Road and Fairbridge Road, the Victorian buildings are three storeys in height (these properties have generous floor to ceiling heights and parapets and are more akin four storeys in height). At no. 20 Spears Road, to the east of the site, the building rises to 4 storeys. The buildings within the vicinity of the site comprise a mix of age and design and the bridge and railway cutting provide a degree of open aspect which makes the corner site prominent in the public domain.

- 10.12 The proposed scheme would be 4 storeys with a setback roof addition. It is considered in this highly visible location that this is the appropriate form of development which does not appear over dominant. The main parapet is similar in height to the adjoining property giving a coherent appearance to the streetscene. The proposed height and mass of the building is considered reflective of the prevailing surrounding building heights.
- 10.13 The façade is proposed to be constructed in yellow stock brick. The north, west and south elevations would exhibit a grid pattern with strong vertical emphasis and large inset windows to upper residential floors. A blank bay to Fairbridge Road would consist of hit and miss brick work which is considered to add to the visual interest to the proposed building. The internal stairwell and the lift which allows access to all floors would be located directly behind this element. The elevations are topped with reconstituted stone coping.
- 10.14 The ground floor has been designed to appear 'heavier' with a rusticated brick bond and would appear darker than the brick above with large expanses of glazing to serve the proposed office at ground floor. The commercial unit has entrances from Hornsey Road and Fairbridge Road with the refuse and residential entrances located on the Fairbridge Road elevation. Residential inset balconies are proposed to the north east and south east corners of the building and a proposed roof terrace is located above the fourth floor to serve the 3 bedroom flat.
- 10.15 A lift overrun would rise above the proposed top floor roof level and would be visible from the public realm. Whilst this element is not considered ideal in design terms, it has been positioned to visually reduce its impact and moreover the lift is considered necessary to allow for the residential units to be fully accessible and comply with Category 2 Homes.
- 10.16 The top storey would be set back 2.3m from the buildings parapet and is proposed to be clad in a green wall. These characteristics would soften the appearance of the top floor giving it a recessive quality that would not appear discordant with its surroundings. In the context of the site forming a corner plot, a setback floor level is considered appropriate in this location.
- 10.17 The proposed scheme is considered much improved in design terms from refused application P2015/1885/OUT (figure 1) in terms of its materiality and articulation. Overall, the proposed design and scale of the development is considered to be a contextual, yet modern design and would form an attractive addition to the surrounding streetscape.

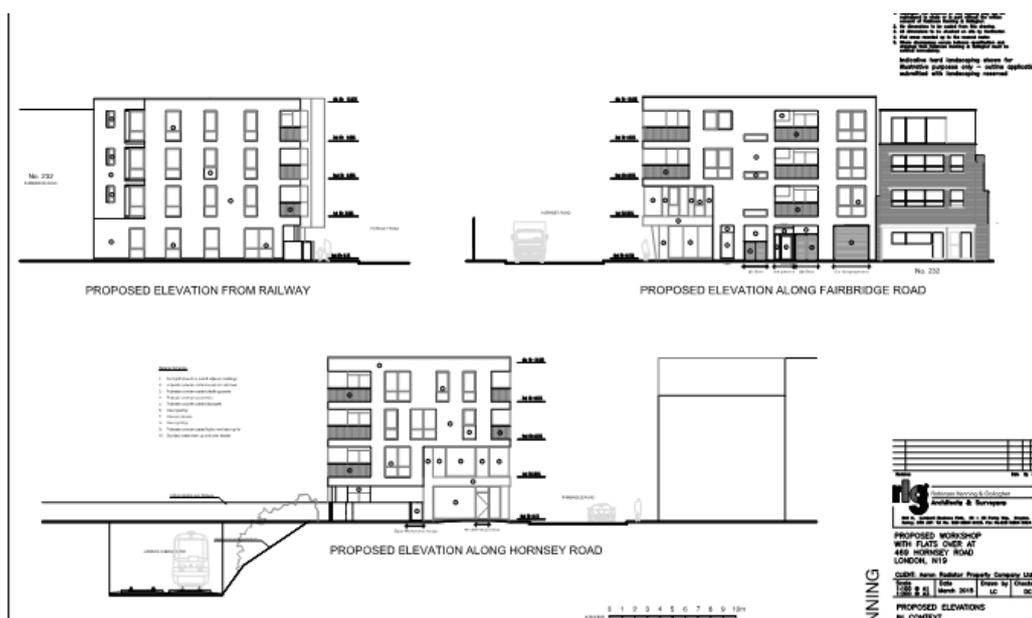


Figure 1: images of refused scheme at 469 Hornsey Road (P2015/1885/OUT)



Figure 2: proposed image of development at 469 Hornsey Road



Figure 3: proposed image of development at 469 Hornsey Road

10.18 Overall therefore the proposed mixed use building is considered to be contextual and appropriate in townscape terms. The size and bulk and articulation of the façade is considered an appropriate fit within the street scene and adjoining and nearby buildings and to accord with Policy DM2.1 of Islington’s Development Management Policies , Policy CS9 of Islington’s Core Strategy 2011 as well as guidance in the Council’s Urban Design Guide 2017 (SPD). Collectively these seek to ensure that development respects and responds positively to existing buildings, the streetscape and the wider context.

## **Neighbouring Amenity**

- 10.19 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.20 Daylight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. The application has been submitted with a sunlight and daylight assessment dated January 2017. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.21 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 10.22 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);*
- And
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*
- 10.23 A Daylight and Sunlight Assessment was submitted in support of the application. An updated report has been submitted on 21 March 2017 to show the potential impact to each window at first floor level to 471 Hornsey Road and 20 Spears Road. Updated information was also received relating to the sunlight/daylight results to the ground and first floor windows to 212 Fairbridge Road.
- 10.24 The first floor windows to no. 20 Spears Road and no. 471 Hornsey Road (which are located across a highway) fail the 25 degree line in section. The report examines the Vertical Sky Component of the first floor windows to the south facing windows of 471 Hornsey Road, the first floor west facing windows of no. 20 Spears Road and the south facing ground and first floor windows to 212 Fairbridge Road.
- 10.25 At no. 471 Hornsey Road, windows marked 'W1' and 'W2' would continue to retain 0.8 times their former value. The skylight to windows marked 'W3' and 'W4' would not fall below the required 27% and therefore are considered to pass the test.
- 10.26 In relation to 20 Spears Road, the submitted report indicates all the first floor windows would pass the VSC test and not fall below 27%. The first floor windows to both 20 Spears Road and 471 Hornsey Road pass the relevant VSC test. The second floor windows to both these properties are located higher than the first, and pass the 25 degree line, it is highly

likely that's these windows will retain 80% their former value and as such are unlikely to see a significant reduction in the amount of diffuse daylight.

- 10.27 No. 212 Fairbridge Road rear elevation faces due south. The ground floor is considered to comprise a live/work unit with a further residential unit at first floor and above. VSC test has been carried out in relation to the ground and first floor rear windows which are closest to the proposed development. Both the windows tested at ground and first floors exceed the required 27% and pass the relevant VSC test.
- 10.28 The ground floor at 20 Spears Road is in use as a nurse's office and at 471 Horney Road as a carpet shop. These uses are considered less sensitive in terms of light and therefore there is considered to be no undue impact.
- 10.29 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*
- 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.*
- 10.30 No. 471 Hornsey Road and no. 212 Fairbridge Road have a particular sensitive relationship to the site in terms of sunlight as both buildings face due south. The annual summer and winter sunlight hours have been tested in relation to first floor windows at 471 Hornsey Road and 20 Spears Road and the ground and first floor windows to 212 Fairbridge Road. None of these are considered to be unduly impacted in terms of loss of sunlight (for summer and winter) as a result of the development.
- 10.31 The 45 degree test also a method used to check sunlight and daylight impacts from developments that are perpendicular to a potentially affected window. The windows at first and second floor level are shown in plan. The BRE Guidelines state that if a proposed neighbouring extension obstructs both of these 45 degree lines (i.e in height and depth) then the extension may cause noticeable loss of light. If it obstructs one of these lines but not both then sufficient light should be maintained.
- 10.32 The first and second floor windows pass in plan. It is acknowledged the 45 degree line would be minimally broken, however this would be at a point 8m from the potentially affected windows. Given this separation distance and that the 45 degree rule is passed in plan, substantiated by further tests in relation the BRE Guidance stated above, there is not considered to be a significant impact on the adjoining neighbour of 212 Fairbridge Road in terms of loss sunlight and daylight.
- 10.33 The submitted report and assessment indicates there would be no undue loss of sunlight or daylight to the neighbouring properties and given the proposals acceptable form and massing and compliance with the BRE guidance sufficient daylight and sunlight is considered to be maintained. In this regard Policy DM2.1 and the BRE Guidelines are met.

#### Outlook and Sense of Enclosure

- 10.34 Due to the overall design of the proposal, its form and the relative separation distances involved, it is considered that it would not be unacceptably overbearing or have a detrimental effect on neighbouring occupiers at 20 Spears Road (12.5m away, separated

by a highway) or 417 Hornsey Road (set 12.3m away, across a highway), opposite the application site.

- 10.35 The proposed development has a sensitive relationship to 212 Fairbridge Road. The footprint of the building occupies the whole site. Above ground floor level the flank wall of the proposed development would reach a height of 3m which is not considered to cause an undue sense of enclosure nor loss of outlook to the live/work unit located at the ground floor of 212 Fairbridge Road.
- 10.36 The rear of 212 Fairbridge Road is tiered with a garden at ground floor and rear terraces at first floor and rear of third floor levels. The proposed building line to 469 Hornsey Road would project 2.4m (approximately to the rear of the top terrace) from the main building line to 212 Fairbridge Road, after which point the built form angles away. Whilst this would bring the built form appreciably closer and beyond the main rear building line to 212 Fairbridge Road at first floor level and above, outlook from the upper floor windows would not fundamentally change with the new built form in place. As a result, it is considered that the effect of the proposal on the outlook to rear windows would not be unduly harmful. It is considered that based on the projection of the rear building line by 2.4m beyond that of 212 Fairbridge Road this would slightly diminish the quality of the living conditions of the occupiers of 212 Fairbridge Road in terms of sense of enclosure. This needs to be tempered against the context. Based on 212 Fairbridge Road abutting the railway cutting to the rear, and with no built form to the west, a satisfactory level of outlook to the rear, overall, is considered to be maintained from habitable rooms and private amenity spaces.
- 10.37 The proposed design is similar to that of outline application P2015/1885/OUT. It is acknowledged that at first, second and third floor levels the rear projection of the building extends further outwards. It is important to note that a previously refused outline application ref P2015/1885/OUT was not refused on the grounds of any unacceptable or material loss of outlook or increased sense of enclosure to this adjoining or any other nearby property. Based on the above reasoning and similarities in design to the current proposal, it is not considered the resultant scheme would result in undue harm to the neighbouring occupiers at 212 Fairbridge Road by increased sense of enclosure or loss of outlook.

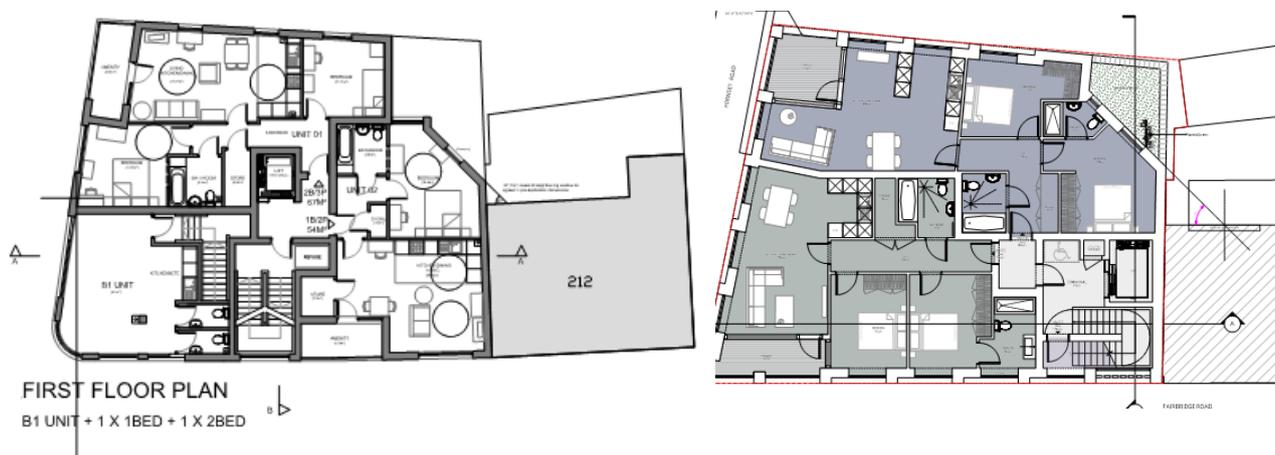


Figure 4: proposed first floor of P2015/1885/OUT and P2016/4928/FUL

#### Overlooking/Loss of Privacy

- 10.38 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms, unless across a highway. As such there is considered to be no undue overlooking or loss of privacy to 471 Hornsey Road and 20 Spears Street, located directly opposite the proposed site.

- 10.39 The proposed south west elevation has been designed to angle away from 212 Fairbridge Road. It is proposed to install screens in order to prevent overlooking to the rear elevation and private amenity spaces of 212 Fairbridge Road. It is recommended to condition these screens to be installed and maintained in order to prevent overlooking. Amended drawings have been received which reduce the size the 4th floor terrace area facing the railway track. This has been restricted via a full height glazed screen. The corner of the screen has been chamfered in order to prevent this being seen from the street. The properties to the south side of the railway are considered sufficient distance away as to not be adversely impacted by the proposed development. As the habitable windows to 471 Hornsey Road and 20 Spears Road are located over a highway, no harmful overlooking is considered to occur in line with policy DM2.1 of the Development Management Policies.

#### Summary

- 10.40 For these reasons, it is considered that the proposed development would not materially harm the living conditions of the occupiers of No 212 Fairbridge Road, 471 Hornsey Road or 20 Spears Road or any other neighbouring properties. Accordingly, the proposal does not conflict with Policies CS8 and CS9 of Islington's Core Strategy and Policy DM2.1 of Islington's Local Plan: Development Management Policies insofar as they aim to safeguard residential amenity. The scheme would also adhere to a core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

#### Residential Mix

- 10.41 Planning policy and guidance requires a range of unit sizes to be provided on all new developments in order to meet specific housing demand and to help foster stable and balanced communities. Policies within the London Plan, in particular Policy 3.9, stress that communities 'mixed and balanced by tenure and household income' should be promoted across London'.
- 10.42 Policy DM3.1 (Mix of housing sizes) of the Islington Development Management Policies (2013) seeks to secure a good mix of housing sizes on all sites. The proposal consists of 6 x 2 bedroom flats and 1 x 3 bedroom flat. The proportion of 2 bed units and 3 bed units is considered to provide an acceptable range of unit sizes and to be policy compliant.

#### Quality of Accommodation

- 10.43 In terms of new residential development it is vital that new residential units are of the highest quality internally, being amongst other things of sufficient size, functional and accessible layout, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.44 Policy DM3.4 of the Islington's Development Management Policies (2013) sets the context for housing standards for new development. Table 3.2, which supports this policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. A nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.

#### Internal Living Space Standards

- 10.45 The proposed development would consist of 6x 2bed, 4person flats and 1x 3bed, 6person flat. All of the proposed units exceed the minimum requirement as set out in Table 3.2 of the Development Management Policies. The units would all be dual aspect. The internal layouts of the proposed residential units are considered to be acceptable and a satisfactory provision of unit sizes has been provided. All units have good access to light, outlook and acceptable ventilation levels.
- 10.46 The external private amenity space to the 2 bed units on the first, second and third floors are approximately 7sqm. Policy DM3.5 requires 5sqm of private outdoor space on upper floors for 1-2 person dwellings. For each additional occupant an extra 1sqm is required. The proposal complies with the relevant minimum standard and sufficient private amenity space is provided. The three bed unit has a private amenity space of approximately 36sqm and therefore exceeds the minimum requirement.

#### Noise and Vibration

- 10.47 Policy DM3.7 of the Development Management Policies seeks to ensure all residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated. Proposals for residential development adjacent to railway lines (or other sites that maybe subject to vibration) are required to incorporate adequate mitigation to ensure a good standard of amenity for future occupants.
- 10.48 The adjacent Gospel Oak to Barking line was closed as part of the electrification project from 24th September onwards. The accompanying Hann Tucker noise survey ran from 23rd-26th September 2016. It is considered this does not fully reflect the railway noise and sound scape in the area. There is also no consideration of ground borne noise and vibration, likely to be a considerable issue and an existing source of complaints along the line, particularly due to freight traffic (specifically at night). In order to ensure sufficient quality of the internal living environment to the residential units (based on these concerns) details of sound insulation and details of the structural design of the foundations is required. A further condition is recommended to minimise noise transfer between the commercial and residential use. As a result, subject to condition, the proposal is considered in line with Policy DM3.7 of the Development Management Policies.

#### Ventilation

- 10.49 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs). Policy DM 6.1 of the Development Management Policies document requires that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.50 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An air quality assessment was submitted dated September 2016. The Pollution Officer has reviewed the information submitted. The site introduces new receptors into the area with predicted exposure to NO<sub>2</sub> concentrations in excess of the annual mean objective. The Air Quality report advises that mechanical ventilation is installed to mitigate this. The ventilation should draw air from a cleaner façade or employ filtration. Details of this and the scheme layout and any other measures is recommended by condition to ensure compliance avoid undue exposure to poor air quality.

#### Summary

- 10.51 For the above reasons it is concluded that the proposed residential units provide acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space and complies with Policy 3.5 of the London Plan 2016, Policies CS8 and

### **Refuse**

- 10.52 The proposal includes storage for 1980 litres of refuse and a 1320 litres of recyclable space on the ground floor which is accessed from Fairbridge Road. In areas where there are mixed residential and commercial units, residential dwellings will be required to have eight day's storage. Refuse produced by premises containing both commercial and residential units must be stored separately.
- 10.53 Residential units must have independent storage. This is because, if the refuse for both is stored together, there is potential for the abuse of free collections provided for residents (paid for through their council tax) by commercial users. Aside from residential storage, each separate user should have an independent store for waste and recyclable material.
- 10.54 The proposal does provide separate areas for refuse and recycling and recycling and it is considered sufficiently large. It is recommended to attach a condition to ensure these separate facilities are provided prior to occupation of the building (Condition 4).

### **Accessibility**

- 10.55 As a result of the change introduced by the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.56 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 10.57 The Access Officer is satisfied with external and internal access arrangements to the commercial and residential aspects of the building. All of the new residential units have level entry virtue of a lift to all floors. The units are also laid out to comply with Category 2.

### **Affordable Housing and Carbon Offsetting**

- 10.58 The Affordable Housing Small Site Contributions document was adopted on the 18<sup>th</sup> October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, as this proposal includes 7 new residential units the contribution amount is £350,000.
- 10.59 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Flats (£1,000 per flats). This therefore would amount to a £7,000 contribution towards carbon off-setting from this proposal.
- 10.60 The applicant has stated in respect of both small site housing contributions and carbon offsetting they are willing enter into a Unilateral Undertaking to pay the Council these amounts.

## Highways

### Car- Free Development

- 10.61 Islington policy identifies that all new residential development shall be car free. Car free development means 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. If an existing Islington resident moves into a development who has previously held a permit for the previous 12 months, then they may also transfer their permit to this location. No on or off site parking provision is proposed and any future possibility of gaining a parking permit is removed via legal agreement and condition. Therefore the proposal complies with policy CS10 of the Islington Core Strategy and DM8.5 of the Development Management Policies.

### Cycle Parking

- 10.62 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) is expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines.' Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. Provision for 14 cycle spaces is indicated in the basement area. There are 15 bedrooms within the proposed development, however there is an 'accessible space' shown capable of housing further bike storage. As such bicycle provision is considered in accordance with policy DM8.4.
- 10.63 For minor developments, 1 cycle space is expected per 80sqm of office floor space. The proposed development comprises 226sqm of office space. The floor plans show provision for 5 bicycles. As such this aspect of the scheme is considered in accordance with the requirement of Appendix 6 and DM8.4 of the Development Management Policies.

### Servicing and Delivery

- 10.64 Policy DM8.6 (delivery and servicing for new developments) of the Development Management Plan, requires the provision for delivery and servicing to be provided off-street, particularly for commercial developments over 200sqm.
- 10.65 Where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.
- 10.66 The site has an existing service yard. Double yellow lines exist directly outside and the site is within a Controlled Parking Zone to Fairbridge Road. Single Yellow lines are present to Hornsey Road with a Bus Stop in close vicinity to the south. The site's Public Transport Accessibility Level (PTAL) is 3 (moderate). Fairbridge Road is a local road with no classification and is a local cycle route. The A103 (Hornsey Road) is part of the local strategic road network and no TFL roads pass nearby. Directly outside the site is one crossover onto Fairbridge Road.
- 10.67 Presently the number and frequency of trips to the site is not controlled by condition, although two previous conditions were attached to planning permission 921415 stating, on-site servicing shall be unobstructed at all times and a further condition to allow for sufficient parking and turning of vehicles.
- 10.68 The proposed commercial floor space at ground and basement level is 226sqm and therefore exceeds the stated 200sqm within policy where on site servicing is sought. Part A of Policy DM8.6, in certain instances, can allow for servicing on street. It is proposed to service the site via on street loading and unloading from Hornsey Road and Fairbridge Road, although only Fairbridge Road is supported by officers, as set out below.

- 10.69 The quantum of floor space proposed is marginally over the threshold as stated by DM8.6. Additionally, the existing commercial floorspace on the site measures 176sqm and therefore the uplift over the existing situation is 50sqm and it is considered relatively modest. It is the view of officers that the proposed unit could not be serviced from within the site. On-site servicing is considered to result in the loss of a large proportion of the ground and first floor area, based on the requirement for a turning circle and 3.5m height clearance to allow for vehicles to enter and leave the site in forward gear. Moreover, on-site servicing is considered undesirable in townscape and urban design terms. The proposed design is contemporary and contextual approach that appropriately brings the building line to the back edge of the pavement which is welcomed.
- 10.70 Turning to the provision of on street servicing, the Highways Officer has raised concern over the proposed provision of on street servicing from both roads but raised greatest concern from Hornsey Road.
- 10.71 The Highways Officer has stated both Hornsey Road and Fairbridge Road are busy routes. If servicing was to occur from Hornsey Road there are approximately 3 vehicle spaces for stacking if a servicing vehicle stopped in the proposed location as shown in the service and delivery plan. Given the busy nature of Hornsey Road, it is considered by the Highway Officer that this space would fill quickly and potentially lead to blockage (particularly with the northbound bus stop in close proximity). The Highways officers' primary concern is a lack of stacking capacity between where the applicants proposal to load from on the proposed section of Hornsey Road. Based on these concerns it is considered necessary to add a condition that no loading or unloading shall occur on Hornsey Road.
- 10.72 In relation to servicing from Fairbridge Road, the Highway Officer considered, if a vehicle is parked loading, there would be insufficient space for vehicles in both directions to pass and blockage would occur. It is however considered possible to safely service the site from Fairbridge Road with up to a 7.5t vehicle, in accordance with existing Traffic Management Order restrictions. On-street servicing is a long established activity in the vicinity and the borough. On-street servicing at the proposed location on Fairbridge Road, in accordance with the TMO restrictions, based on an anticipated 3 to 4 trips per week, in order to serve the office space is considered not to unacceptably impede two-way passage of other vehicles and would reduce overall trip movements relative to the existing commercial use of the site, which has the provision of a cross over and servicing yard. The proposed development is considered to generate fewer trips than at present. As a further measure it is also considered appropriate to add a condition that no loading or unloading can occur at peak times on Fairbridge Road to mitigate any potential impacts to the highway.

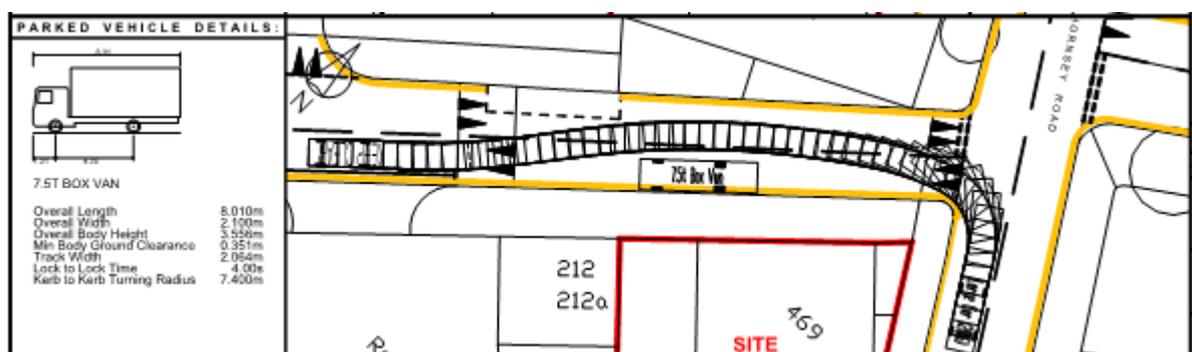


Figure 5: proposed servicing arrangement to 469 Hornsey Road from Fairbridge Road.

- 10.73 As there is no longer the need for on-site servicing, the existing crossover would become redundant. Therefore it is considered appropriate to attach a Grampian condition to ensure the crossover is removed and the highway is reinstated prior to occupation of the building.

- 10.74 Based on the fewer anticipated trips to serve the proposed business floor space and the existing arrangements to the Fairbridge Road Traffic Management Order which allows for 40 minutes loading, the proposal is not considered to have an unacceptably adverse impact on the operation of the highway or highway safety. Moreover conditions have been recommended which restrict the location and timing in relation to serving and deliveries. These measure would secure compliance with Policy DM8.6B and avoid traffic obstruction or nuisance.
- 10.75 It is acknowledged that site 202-210 Fairbridge Road is in discussion to develop the site and there may be cumulative highway impacts. However, each application is considered on its own merits and based on the above assessment, the proposal for on street servicing and delivery is, on balance, considered acceptable and to comply with the aims of DM8.6 of the Development Management Policies.

### **Trees**

- 10.76 There are no trees or vegetation within the application site. To the rear of the site is a chain link fence. There is self-seeded vegetation to the embankment located to the rear of the site. There is one small street tree (T1) adjacent to the site but it is relatively small and distant from the development. As such it is considered to not be adversely affected. No conditions are required in order to protect the identified tree.

### **Sustainability**

- 10.77 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life.
- 10.78 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The applicant has submitted a Sustainable Design and Construction statement to support the aims in reduction of carbon and water usage. In order to ensure these details are met as part of the scheme an appropriate condition is recommended to ensure these sustainable targets are met. Water efficiency standard of 110L/p/day is also required to be achieved for all homes as required by Core Strategy Policy (CS10).
- 10.79 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations.
- 10.80 The site presently contains an existing two storey building and hardstanding. The extent of the proposed site coverage provides no opportunity for soft landscaping. However the scheme does provide a number of green roofs which cover the majority of roof space which would provide landscape and ecological benefits as well as accommodate 29 solar panels.
- 10.81 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." A carbon offset contribution of £7,000 would be required, based on the seven new-build flats, in accordance with the Environmental Design SPD.
- 10.82 Overall, subject to attached conditions (condition 6 and 10) and legal agreement the proposal offers a high quality, sustainable form of development.

### **Basement Development**

- 10.83 For all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant. The basement covering approximately half the site is considered a modest way of creating additional floor space. The basement has been designed to be set away from the railway embankment which forms part of the surface railway.
- 10.84 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional. A structural method statement report (ref: CMS575, dated September 2016) has been produced for the site by GLaSS Consulting Engineers which details the foundations to be adopted and method of working for the proposed structure and has been produced by a suitably qualified person.
- 10.85 The basement is considered relatively modest in relation to the footprint of the building and is considered to comply with the aims of the Basement SPD. The basement has been designed provide clear relief from the railway infrastructure. At the closest point the basement would be 6.5m from the rear boundary with the railway embankment. The basement is considered proportional to the overall footprint and massing of the proposed building and is considered to comply with the guidance as laid out in the Basements SPD. Condition 5 is recommended to ensure the excavation and construction generally does not impact neighbouring amenity or the local highway.

### **Community Infrastructure Levy**

- 10.86 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. The payments would be chargeable on implementation of the private housing.

### **Other Matters**

- 10.86 In response to Network Rails' concerns over the ability to throw objects onto the track, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor amenity terraces will have the side to the railway line enclosed with full height glazing so as not to limit views and light but prevent objects from being thrown down to the track. The 4<sup>th</sup> floor terrace has been reduced in size, and access to the terrace area facing the track has been restricted with a full height glazed screen. These amendments are seen to directly resolve the concern raised and not to prejudice any of the neighbouring occupiers. As such these amendments have been taken into account with the assessment of the application.
- 10.87 Overall, the development is considered to be in accordance with planning policies. Furthermore whilst it is acknowledged that residents would experience change to their surroundings, it is considered there would be no undue harm to their living conditions. Accordingly the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 or Article 8 of the Human Rights Act.
- 10.88 The wider public benefits of the application including the increase and improved office space, increase in housing supply, improved appearance to streetscape, and affordable off-site housing and environmental financial contributions weigh heavily in favour of the assessment of the application.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of the development and providing a mixed use building is considered acceptable in land use terms. The proposal would result in improved and increased amount of business floor space within an Employment Growth Area and result in the uplift of seven residential units.
- 11.2 The 4 storey with set back 5<sup>th</sup> floor building is welcomed in visual and streetscape terms, have a positive impact upon the character and appearance of the adjacent properties and the surrounding townscape. It would fit in with the prevailing scale and massing and character of the area and accord with Policy DM2.1 of Islington's Development Management Policies, Policy CS9 of Islington's Core Strategy 2011 as well as guidance in the Council's Urban Design Guide 2017 (SPD).
- 11.3 It is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of the adjoining residential properties, in particular 212 Fairbridge Road or 471 Hornsey Road. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor have a detrimental impact upon their amenity levels taken as a whole.
- 11.2 The proposed residential units would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance. Subject to condition there would be no adverse impact on future occupiers living conditions in terms of noise, vibration or air quality.
- 11.3 The proposal to service via the street from Fairbridge Road is considered acceptable subject to condition and in line with the existing Traffic Management Order. The proposed development is not considered to have an unacceptably negative impact on the local highway in terms of congestion or highways safety.
- 11.4 The proposed development offers a sustainable form of development through the inclusion of green roofs, recycling facilities and photovoltaics panels. Water usage is limited and carbon emissions reduced via condition. In addition Small Sites Affordable Housing (£350,000) and Carbon Offsetting (£7,000) contributions would be secured by way of a Unilateral Agreement.
- 11.5 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.6 It is recommended that planning permission be granted subject to conditions and S106 (Unilateral Undertaking) 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:

- a) A financial contribution of £350,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £7,000 towards CO2 off setting.
- c) Car free residential units – removal of future residents rights to obtain an on street parking permit

## RECOMMENDATION B

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

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>019 Rev A; 014 Rev A; 015 Rev A; 016 Rev A; 017 Rev A 018 Rev A; 000 Rev M; 001 Rev O; 002 Rev O; 003 Rev O; 004 Rev N; 005 Rev D; 006-A Rev O; 007 Rev M; 008 Rev P; 009 Rev F; 010 Rev D; 011 Rev F; 012 Rev H; Note on Service Strategy; Design Statement dated December 2016; Environmental Noise Survey Report; Energy Statement; Air Quality Assessment; Sustainable Design and Construction Principles; Structural Method Statement September 2016; Desk Study Report dated October 2016; Daylighting Study 17 March 2017; MSL17440-E3; Email dated 25/05/2017 from Joseph Larbie (VSC) Property 5; Email dated 25/05/2017 from Joseph Larbie (APSH/WPSH) 212 Fairbridge Road.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials</li> <li>e) details of roof level plant and equipment;</li> <li>and</li> <li>f) any other materials to be used.</li> </ul>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Bin Storage</b>
	<p>CONDITION: Prior to commencement, details of separate refuse / recycling enclosure(s) shall be shown for the proposed residential dwellings and business floor space. These shall be submitted to and approved in writing by the local planning authority and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>5</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved 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 Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul> <p>Any response should pay reference to BS5228, the GLA' SPG on control of dust and emissions, LBI code of construction practice and any other relevant guidance.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
<b>6</b>	<b>Carbon and water efficiency</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>7</b>	<b>Highways</b>
	<p>CONDITION: Servicing and deliveries to the office space (B1 use class) shall only occur between 10am and 4pm, and only from Fairbridge Road as shown on drawing 2016-2952-TR01 as part of the 'Note on Servicing: 469 Hornsey Road'</p>

	<p>dated September 2016. No servicing or deliveries shall take place form Hornsey Road.</p> <p>REASON: In the interests of highway's safety.</p>
<b>8</b>	<b>Highways</b>
	<p>CONDITION: The development shall not be occupied until the crossover immediately situated to the north of the site has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.</p>
<b>9</b>	<b>Accessibility</b>
	<p>CONDITION: All residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
<b>10</b>	<b>Green Roofs and Walls</b>
	<p>CONDITION: Details of the biodiversity (green/brown) roofs and the green walls shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The biodiversity(green/brown) roofs shall be: a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 005 Rev:C hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development.</p>
<b>11</b>	<b>Screening</b>
	<p>CONDITION: Details of the screening as shown on drawing number 008 Rev 0 shall be submitted to and approved in writing by the Local Planning Authority and installed prior to first occupation of the proposed residential units.</p> <p>The privacy screens shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: In the interests of protecting neighbouring residential amenity.
<b>12</b>	<b>Cycle Parking Compliance</b>
	<p>CONDITION: The bicycle storage area(s) shown on approved plans shall be fitted out with cycle storage for and provide for no less than 15 bicycle spaces at basement level as per drawing 000 Rev M and 5 bicycle spaces at ground floor level as per drawing 0001 Rev 0 and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>13</b>	<b>Lift Installation</b>
	<p>CONDITION: The lift serving all floors of the proposed development hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that adequate access is provided to the residential units at all floors.</p>
<b>15</b>	<b>Noise and Sound Insulation</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour  Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: in order to protect the living conditions of future occupiers.</p>
<b>16</b>	<b>Anti-vibration</b>
	<p>CONDITION: A scheme for anti-vibration treatment of the foundations and services shall be submitted to the Council for written approval prior to the commencement of the development, and implemented to the satisfaction of the Council to achieve the following internal noise targets:</p> <p>Internal vibration levels shall not exceed the category of “low probability of adverse comment” in Table 7 of Appendix A of BS 6472:2008.</p> <p>REASON: in order to protect the living conditions of future occupiers.</p>

<b>17</b>	<b>Noise</b>
	<p>CONDITION: Groundborne noise shall not exceed 40dB LAmax,Slow as measured in the centre of any residential room.</p> <p>REASON: in order to protect the living conditions of future occupiers.</p>
<b>18</b>	<b>Insulation between business floor space and residential</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: in order to protect the living conditions of future occupiers.</p>
<b>19</b>	<b>Land Contamination</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To secure an appropriate future residential environment.</p>
<b>20</b>	<b>Air Quality</b>
	<p>CONDITION: Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: To secure an appropriate future residential environment.</p>
<b>21</b>	<b>Photovoltaic panels (details)</b>
	CONDITION: Prior to first occupation of the development hereby approved,

	<p>details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to: location; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<b>22</b>	<b>Car Free Development</b>
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
<b>23</b>	<b>Geotechnical Investigation</b>
	<p>CONDITION: Notwithstanding the approved plans an updated Geotechnical Investigation Report shall be submitted to and approved by the Local Planning Authority prior to commencement.</p> <p>REASON: To ensure no adverse impact on adjacent infrastructure.</p>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Surface Water Drainage</b>
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course 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</p>

	Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>3</b>	<b>Signage</b>
	Please note that separate advertisement consent application may be required for the display of signage at the site.
<b>4</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-Commencement Conditions:  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>
<b>5</b>	<b>Car-Free Development</b>
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>6</b>	<b>Roller Shutters</b>
	The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.
<b>7</b>	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>8</b>	<b>Construction works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the

	hours stated above.
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## APPENDIX 2: RELEVANT POLICIES

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

### **1. National and Regional 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.

- NPPF
- Planning Practice Guide

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London**

##### **2 London's places**

Policy 2.9 Inner London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

##### **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 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

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 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.21 Trees and woodlands

##### **8 Implementation, monitoring and review**

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

### **Spatial Strategy**

Policy CS 8 (Enhancing Islington's Character)

### **Strategic Policies**

Policy CS 9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS 10 (Sustainable Design)

Policy CS 11 (Waste)

Policy CS 12 (Meeting the Housing Challenge)

Policy CS 13 (Employment Spaces)

Policy CS 15 (Open Space and Green Infrastructure)

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

### Design and Heritage

#### **Design and Heritage**

DM2.1 Design

DM2.2 Inclusive Design

#### **Housing**

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.7 Noise and vibration (residential use)

#### **Employment**

DM5.1 New business Floorspace

#### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements

DM7.4 Sustainable design standards

#### **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

## **3. Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

### **Islington Local Plan**

Employment Growth Area

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

The following SPGs and/or SPDs are relevant:

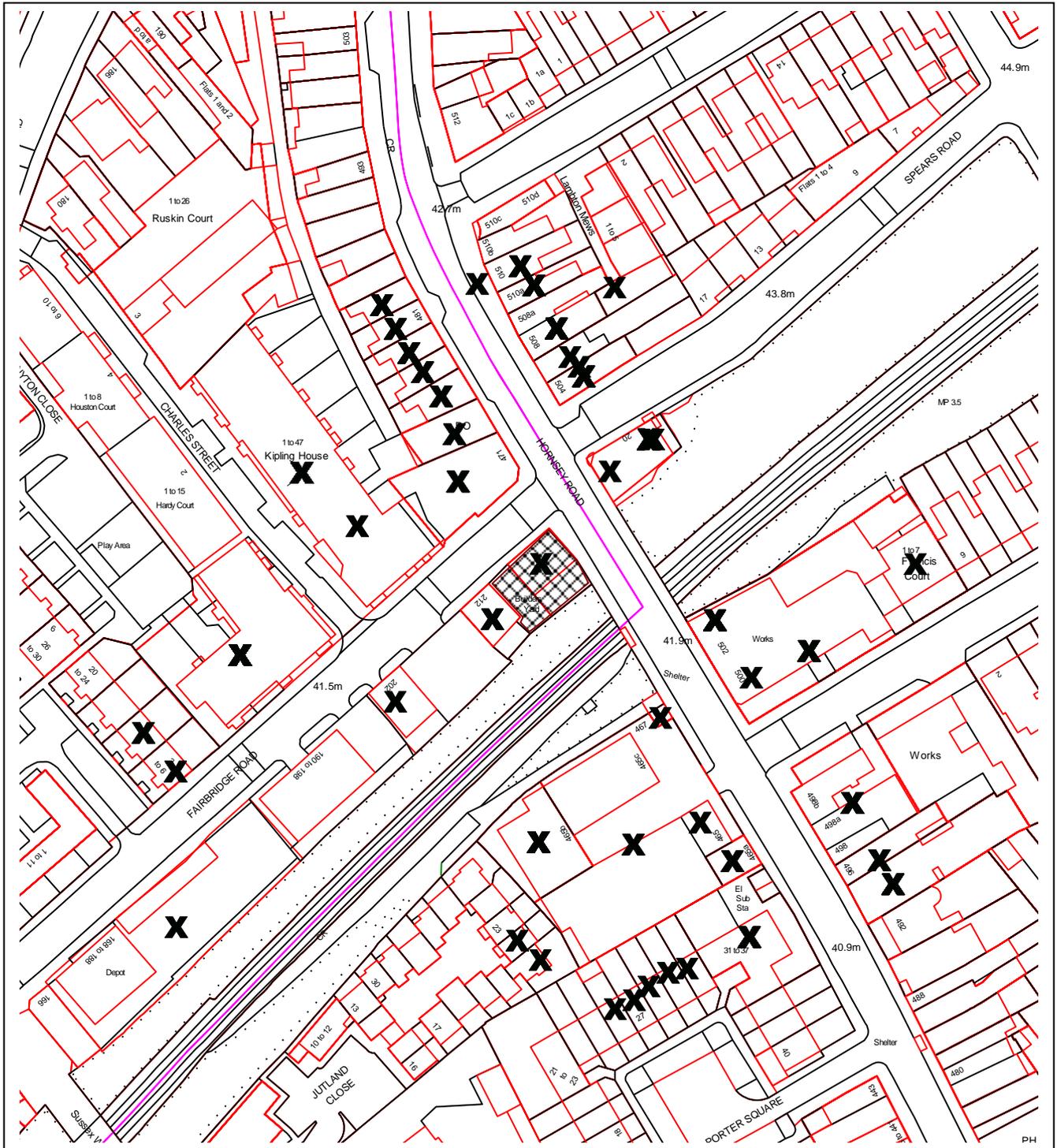
### **London Plan**

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

### **Islington Local Plan**

- Environmental SPD
- Basements SPD
- Planning Obligations (Section 106) SPD
- Urban Design Guide SPD

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		<b>AGENDA NO:B3</b>
<b>Date:</b>	20 June 2017	<b>NON-EXEMPT</b>

Application number	P2015/0330/FUL & P2016/5054/LBC
Application type	Full Planning Permission & Listed Building Consent
Ward	Holloway
Listed building	Verger's Cottage
Conservation area	Hillmarton Conservation Area Hillmarton Conservation Area Article 4 Directions
Development Plan Context	<ul style="list-style-type: none"> <li>- Nags Head and Upper Holloway Road Core Strategy Key Area</li> <li>- Camden Road/Parkhurst Road Employment Growth Area</li> <li>- Camden Road New Church Tower and Spire, Camden Road Local Landmark</li> <li>- Major Cycle Route Camden Road and Parkhurst Street</li> </ul>
Licensing Implications	Not Applicable
Site Address	Islington Arts Factory, 2 Parkhurst Road & 2A Parkhurst Road, London N7 0SF.
Proposal	<p>P2015/0330/FUL:</p> <p>Redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable</p>

	<p>residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works.</p> <p>P2016/5054/LBC:  Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Case Officer	John Kaimakamis
Applicant	City of London
Agent	Grade Planning

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and listed building consent subject to the:

1. conditions as set out in the original recommendation (Recommendation B) to the 27<sup>th</sup> April Planning Committee report for full planning permission attached as Appendix 2 to this report;
2. conditions as set out in the original recommendation (Recommendation A) to the 27<sup>th</sup> April Planning Committee report for listed building consent attached as Appendix 3 to this report;
3. 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 the original recommendation (Recommendation A) to the 27<sup>th</sup> April Planning Committee report for full planning permission attached as Appendix 2 to this report

## **2. BACKGROUND**

- 2.1 This applications for planning permission and listed building consent were presented to the Planning Committee on 27 April 2017 with an officers' recommendation for approval.
- 2.2 The Planning Committee resolved that planning permission be granted subject to conditions in the officer's report along with an additional condition regarding the continued use of the work space by the Arts Centre, as outlined in the minutes of the 27 April Planning Committee and also subject to the s106 legal agreement heads of terms.
- 2.3 Additionally, the Planning Committee resolved that listed building consent be granted subject to the conditions set out in the officer's report and subject to Planning Permission being granted for the planning application P2015/0330/FUL.
- 2.4 The applications were subject to two consultation periods given revisions were made to the proposal during the course of the application. In response to both consultation periods, a total of 6 objections were submitted. One (1) letter of support was also submitted along with a supporting statement from the Islington Arts Factory.
- 2.5 One of the objections submitted was from Lichfields on behalf of Exan, who are a car repair facility and are located at No.392 Camden Road. Exan currently are the leaseholders of part of the application site and use this area for the parking of vehicles waiting for repair and incidental to the use of the land by a car repair business.
- 2.6 The objections stated by Lichfields on behalf of Exan were considered in the Officer's 27<sup>th</sup> April Planning Committee report. Additionally, the matters raised in the objection were considered in Section 10 'Assessment' of the officer's report.
- 2.7 However, prior to the 27<sup>th</sup> April Committee, no formal invitation was sent to Lichfields informing them that the applications were being presented to the 27<sup>th</sup> April Committee, and as such Lichfields were not presented with an opportunity to put forward verbal representations to the Planning Committee.
- 2.8 As such, the applications are being brought back to the Planning Committee to offer the opportunity to Lichfields to put forward any verbal representations in addition to their submitted objections (Appendix 1) to the Planning Committee.

## **3. SUMMARY AND CONCLUSION**

### **Summary**

- 3.1 The applications have been brought back to the Planning Committee to provide an objector (Exan) the opportunity to address the Planning Committee

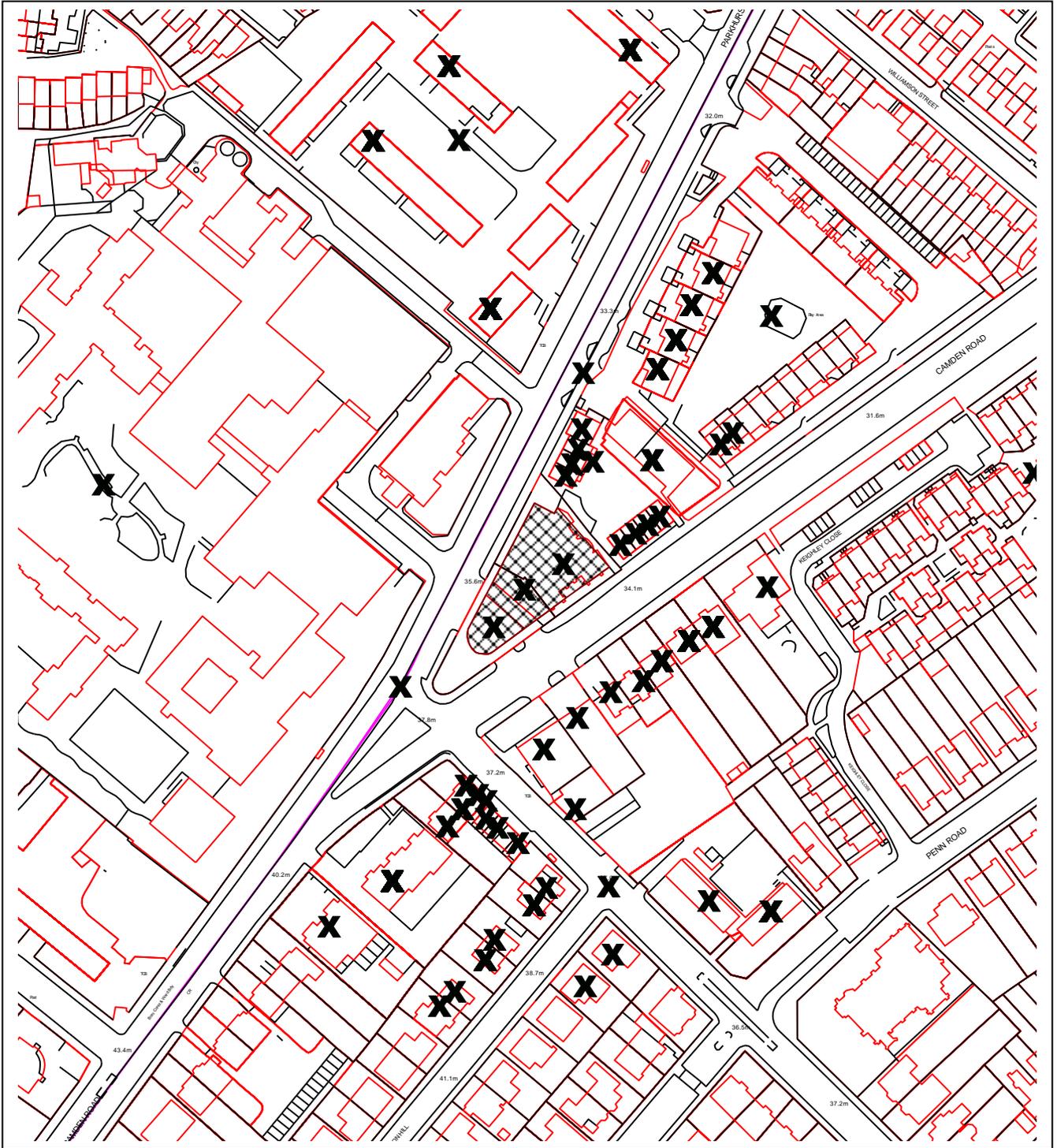
and put forward any verbal representations given they had not been previously invited to the 27<sup>th</sup> April Committee.

- 3.2 The objections submitted by Lichfields on behalf of Exan have been taken into consideration in the Committee reports presented to the 27<sup>th</sup> April Planning Committee, and as such recommend that the same conditions and section 106 obligations as previously set out in the appendices of the original reports, and appended to this addendum report.

### **Conclusion**

- 3.3 It is recommended that planning permission and listed building consent be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in the original recommendation (Recommendations A & B) to the 27<sup>th</sup> April Planning Committee report for full planning permission attached as Appendix 2 to this report and as set out in the original recommendation (Recommendation A) to the 27<sup>th</sup> April Planning Committee report for listed building consent attached as Appendix 3 to this report.

# Islington SE GIS Print Template



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John Kaimakamis  
Development Management Service  
Planning and Development  
London Borough of Islington  
222 Upper Street  
London  
N1 1YA

**Date:** 9 March 2017

**Our ref:** 07072/02/IR/SH/13491836v3

**Your ref:** P2015/0330/FUL

Dear Mr Kaimakamis

## **Proposed Development at Exan Coachworks and Islington Arts Factory, Parkhurst Road: Application Ref. P2015/0330/FUL (Amended Proposals)**

We refer to the above development proposal and the amendments made in January 2017 to planning application ref. P2015/0330/FUL, originally submitted in March 2015. This letter follows a comprehensive response submitted to the Council on 15 April 2015, as set out at Appendix 1, on behalf of our client Nexlynn Limited, trading as the Exan Coachworks Accident Repair Centre (Exan). Exan has occupied 392 Camden Road for over 40 years and is also the leaseholder of the "Island Site" known as the Athenaeum Service Station (forming part of the application site) which it has occupied for the purpose of its business (car storage/workshop/office) since 1997. The City of London Corporation is Exan's landlord for this Island Site.

The background to Exan's role in the local area is comprehensively set out in our April 2015 representations. In summary, Exan is a leading accident repair centre and provides a vital role in the motor and insurance industries for car owners in north London. The business currently employs 26 staff (which increases seasonally) some of whom live in the Borough of Islington, and has trained many new employees and school leavers through apprenticeship programmes. Exan is therefore an important contributor, directly and indirectly, to the borough's economy.

We have reviewed the amended proposals on behalf of Exan and set out our comments below. We consider that there are outstanding issues with this scheme which require addressing before it is progressed to Planning Committee.

### **Representations**

We have provided comment based on the representations submitted in April 2015.

### **Alternative Premises and Business Floorspace**

As set out previously, Exan cannot operate without the Island Site currently leased from the City of London. Whilst Exan remains willing to discuss the relocation of the business to an alternative location with both the City of London and the Council, no offer has been made. This is essential to ensure our client's business will not suffer as a result of the proposed development.

Islington's policies afford strong protection to this site and its businesses; it is a designated Employment Growth Area (EGA) where employment uses are protected and strictly controlled. While we welcome the scheme amendments to increase the employment space to 546sqm, addressing our comments on the unjustified loss of employment floorspace in the EGA, it is not clear what the proposed nature of the B1 space now proposed will be and how this will support the wider EGA and its primary economic function. As set out in the Council's policy DM5.1, EGAs require a mix of complementary uses which support the future growth of its primary economic function. Further details on how the generic B1 space will support and/or complement Exan's operations at 392 Camden Road should be requested prior to the application being determined, to ensure the EGA, and its existing businesses, are protected. This should be subject to stringent condition, should planning permission be forthcoming.

### **Planning Statement**

The Planning Statement not been updated to reflect our comments and incorrectly refers to the former Petrol Filling Station (PFS) being used for car storage (B8 use) with 124sqm floorspace on site. As stated in our 2015 representations, cars are stored on the external forecourt as part of the car repair business (i.e. they are rotated on a short term basis as they are queued and repaired) but the building on site comprises 200sqm of floorspace, 140sqm of which is a workshop and 60sqm of which is in office use (ancillary to the operations at 392 Camden Road). The role of each part of this site is vital to the continued operation of the Exan business, as it has been for the last 20 years.

Paragraph 2.11 still incorrectly refers to car parking on the site for approximately 30 cars at any one time. The site, however, can accommodate 48 cars on the forecourt (which is almost always at capacity) and six cars within the workshop; the site therefore has capacity for a total of 54 cars when parked comfortably, with capacity for additional cars during busy periods by implementing a tighter parking layout.

The revised Planning Statement has been updated to account for the existing D1 floorspace of 959.7sqm. We note, however, that the revised proposals re-provide only 791sqm, falling short of the existing provision. While we appreciate there has been an increase in floorspace from the 2015 scheme, it is not clear why the full extent of the existing D1 floorspace has not been re-provided in the new scheme. If this is due to the specific requirements of the IAF, then we would expect a statement to be provided which sets out how the existing space is used and how the proposed space will function, to ensure there is no shortfall in provision or loss to the local community, as required by Policy DM4.12.

### **Design**

We reiterate that the Athenaeum that was previously located on this site was three storeys in height where it fronts the junction and was of a symmetrical angled form that provided a welcoming face with large windows and a clock above. This complemented the listed church to the rear. Whilst the proposed design of the new-build element has been amended to slightly reduce the proportion of solid wall to brick glazing, there is still little interaction with the street and the overall scale, massing, roofscape and materials are unchanged. There remains a somewhat uncomfortable relationship between the new build element of the scheme and the church behind. The church tower and spire is a key landmark which policy DM2.5 protects from any development which would block or detract from important views. We consider that further design work is required to the new-build element to better reveal and complement this landmark.

As set out previously, whilst the environmental challenges of building residential accommodation in this location are acknowledged, we consider that the scheme's detailed design response is disappointing and it would not make a positive contribution to the character and appearance of this important site, in terms of its role in the local townscape and as an important landmark identified in the development plan.

## **Heritage Statement**

The Heritage Statement still incorrectly refers in paragraphs 4.1, 4.11 and 6.4 to the former PFS and its forecourt as being vacant/underused. The site is not vacant but is in full use by Exan, a thriving local business, and is vital to Exan's ongoing operations.

## **Affordable Housing**

As per our previous representations, the residential mix of the affordable units is not compliant with LBI policy DM3.1 and we question whether the applicant has provided evidence that the required mix cannot be achieved. We do, however, welcome the commitment to increase the overall percentage of affordable housing provision and the number of units being made available to the LBI (as opposed to the City of London).

## **Application Form**

The previously submitted application form is referred to as 'redacted' on LBI's database; however a revised version has not been uploaded. Without this we are unable to comment on whether the following inaccuracies have been rectified:

- 1 In section 15, the existing use was described as community use (use class D2) and car storage (use class B8). Whilst Exan use the external areas for car storage, the existing building is in B1(a) use (office) and B2 use (general industrial – car workshop).
- 2 The non-residential floorspace set out under section 19 was incorrect and required amending to remove the 124sqm of B8 floorspace and replace it with 60sqm of B1(a) office use and 140sqm of B2 workshop use.
- 3 Under section 19 the D1 use was incorrectly stated. There is 963sqm of existing D1 use floorspace on site (the IAF), the entirety of which is to be lost due to the proposed change of use and some demolition. Therefore the column for 'gross internal floorspace to be lost by change of use or demolition' should be 963sqm. We note this does not accord with the Planning Statement which refers to 957.7sqm of D1 floorspace.

In addition to the clarifications above the application form requires updating to reflect the amendments to the non-residential floorspace and residential units forming part of the amended scheme.

## **Conclusions**

We consider that there are important issues which remain outstanding and should be addressed before this application is progressed to Planning Committee. We would be grateful if you could share these comments with the applicant.

Please keep us informed of progress and in particular any planned date for the application to be considered by the Planning Committee. Subject to the response to the above issues, our client may wish to address Committee Members. If you have any queries regarding the content of this letter, please contact me or my colleagues, Sophie Hitchins or Zoe Simmonds.

Yours sincerely



### **Iain Rhind**

Senior Director, Head of Heritage

Copy

Cllr Asima Shaikh  
Cllr Richard Watts  
Cllr Rakhia Ismail  
Cllr Paul Smith  
Cllr Diarmaid Ward  
Cllr Robert Khan  
Frixos Charalambous, Nexlynn Holdings Ltd



# **Annex 1: Representation Letter Dated 15 April 2015**

John Kaimakamis  
Development Management Service  
Planning and Development  
London Borough of Islington  
222 Upper Street  
London N1 1YA

14 Regent's Wharf  
All Saints Street  
London N1 9RL

020 7837 4477  
london@nlplanning.com

nlplanning.com

Date 15 April 2015  
Our ref 07072/02/IR/SH/8750783v2  
Your ref P2015/0330/FUL

Dear Mr Kaimakamis

### **Proposed Development at Exan Coachworks and Islington Arts Factory, Parkhurst Road: Application Ref. P2015/0330/FUL**

We refer to the above development proposal and the planning application which was recently submitted to the Council by the City of London (ref. P2015/0330/FUL). We act on behalf of the occupier of 392 Camden Road, Nexlynn Limited, trading as the Exan Coachworks Accident Repair Centre (Exan). Exan are also the leaseholders of the "Island Site" known as the Athenaeum Service Station (forming part of the application site) which they have occupied for the purpose of their business since 1997. The City of London Corporation is their landlord for this Island Site.

### **The Exan Coachworks and its Role in the Local Area**

The Exan Coachworks has been based at 392 Camden Road for over 40 years and the Island Site (part of the land subject of the above planning application) for almost 20 years. The Island Site external forecourt is used by Exan for car storage whilst the building fronting this forecourt is used as an ancillary workshop with office space; this part of the site performs an essential role in the operation of the Exan Coachworks, a busy accident repair centre. We understand that without these facilities in the immediate locality our client's business could not be sustained. Exan therefore has significant concerns in relation to the proposed development. In addition, our client is concerned that the existing use of the site is not reflected in the description of the planning application since, plainly, the application site is in use for more than the Islington Arts Factory (IAF) (D1 use) and 'storage' (B8 use).

Exan is a leading accident repair centre and provides a vital role in the motor and insurance industries for car owners in north London. The business currently employs 26 staff (which does increase seasonally) some of whom live in the Borough of Islington, and has trained many new employees and school leavers through apprenticeship programmes. As a result, Exan makes an important direct and indirect contribution to the local economy. The main Exan site at 392 Camden Road and the site subject to this planning application together form a designated Employment Growth Area (EGA) and development plan policies seek to protect all existing employments uses



in the Borough, with stringent controls in EGAs. Exan also plays a community role by sponsoring local organisations such as the Vox Holloway Choir in neighbouring Hillmarton Road.

On the basis of the above, Nathaniel Lichfield & Partners has reviewed the submitted planning application and we set out below our comments on a number of matters which we trust the Council will review and address appropriately.

### **Leasehold Interest in the Application Site**

The Island Site is occupied under a lease protected under the Landlord and Tenant Act 1954, meaning that Exan has the statutory right to renew its lease. The City of London will oppose such renewal if planning permission is given for the proposed development. Such permission threatens the continuation of Exan's business and the future employment of its employees. This is because Exan cannot operate without the Island Site currently leased from the City of London and no alternative site in close proximity to the main coachworks has been agreed.

### **Alternative Premises**

The City of London is aware through various 'without prejudice' discussions of the threat posed by the present application to the future of the Exan business and the potential loss of employment. To seek to avoid this Exan are open to the offer by the City of London of a lease of suitable alternative premises. No formal offer has been made at the date of this letter. Before the current planning application is determined, a solution needs to be found by the City of London that meets the requirements of Exan as a longstanding tenant and it is critical that the provision of such a site is a pre-commencement condition or obligation of any permission. Any alternative site will need to meet the following important considerations (which are not intended to be exhaustive):

- Economic – an alternative site will need to be affordable and not involve Exan incurring significant additional costs associated with relocation
- Physical – the site will need to be in a convenient location which is readily accessible to both employees and customers
- Environmental – the site will need to be suitable for the intended use without planning restrictions or the potential for other environmental concerns

Whilst Exan considers the current application should be refused (as addressed further below), our client is willing to discuss the relocation of the business to an alternative site with the City of London and the Council. It is essential that our client is given the necessary comfort that their business will not suffer as a result of the proposed development, particularly given the policy protection for this site and businesses such as this. If permission should be granted, stringent conditions should be attached to protect the business and the interests of its employees.

### **Planning Application Errors**

There are a number of errors in the application documents. We have sought to clarify these below.



## Planning Application Form

Under section 15, the 'existing use' is described as "*community use (use class D2) and car storage (use class B8)*". This is incorrect; Exan use the external areas for car storage, but the existing building is part in B1(a) use (office) and part in B2 use (general industrial – car workshop).

The non-residential floorspace set out under section 19 is incorrect and needs amending. In relation to the existing gross floorspace, the 124sqm of B8 should be deleted and replaced with 0sqm. The existing B-use floorspace comprises approximately 60sqm of B1(a) office use and 140sqm of B2 workshop use. With the IAF floorspace (D1 use) this generates a total of 1163sqm of existing floorspace on site, 200sqm of which is in B class employment use. Therefore, with the proposed provision of 52sqm of B1(a) office space, there is a net loss of 8sqm of B1(a) floorspace and a net loss of 140sqm of B2 floorspace (a total net loss of employment floorspace of 148sqm).

We also note that under section 19 of the form, the D1 use has been incorrectly recorded. There is 963sqm of existing D1 use floorspace on site (the IAF), the entirety of which is to be lost due to the proposed change of use and some demolition. Therefore the column for 'gross internal floorspace to be lost by change of use or demolition' should be 963sqm which would, with the proposed provision of 695sqm of D1 space, generate a net loss of 268sqm of D1 floorspace.

In terms of non-residential floorspace, there is therefore a total net loss on site of 416sqm (not a net addition of 411sqm as stated on the application forms).

## Planning Statement

Sections 2.6 and 2.11 of the Planning Statement refer to Exan's part of the site as being used for 'car storage'. 'Table A' states there is 124sqm of car storage (B8) floorspace on site. These references are incorrect. Cars are stored on the external forecourt as part of the car repair business (i.e. they are rotated on a short term basis as they are queued and repaired) but the building on site comprises 200sqm of floorspace, 140sqm of which is a workshop and 60sqm of which is in office use (ancillary to the operations at 392 Camden Road). The role of each part of this site is vital to the continued operation of the Exan business, as it has been for the last 20 years.

Section 2.11 refers to car parking on the site for approximately 30 cars at any one time. However, the site can accommodate 48 cars on the forecourt (which is almost always at capacity) and six cars within the workshop; the site therefore has capacity for a total of 54 cars when parked comfortably, with capacity for additional cars during busy periods by implementing a tighter parking layout.

'Table B' sets out the community floorspace by 'facility', stating this excludes circulation and admin spaces. We note that the existing provides 407sqm and the proposed 440sqm. However, this does not account for the remaining 556sqm of existing D1 floorspace on site. Whilst it may be underused, we understand it has a function and the Planning Statement is misleading by stating there is a quantitative benefit in 'community floorspace'. Some facilities are being expanded (such as the art studios) but others are being significantly reduced in their provision (gallery space and dance studios) and there is no room for their expansion as part of the new facilities. We consider further explanation and justification is required in relation to the substantial loss of community floorspace and some of the existing facilities, in accordance with Policy DM4.12.



Finally we note that the Planning Statement at para. 6.2 states that the provision of 52sqm of office use constitutes 'new B1 employment floorspace on the site' and therefore complies with the requirements of the Council's policies for an EGA. As set out above, there is 200sqm of existing B use class employment floorspace and therefore a net loss proposed; the proposals do not accord with Islington's policies on EGAs. This is addressed further under the Planning Assessment section below.

### **Heritage Statement**

The Heritage Statement, prepared by Maddox Associates, repeatedly refers to the 'former garage forecourt' as being 'vacant', utilised only for 'car storage'. This is incorrect. The site is not vacant but is in full use by Exan, a thriving local business. This part of the site is vital to Exan's ongoing operations and provides offices and a workshop as well as storage for cars.

### **Planning Assessment**

We have reviewed the proposed development in the context of relevant planning policy, alongside the assessment section of the Maddox Associates Planning Statement and the Richard Partington Architects Design & Access Statement. We set out below our comments.

### **Principle of Development and Land Use**

#### Policy Context

The Islington Core Strategy makes clear that growth in employment must be maintained in the Borough (Objective 1). Specific to Nag's Head and Upper Holloway Road (the 'key area' within which the site lies) there is a policy requirement (CS3) to maintain and enhance the provision of employment spaces which will be important in contributing to the diversity of the local economy and to provide opportunities for small and medium business. Overall, it is anticipated that employment in Islington will increase by 35,000 to 45,000 jobs between 2012 and 2027, just over 50% of which will be provided by B-use floorspace. The 'key areas' (excluding Bunhill and Clerkenwell and King's Cross) are expected to account for over 10% of this growth, which is likely to be focused in existing employment locations (such as the application site) and town centres. On this basis, Policy CS13 states that existing business space will be protected against change of use to non-business uses and development which improves the quality and quantity of existing provision will be encouraged; in exceptional circumstances, loss of employment floorspace might be acceptable in line with the Development Management Policies (DMP).

Chapter 5 of the DMP document addresses employment, focusing on offices, workshops, and industrial and warehousing uses, promoting new/intensified floorspace and protecting existing business floorspace. As noted, the application site falls within an EGA (along with the Exan Coachworks site at 392 Camden Road, as shown on the Policies Map extract below (in brown)) and is therefore subject to strict controls under Policy DM5.1 and DM5.2.



Policy DM5.1 states that in EGAs, the intensification, renewal and modernisation of existing business floorspace will be encouraged and proposals for the redevelopment or change of use of existing business floorspace must incorporate i) the maximum amount of business floorspace reasonably possible; and ii) a mix of complementary uses including active frontages where appropriate.

This is further emphasised in Policy DM5.2, which states:

*“Proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable”.*

In addition, in EGAs 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)”.

#### Assessment of Proposed Land Use

On the basis of the above it is clear that the proposed development conflicts with LB Islington’s policies, as well as those of the NPPF (paras. 21 and 22) and the London Plan which seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London (policy 4.1).

EGAs are designated for their economic potential or value. The proposed development subject to this planning application does not make the intensification and renewal of business floorspace a key priority (as policy requires), nor does it demonstrate that the amount of business floorspace has been optimised. There is no evidence, either of market demand or vacancy, which could be used to justify the approach taken by the applicant in accordance with Policy DM5.2.

The scheme would result in the loss of existing business use (the Exan part of the site) including 200sqm of floorspace, which would have a significant impact on the business’s future operation. The proposed development includes only 52sqm of office B1(a) floorspace, a net loss of 148sqm, for the use of the City of London as opposed to Exan. In accordance with DM5.2, loss or reduction is only permitted in exceptional circumstances. The applicant has provided no evidence that there



is a lack of demand for the floorspace, or that it has been vacant for the necessary period. Clearly this cannot be provided to the Council as Exan has occupied this site for the last 20 years and continues to do so. The site is in full operational use and Exan requires its ongoing use to support its business; demand therefore exists.

In respect to part B of Policy DM5.2, we note that the EGA includes the application site along with the Exan site on the south side of Camden Road. As set out in the DMP, the success of EGAs depends on there being a critical mass of economic activities which supports their long-term vitality and viability. Therefore, the proposed loss of employment use and the potential impact this will have on the future of the Exan Coachworks will have a detrimental impact on the EGA's primary economic function; it jeopardises the future of this business and therefore the EGA itself.

Finally we note that the proposed office floorspace (52sqm) will support four City of London jobs (it is not clear in the application documents whether these will be 'new' jobs, or simply jobs transferred from the existing Holloway Estate office). We question whether 26 full time jobs at Exan, including those held by residents of the LB Islington, should be jeopardised for this very limited compensating level of employment.

In summary, the proposed development is unacceptable in principle as it does not meet the policies of the Core Strategy (CS13) and Development Management Policies (DM5.1 and DM5.2) in relation to employment uses and the protection of the EGA.

### **Affordable Housing**

LB Islington's policy (CS12) is that 50% of new housing should be affordable, with a requirement for a mix of unit sizes. In the social rented sector the mix should be 0% 1 bed, 20% 2 bed, 30% 3 bed and 50% 4 bed or more. The proposed development does not comply with policy CS12 or policy DM3.1.

Whilst 69% of the units are to be affordable (social rented) the City of London is offering only 35% of these 20 units (7 units) to the LB Islington; the remaining 14 units will meet the City of London's requirements. As the Council set out at the pre-application stage when 25% of the affordable units were offered to LB Islington, this does not accord with policy and will fail to meet the Borough's pressing need for affordable housing. Of the 29 residential units proposed, only 24% are being offered to LB Islington as affordable housing. There is no justification provided for this approach and there can be no viability argument which requires it, given the units would be offered as social rented housing by the City of London in any case.

In addition, we note that the unit mix offered for the social rented units comprises 10 x 1 beds, eight 2-beds and two 3-beds. This does not meet the required mix as set out under Policy DM3.1. Given the affordable is a new-build element rather than a conversion, there does not appear to be appropriate justification for this significant under-provision of family units.

### **Design Considerations**

The Camden Road New Church Tower and Spire are identified under Policy DM2.5 as a 'landmark'. The Council will protect views of this landmark and "...exercise stringent controls over the height, location and design of any building which blocks or detracts from important or potentially important views". We also note that the site falls within the Hillmarton Conservation



Area and the church building (occupied by the IAF) is identified as an important landmark under the conservation area guidance. This is therefore a sensitive and prominent site and the design approach must be of the highest quality.

The proposal to restore the steeple of the former church is welcomed. However, our client is concerned that the new build element, as proposed, is of an uninspiring design with a lack of articulation which does not respond well to the historic buildings on site. The proposed design contains a very high proportion of solid wall to glazing with a lack of active frontages. The corner section, which contains the café, should be an active street-facing element but little interaction is created given the high proportion of vertical brickwork. On the north and south facades, the brick building faces and lack of activity create harsh and unwelcoming elevations. We also note that the Athenaeum previously located here was three stories in height fronting the junction, of a symmetrical angled form and a flat and welcoming face on to the Y-junction containing large windows with a clock above and with a clearly defined entrance. Its layout, massing and design complemented the church behind. In contrast, the proposed visualisations show an uncomfortable relationship between the new build element and the church tower behind, a key landmark. The scale, massing, roofscape, fenestration and materials of the new build element, should be altered to better reveal and complement the church behind.

While the environmental challenges of building residential accommodation in this location are acknowledged, we consider that the scheme's detailed design response is disappointing and it would not make a positive contribution to the character and appearance of this important site, in terms of its role in the local townscape and as an important landmark identified in the development plan. Accordingly, we consider that the Council should seek a revised approach to the design of the new-build block.

Please keep us informed in terms of progress with this application and in particular any planned date for the application to be considered at the Planning Committee. If you have any questions regarding the content of this letter, please contact me or my colleague Sophie Hitchins.

Yours sincerely

A handwritten signature in black ink that reads 'I. J. Rhind'.

**Iain Rhind**

Senior Director, Head of Heritage

Copy

Cllr Asima Shaikh  
Cllr Richard Watts  
Cllr Rakhia Ismail  
Cllr Paul Smith  
Cllr Diarmaid Ward  
Cllr Robert Khan  
Frixos Charalambous, Nexlynn Holdings Ltd

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 PO Box 333  
 222 Inner Street

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B2</b>
<b>Date:</b>	27 April 2017	<b>NON-EXEMPT</b>

Application number	P2015/0330/FUL
Application type	Full Planning Permission
Ward	Holloway
Listed building	Verger's Cottage
Conservation area	Hillmarton Conservation Area Hillmarton Conservation Area Article 4 Directions
Development Plan Context	<ul style="list-style-type: none"> <li>- Nags Head and Upper Holloway Road Core Strategy Key Area</li> <li>- Camden Road/Parkhurst Road Employment Growth Area</li> <li>- Camden Road New Church Tower and Spire, Camden Road Local Landmark</li> <li>- Major Cycle Route Camden Road and Parkhurst Street</li> </ul>
Licensing Implications	Not Applicable
Site Address	Islington Arts Factory, 2 Parkhurst Road & 2A Parkhurst Road, London N7 0SF.
Proposal	<p>P2015/0330/FUL:</p> <p>Redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use</p>

	Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works.
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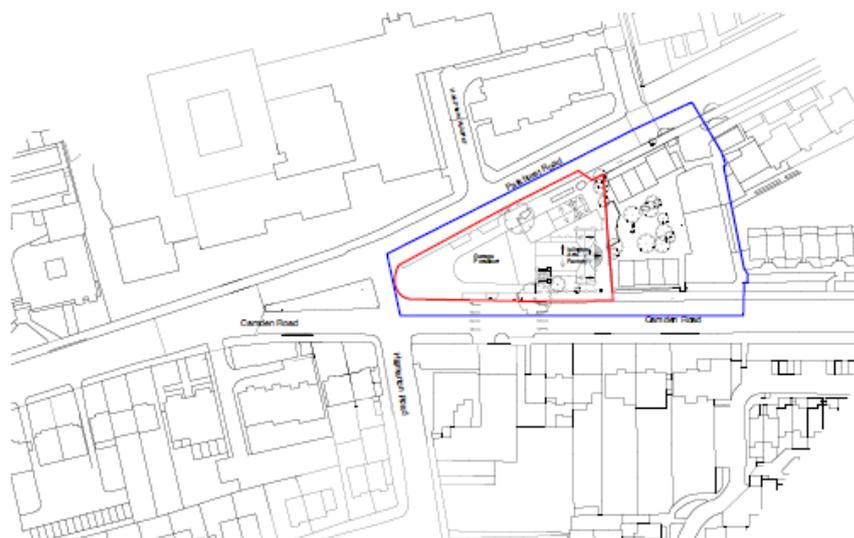
Case Officer	John Kaimakamis
Applicant	City of London
Agent	Grade Planning

**1. RECOMMENDATION**

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

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

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



**3. PHOTOS OF SITE/STREET**



Figure 1 Apex of site at junction of Camden Road and Parkhurst Road



**Figure 2 Camden Road**



**Figure 3 Parkhurst Road**

#### **4. SUMMARY**

- 4.1 The redevelopment of this site to provide a mix of community facilities, office and residential accommodation in this location within a designated employment growth area would be entirely appropriate in this highly accessible location.. Whilst development plan policies and designations seek to maximise business floorspace, the level of space proposed is considered to be the maximum reasonable possible given the constraints of the site and other competing land uses. In addition, the proposal has been accompanied by a financial viability appraisal to demonstrate that no further affordable housing could be provided without compromising the viability of the scheme. Furthermore, the site must also reprovide the existing community facilities on the site.

- 4.2 The proposed buildings respect the heights of buildings in the immediate context and would result in a successful townscape in this location. Further, the high quality design would be sensitive to surrounding heritage assets and complementary to local identity. No part of the proposed development would block, detract from or have an adverse effect on any significant strategic or local protected views.
- 4.3 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure.
- 4.4 Further, the proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of sense of enclosure or privacy.
- 4.5 The proposed development would be serviced off site and, subject to appropriate conditions would have no adverse impacts on the local road network. The refuse/recycling and servicing arrangements are considered to be acceptable. The provision of secure cycle storage would encourage sustainable travel.
- 4.6 In addition to the Mayoral and Islington Community Infrastructure Levy, the application is supported by a comprehensive s106 planning agreement and contributions related to and mitigating impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is acceptable subject to conditions, informatives and the s106 legal agreement

## **5. SITE AND SURROUNDING**

- 5.1 The application site comprises land occupied by the Islington Arts Factory (the "IAF"), together with an area of car parking that is used for the car workshop facility (which is located across Camden Road to the south). The site is 0.2ha in size.
- 5.2 The application site is triangular in shape and extends to meet the junction of Camden Road and Parkhurst Road at its narrowest point to the west. Camden Road forms the southern boundary of the site, and Parkhurst Road forms its northern boundary. The Holloway Estate Community Centre forms the eastern boundary. Both Camden Road and Parkhurst Road are 'red routes' and are therefore managed by Transport for London, both of which are defined as major cycle routes.
- 5.3 The level of the site falls slowly to the east. The application site contains 9 trees, which include one street tree located adjacent to the former Sunday school on Parkhurst Road and one street tree adjacent to the church on Camden Road (both London Plane trees).
- 5.4 There are three buildings on the site, the former Church and Sunday School (and Vergers Cottage) and the former petrol filling station office and its canopy. The former church and Sunday school contain the IAF, which offers:

2 dance studios, artists' studios, music rooms, a café with outdoor seating/garden, a gallery space; and toilets and changing facilities.

- 5.5 The former petrol filling station (PFS) is used in connection with car storage, with approximately 30 cars parked in the forecourt at any one time. There is another site for Exan's Accident Repair Centre, which is located opposite the application site on the southern side of Camden Road.
- 5.6 The site has a PTAL of 6a, indicating its excellent location in relation to public transport. Caledonian Road Underground Station is located approximately 770 metres from the site, providing services on the Piccadilly Line. Seven bus routes are located approximately 100 metres from the site: 17, 29, 91, 253, 254, 259 and 393.
- 5.7 The site is located within the Hillmarton Conservation Area with the former church and Sunday school (together) designated as a local landmark (LL4: Camden Road New Church Tower and Spire, Camden Road). Additionally, the site is located within an Employment Growth Area.

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

- 6.1 The proposals as originally submitted sought planning permission for the redevelopment of the site consisting of:
- demolition of the existing garage structure and verger's cottage
  - refurbishment of the Sunday School building to provide 2 private residential units (2 x 2-bed),
  - refurbishment of the Church building to provide 7 private residential units (3 x 1-bed, 2 x 2-bed and 2 x 3-bed) and
  - construction of a new 5-storey building with basement below to provide 695sqm of community floorspace (Use Class D1), 52 square metres of office floorspace (Use Class B1) and 20 affordable residential units (10 x 1 bed, 8 x 2 bed and 2 x 3 bed).
- 6.2 This resulted in a total of 29 residential units (13 x 1-bed, 12 x 2-bed and 4 x 3-bed), along with associated landscaping, access, parking and public realm works.
- 6.3 The original planning submission also proposed to demolish the 'new' entrance to the Church and a number of external alterations to the existing buildings including new insertions and alterations of existing windows.
- 6.4 Additionally, the proposal sought to reinstate the spire to the tower of the existing Church building.
- 6.5 Conservation/design and planning officers expressed concerns in relation to the proposal with regard to the overall built form, a lack of justification in the plans to demolish the Verger's Cottage, the detailed design of the new building and lack of ground floor frontage and as a result the applicant

amended the application to reduce the volume and massing of the proposed building.

- 6.6 The amendments consisted of reducing the height of the building to the existing ridge height of the existing Church building, an increase in the amount of glazing to both street elevations in order to reduce the amount of solid to void ratio, introduction of active frontages and passive surveillance opportunities at ground floor level, reduction in the overall size of the dormers at roof level and no external insertions or alterations to the existing buildings other than to reinstate original features where repair is required. Finally, the Verger's Cottage was to be retained in full and no demolition was proposed.
- 6.7 Additionally, officers raised concerns with the level of employment floorspace re-provision on the site given the site's designation as an Employment Growth Area and further information with regard to the re-provision of community centre facilities being suitable for the Islington Arts Factory.
- 6.8 The amended proposal provides for 546 square metres (GIA) of employment floorspace and is broken down as follows:
- an Estate office for the City of London located to the ground floor of the new building (56.5 sq m);
  - an office unit to the ground floor of the new building (69 sq m);
  - conversion of the existing Verger's Cottage and Sunday School (414 sq m); and
  - 6.5 square metres of ancillary circulation space.
- 6.9 Therefore, as amended, the application seeks planning permission for redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works.

## **7. RELEVANT HISTORY:**

- 7.1 No planning applications of relevance.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to the occupants of 259 adjoining and nearby properties in April 2015 and consulted for a minimum of 21 days. Site notices and a press advert were also displayed in April 2015 for a minimum of 21 days.
- 8.2 The revised proposals were also subject to a re-consultation period. The same occupants of 259 adjoining and nearby properties along with all those who had submitted representations were consulted for a period of 21 days in January 2017. A site notice and press advert were also displayed in January 2017.
- 8.3 In response to both consultation periods, a total of 6 objections were submitted. One (1) letter of support was also submitted along with a supporting statement from the Islington Arts Factory.
- 8.4 The issues raised can be summarised as follows (officers response is provided in italics):
- Objections to the demolition of the Verger's Cottage and new insertions and alterations to the existing Sunday School and Church buildings;  
*[The revised proposals now maintain the Verger's Cottage and no internal and external alterations are proposed other than to reinstate original features and removal of unsympathetic modern alterations. Additionally, no new insertions or alterations to windows will take place to the existing Sunday School and Church buildings other than to reinstate and repair where necessary.]*
  - Adequate soundproofing not provided;  
*[The proposals have been reviewed by the Council's Pollution officer who has recommended relevant soundproofing conditions should consent be granted].*
  - Proposed new building does not put forward a high quality contextual design for this Conservation Area;  
*[The proposal has been designed in a manner to respect the existing buildings retained on site and also draws upon the historical massing of the former building to occupy the site. The proposed development has been designed in consultation with Design and Conservation officers and also responded to comments made by the Design Review Panel. It is considered that it is respectful of its immediate context and the wider adjoining Conservation Areas in terms of its scale, massing and height, and generally reflects the prevailing streetscene scale and does not dominate the streetscene or public realm].*
  - Concerns relating to the new community facility not being adequate for the purposes of the Islington Arts Factory.

*[The new community facilities have been designed in consultation with the Islington Arts Factory, who have in turn written to the Council stating their support for the proposals].*

- Exan cannot operate without the application site and City of London have not offered alternative premises for the site.
- *[This is a private matter between the current occupant and landlord and not a planning matter]*
  
- Concerns that the site does not maximise the employment floorspace on site given its designation in an Employment Growth Area.  
*[In this instance, the existing employment floorspace on the site (790 square metres) is used as an ancillary car storage facility for the parking of vehicles waiting for repair relating to a business on another site and in itself does not generate any employment on the site per say. The reprovision of 546 square metres of office Use Class B1 employment floorspace would generate different levels of employee density on the site, in addition to providing both modern new facilities within the new building and new office space within the existing historic buildings which would be suitable as workspace for small to medium enterprises. Additionally, there are considered to be sufficient viability reasons and other exceptional circumstances to accept a loss of employment office floorspace from this site].*
  
- Proposed new building maintains an uncomfortable relationship with existing buildings.  
*[The DRP did not express any concerns relating to the massing and scale of the new build, however in consultation with officers amendments have been made to the scale and height of the building to better respect the existing buildings on the site. In addition, further amendments have been made to the detailed design of the building with regard to the solid to void ration, as well as amendments to create active frontages at ground floor level. It is considered that the proposed new building would sit comfortably within the context of the surround historical environment].*
  
- Inappropriate mix of residential accommodation  
*[The proposed mix of residential accommodation has been reviewed by the Council's Housing officer who considers it appropriate for the specific site given its location at a busy junction between Parkhurst and Camden Roads].*

8.5 The Islington Arts Factory have written in support of the proposals stating the following:

*"The Board and staff of Islington Arts Factory would like to offer its support to the above application. Studio Partington Architects have worked with us to create the internal layout of the building which can now accommodate almost all of the existing community activities for which we are responsible. We are*

*encouraged that the City of London has agreed to allow us a discounted rent on the new building and to waive the service charge, although we are of course concerned that it will be difficult for the new facility to generate the increase in our rent from £208 to £25,000pa. While we believe that the new centre will encourage new users, such as the under 4s and over 60s increased traffic will generate increased staffing costs as well as increased income. As a charity Islington Arts Factory was founded and still exists to provide low cost access to the arts, particularly those who might traditionally feel excluded; sadly, our users will not have more money to pay for an improved facility, limiting any potential increase in revenue from greatly improved facilities.”*

### **External Consultees**

- 8.6 **Lead Local Flood Authority** raised no objection subject to the proposed recycling system to be secured by condition. It was recommended that a further condition be imposed to secure a maintenance plan for the management of the sustainable drainage system for the lifetime of the development in accordance with the new national requirements.
- 8.7 **Thames Water** stated that the developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. They have recommended 2 conditions requiring details of impact piling method statement, as impact studies of the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. They have also recommended informatives relating to minimum pressure in the design of the development and a Groundwater Risk Management Permit from Thames Water will also be required for discharging groundwater into a public sewer.
- 8.8 **Transport for London (TfL)** have stated that they have no in principle objections to the grant of consent subject to compliance with London Plan policies and TfL's highway operational requirements. Should permission be granted it is recommended conditions requiring a construction (including demolition and site preparation) management (including logistics) plan, a delivery and servicing plan and to secure sufficient secure and convenient cycle parking for the uses. A Travel Plan and travel demand management plan for each of the uses should also be secured. Finally, a condition is recommended for further details on the on-street parking bays and so that no existing street trees are affected.
- 8.9 **London Buses (TfL)** raised no objection to the proposal.
- 8.10 **Historic England** have stated that the planning application and listed building consent application should be determined in accordance with national and local policy guidance, and on the basis of Islington's specialist conservation advice.
- 8.11 **London Fire & Emergency Planning Authority** are satisfied with the proposals.

## **Internal Consultees**

- 8.12 **Policy Officer** advised that the proposal (as originally submitted) should be revised to provide an employment offer suited to the site's designation as an Employment Growth Area, while the replacement community facilities should be designed in a manner to accommodate the activities of the Islington Arts Factory. These matters along with the level and type of business floorspace will need to be justified by a viability appraisal. The Islington Planning Obligations SPD provides guidance on the type of evidence required to justify a viability argument.
- 8.13 **Access Officer** requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Whilst further information was provided that clarifies these matters, a condition is recommended requesting details to be provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met.
- 8.14 **Design and Conservation Officer** stated they are more comfortable about the proposed massing, height and bulk of the proposal as a result of the revised plans. Their previous concerns with regard to views have been overcome with a significant reduction in the impact on these views. Accepting that the site is situated in a heavily built urban area, they are of the view that the proposed massing, bulk and heights are generally acceptable. Retention of the Verger's Cottage and minimal works to the existing buildings are also seen as appropriate. Conditions are recommended for materials and details so that the quality of the design is not compromised, while the proposed materials have been agreed in consultation with officers.
- 8.15 **Energy Conservation Officer** has recommended a condition to state they will target at least 18% reduction in total CO2 but investigate further options to improve on this given it falls short of the Council's target of 27% and provide evidence that they have maximised all opportunities. Have also recommended s106 obligation requiring the submission of a feasibility study into being supplied with low carbon heat from a local heating network appropriate S106 clauses for a Shared Heat Network (if viable) is made. The on-site CHP proposed is acceptable provided that a shared heat connection is not possible and viable.
- 8.16 **Public Protection Division (Air Quality and Noise Team)** have recommended conditions with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable demolition, ground works and construction proposed in order for the methods and mitigation to be carefully considered. Finally, conditions are recommended with regard to sound insulation, and an air quality assessment is also requested.
- 8.17 **Spatial Planning and Transport (Transport Officer)** has stated that conditions securing appropriate numbers of cycle spaces and shower facilities. Additionally, location and layout of off-site disabled parking bays to be considered in consultation with TfL. Delivery and Servicing Plan and

Construction Management Plan also recommended. Any highways alterations must be agreed via a S278 with LBI Highways.

- 8.18 **Sustainability Officer** has stated that further details are required with regard to sustainable urban drainage systems, green/brown roofs, rainwater harvesting, materials and bird and bat boxes. They support commitment to achieving 'Excellent' BREEAM rating and recommend a condition for this to be secured. A Site Waste Management Plan to be conditioned.

### **Other Consultees**

- 8.19 Islington's Design Review Panel considered the proposed development at application stage on 14 April 2015. The panel's written comments are summarised below and their response in full is attached under Appendix 3:

#### Verger's Cottage Demolition

The Heritage Statement does not acknowledge the demolition of the Verger's cottage which also makes a positive contribution to the conservation area. However it might be that a case could be made that any extra units combined with securing the rebuilding of the church spire (including restoration of the currently bricked up openings) via legal agreement might outweigh the harm arising from the loss of the verger's cottage.

#### Officer's Comments

*Since the submission of the planning application in 2015 the Verger's Cottage has been grade listed by Historic England. In response, the applicant has revised the proposal to maintain the Verger's Cottage in full with the only external alterations relating to the reinstatement of original features.*

#### Height/Massing/Scale

The form/layout is essentially acceptable, however, the scheme would benefit from a reduced height if reductions can be made in floor to ceiling heights.

#### Officer's Comments

*Whilst the same amount of storeys are maintained, the revised proposals have reduced the overall height of the building, which includes reduction at roof level and the internal floor to ceiling heights. As such, the overall height of the new building would match that of the ridge height of the Church building.*

#### Dormers

The dormers appear overly prominent/bulky thus making the building seem top heavy.

#### Officer's Comments

*The revised plans have reduced the bulk of the dormers by setting them further in from the main elevation building line and also reduced the overall size and scale.*

### Solid to Void Ratio on Elevations of the New Building.

The solid to void ratio is considered excessive, with too much brickwork and too few and too narrow windows. The quantity of glazing must be increased as the elevations have an excessive amount of blank brickwork.

### Officer's Comments

*The revised plans have increased the overall size and number of windows on both elevations fronting Parkhurst and Camden Roads which have resulted in a considerable reduction in the solid to void ratio of the proposed new building. This has also resulted in much more glazing and a lesser amount of blank brickwork.*

### Ground Floor Elevations

The ground floor elevations suffer in particular from a lack of openings and insufficient passive surveillance opportunities.

### Officer's Comments

*The revised plans have amended the ground floor frontages to both elevations with the introduction of more glazed areas, the introduction of a café, and replacement of the brick fence with suitable railings to allow for a more active frontage and better passive surveillance opportunities.*

### Apex of New Building

The apex of the building (of which there is an important view from Camden Road) is lacking in interest which could be improved by increased fenestration.

### Officer's Comments

*The revised submission has increased the articulation and fenestration of the apex of the building with the introduction of glazing and articulated brickwork, which has resulted in an appropriate improvement to the detailed design of this aspect of the building.*

### Replacement Windows to Existing Buildings

The new and replacement windows and windows to the historic church building need amending to better reflect the character of the building rather than the domestic contemporary designs which are proposed. The new long strip window proposed to the gable end is not considered to be acceptable.

### Officer's Comments

*The revised proposals do not alter any of the existing window openings of the Church building, Sunday School building or Verger's Cottage. Further, all windows are to remain intact and the only changes will be to repair any windows in a poor state to their original state.*

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

- 9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Hillmarton Conservation Area
  - Hillmarton Conservation Area Article 4 Directions
  - Nags Head and Upper Holloway Road Core Strategy Key Area
  - Camden Road/Parkhurst Road Employment Growth Area
  - Camden Road New Church Tower and Spire, Camden Road Local Landmark
  - Major Cycle Route Camden Road and Parkhurst Street

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

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations (including Archaeology and Listed Building issues)
- Accessibility
- Neighbouring Amenity
- Quality of resulting accommodation
- Dwelling mix
- Affordable Housing and Financial Viability
- Sustainability
- Energy Efficiency and Renewable Energy
- Highways and Transportation
- Contaminated Land
- Planning Obligations, Community Infrastructure Levy and local finance considerations

### Land-use

#### Business Floorspace and Nature of Re-provision

10.2 The site is designated as an Employment Growth Area within the Council's Core Strategy, whilst Development Plan policies seek to protect existing social and strategic infrastructure and cultural facilities.

10.3 The existing employment land on the site consists of:

- Approximately 790sqm car repair facilities (B2), which is split between 140sqm ground floor enclosed workshop area, 60sqm first floor enclosed ancillary office and 590sqm open area used for parking of vehicles waiting for repair and incidental to the use of the land by a car repair business Use Class B2.
- While the previous use of the site was a petrol filling station (*sui generis*), the existing use has been established for a sufficient time period (approximately 20 years) to be considered the current lawful use.

10.4 The Core Strategy is clear that existing business space will be safeguarded and the strategic economic value of the area is further supported through its designation as an Employment Growth Area (EGA), within which the site falls. As set out in part (i) of DM5.1A, within EGAs, proposals for the redevelopment of existing business floorspace are required to incorporate the maximum amount of business floorspace reasonably possible on the site, while complying with other planning policies; within these locations the intensification and renewal of business floorspace is a priority.

- 10.5 The priority afforded to business uses in this location must also be balanced against the need to retain social infrastructure provision on the site (discussed below) and heritage considerations/retention of certain buildings.
- 10.6 The revised proposal provides for 546 square metres (GIA) of employment floorspace and is broken down as follows:
- an Estate office for the City of London located to the ground floor of the new building (56.5 sq m);
  - an office unit to the ground floor of the new building (69 sq m);
  - conversion of the existing Verger's Cottage and Sunday School (414 sq m); and
  - 6.5 square metres of ancillary circulation space.
- 10.7 Therefore, the proposal would represent a loss of 240 square metres of employment floorspace on the site. Islington policies state that losses of office floorspace will only be supported in exceptional cases, where there are site-specific circumstances.
- 10.8 In this instance, the existing employment floorspace on the site (790 square metres) is used as an ancillary car storage facility for the parking of vehicles waiting for repair relating to a business on another site and in itself does not generate any employment on the site per se. The reprovision of 546 square metres of office Use Class B1 employment floorspace would generate different levels of employee density on the site, in addition to providing both modern new facilities within the new building and new office space within the existing historic buildings which would be suitable as workspace for small to medium enterprises.
- 10.9 Furthermore, the submitted Financial Viability Appraisal submitted with the application has been reviewed by the Council's independent valuers BPS Chartered Surveyors, who have stated that they agree with the appraisal's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment floorspace would further compromise the viability of the scheme and this is unlikely to be feasible.
- 10.10 Having regard to the above, as well as giving due regard to the fact that the loss of employment floorspace is a loss of a less dense employment use (B2 as opposed to B1), as well as the need to retain the existing social infrastructure provision on the site, there are considered to be sufficient viability reasons and other exceptional circumstances to accept a loss of employment floorspace from this site.
- 10.11 Core Strategy Policy CS13 and Development Management Policy 5.4 also seek to secure affordable workshop space within a scheme. BPS have reviewed the impacts of providing a dedicated affordable workshop space, secured at peppercorn rent levels for a minimum 10 year period and have

confirmed that this would have a further negative viability impact on the scheme which would result in a reduced affordable housing offer.

- 10.12 The applicant has demonstrated that the office floorspace could be divided into smaller units, which would positively impact on affordability. Given the viability constraints, the non-provision of a peppercorn rent affordable workshop space is considered to be acceptable. The applicant's submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and design, however the submitted floorplans have areas that could accommodate business floorspace divided into units of 90sqm (GIA) or smaller. This would allow for suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided. Therefore, a condition is recommended requiring the submission of floorplans demonstrating how a minimum of 5% of the business floorspace would be subdivided to provide accommodation for such enterprises.
- 10.13 In addition to the above, the applicant has agreed to heads of terms to secure:
- facilitation of work placements during the construction phase of the development, lasting a minimum of 13 weeks; and
  - a financial contribution towards end use employment opportunities for Islington residents.

#### Social Infrastructure/Cultural Facilities and Nature of Reprovision

- 10.14 The proposal involves the relocation of the Islington Arts Factory from the Church/Sunday School/Vergers Cottage buildings (to be redeveloped for private residential use and office floorspace) to a replacement purpose-built unit at basement and ground floor levels of the proposed new affordable residential building. The relevant policy in relation to the provision of a replacement facility for the Islington Arts Factory on the wider site is DM4.12; both parts A and E apply due to the mixture of uses within the Factory, which, based on available information, comprise both social infrastructure and cultural facilities.
- 10.15 In relation to 4.12A, part (i) applies, which does not permit any loss or reduction in social infrastructure unless a replacement facility is provided on site that would, in the council's view, meet the need of the local population for the specific use. The proposed replacement facility for the Arts Factory consists of a foyer (reception and small administration office)/café area and gallery (separated from the foyer by the lift core) at ground floor level; and music/dance/art studio space at basement level.
- 10.16 According to paragraph 4.3 of the Planning Statement, the Arts Factory currently provides 960 square metres of community use on the site and the reprovision of the facility would amount to 792 square metres, which

represents a loss of 148 square metres. Table B at paragraph 4.3 of the Planning Statement sets out a detailed community floorspace breakdown indicating the existing and proposed provision for each of the uses currently accommodated (excluding circulation/administration space) indicating that the level of provision of actual useable space will increase from 407 to 499 square metres, given the existing ancillary space is to be reduced from 552 to 293 square metres.

- 10.17 It is considered that the loss of 148 square metres of community floorspace is partially justified on the basis of a more efficient layout that reduced the extent of existing ancillary spaces that do not allow for the conducting of specific community activities. However, the variation in the floorspace dedicated to each use in the current versus the replacement facility is required to meet the provision of the needs of the specific users of the facility, which in this instance is the Islington Arts Factory.
- 10.18 Given the Arts Factory is a sizeable facility with a broad range of uses, consideration must be given to the standard that would be provided by the replacement unit in order to accommodate all user groups and that would result in an alteration to the range of activities offered by the Arts Factory to the local population.
- 10.19 Additionally, due to the multifunctional nature of the Factory, consideration should be given to the impact of a replacement facility that is smaller and less flexible in terms of layout on particular user groups currently accommodated in the premises which could arguably have very different catchment, e.g. children's dance classes as opposed to for-hire event space/recording studios, and which may not be able to be suitably accommodated in the replacement unit that is currently proposed. This is also relevant in considering the future flexibility of the space (DM4.12C), which could be occupied by any number of D1 users and should be sufficiently flexible to accommodate a range of users unless the permission is specifically for the Arts Factory.
- 10.20 Development Management Policy 4.12A, part (i) applies, which does not permit any loss or reduction in social infrastructure unless a replacement facility is provided on site that would, in the council's view, meet the need of the local population for the specific use. In this instance, based on the bespoke replacement community facilities specifically for the Islington Arts Factory, and their letter confirming their support for the proposals, part (i) of the policy would be met.
- 10.21 Whilst the new community floorspace has been designed with the specific needs of the Islington Arts Factory in mind, permission has been sought for Use Class D1 floorspace. Should the proposal seek the use of the basement in this form as purely Use Class D1, whereby any type of D1 use could occupy this proposed area, then it is not considered that this would be appropriate for certain uses within the D1 category such as a place of worship or child care centre. As such, a condition is recommended whereby the flexible Use Class D1 floorspace shall be prevented from being used as a place of worship or a child care centre.

- 10.22 Finally, development plan policies seek the reprovision of the new community floorspace on the site before the existing facilities can be lost. As such, suitable legal obligations will be included within the section 106 agreement requiring that the new community floorspace is occupied by the Islington Arts Factory prior to the other proposed uses on the site being occupied. Additionally, a legal obligation will be imposed so that the Islington Arts factory are not vacated from their existing facilities until such time that the new community space is available for them to occupy.

#### Proposed Residential Use as part of Mixed Use Development

- 10.23 Subject to any proposed redevelopment addressing the community needs and employment provision on site, as outlined above, the council would not object to part of the redevelopment scheme adopting some residential use on the site subject to an appropriate final proposed character and appearance and scaled development. Important amenity issues concerning air quality and noise pollution are outlined below.
- 10.24 Furthermore, any part of the proposed redevelopment accommodating residential uses would need to comply with the Council's policies on mix of housing sizes. These matters are covered in turn below.

#### Design, Conservation and Heritage Considerations (including Archaeology and Listed Building issues)

- 10.25 The site is located within the Hillmarton Conservation Area and is highly prominent in its location close to the junction of the busy Camden Road and Parkhurst Road. The site currently contains a Gothic church building (along with a new entrance to the church and lecture hall), the former Sunday School and extension, along with the Verger's Cottage. The Verger's Cottage is Grade Listed (II), while the Sunday School and church building are not grade or locally listed. Nevertheless, the Sunday school and church building do require listed building consent for alterations by virtue of being attached to the Verger's Cottage. The site as a whole is contained within a designated heritage asset, being the Hillmarton Conservation Area.
- 10.26 Development Plan policies seek to secure sustainable development that is of high quality and contributes towards local character, legibility, permeability and accessibility of the neighbourhood. Developments should contribute to people's sense of place, safety and security. Development should have regard to the pattern and grain of spaces and streets in orientation, scale, proportion and mass and be human in scale with street level activity.
- 10.27 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better

design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).

- 10.28 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.
- 10.29 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.30 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.
- 10.31 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).
- 10.32 The proposed redevelopment seeks to:
- Refurbish the Grade II listed Verger's Cottage and former Sunday School building for Use Class B1 office floorspace;
  - Convert the Church to provide 7 private residential units; and

- Construct a new 5-storey building on the site to provide for a community centre, office floorspace and 18 social rented affordable units.
- 10.33 Since the revised proposals were submitted, the Verger's Cottage and entrance (part of the former Camden Road New Church complex), have been Grade II listed. As such, Listed Building Consent would be required for any alterations. The building has been listed primarily for its ornate interior and intact plan form in addition to its detailed elevations.
- 10.34 Additionally, the Verger's Cottage makes a significant contribution to the Hillmarton Conservation Area, which is a designated heritage asset.
- 10.35 Paragraph 129 of the NPPF requires "planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".
- 10.36 The submission includes a detailed survey of the Verger's Cottage and the layouts proposed retain the interior walls, mosaics and details. It is proposed to convert the building along with the Sunday School building into business floorspace making use of the existing features and retaining all of the walls and doorways that remain from the original cottage. The proposed external alterations to the Verger's Cottage would reinstate original windows and remove recent inappropriate alterations such as the veranda to the entrance. Details of the existing elements of the buildings and detailed designs of the proposed reinstated elements have been submitted and it is considered that these alterations would not affect the significance of these buildings and are also appropriate to conserve and enhance their significance. These details are to be conditioned should planning permission and listed building consent be granted.
- 10.37 Additionally, the proposed conversion of the Church building into residential units would be limited to internal alterations that are considered acceptable, whilst the external alterations would be limited to replacement of existing windows in need of repair with materials to match the original windows of the Church.
- 10.38 Finally, as required by the NPPF any redevelopment should exploit all possibilities to enhance the conservation area. In this instance the proposal seeks to re-instate the missing top part of the spire to the church, which is considered to be a heritage/public benefit. The reinstatement of the church spire is to be secured by legal agreement, conditions and a construction management plan should planning permission be granted.
- 10.39 The proposed new building as originally submitted included a 5-storey building that was taller than the ridge height of the existing Church building, with a solid to void ratio that was excessive, prominent dormers that were

overly prominent and bulky and a ground floor elevation that had insufficient active frontages for passive surveillance. Additionally, the apex of the new building at the corners of Parkhurst Road and Camden Road lacked articulation.

- 10.40 Planning and Design officers expressed concerns in relation to the above concerns and its general setting amongst adjoining and surrounding designated heritage assets, as well as its prominence from certain protected views. Consequently, there have been amendments to the scheme since its submission, as outlined above in Section 3 of the Report. The most notable amendment to the proposed scheme included a revision so that the overall building height was reduced to no higher than the ridge of the existing Church building. Additionally, the solid to void ratio was significantly reduced, while the mass and bulk of the dormers was significantly reduced, and the apex of the building was redesigned to provide more articulation. Finally, significant alterations were undertaken to the ground floor elevation in order to create a more responsive active frontage at this important intersection.
- 10.41 The assessment below in terms of design is based on the revised drawings.
- 10.42 Given the existing significant buildings on the site (including the grade listed Verger's Cottage), any proposal on the site must consider the impact on the significance of these buildings and the heritage asset as a whole, taking into account proportion, height, massing, bulk, materials, use, relationship with adjacent heritage assets, alignment and general treatment of setting. Specifically, the development should be high quality contextual urban design and respond successfully to the 'iron' shape of the site as the original building on the site, The Athenaeum, formerly did, whilst not obscuring or detracting from views of the church and other buildings, and also being appropriately subordinate to the church and other buildings.
- 10.43 It is considered that the revised design of the new building would fit in with the local vernacular in the Hillmarton Conservation area where large villas and more regular shaped blocks of flats predominate. The proposed balconies are recessed or integrally designed within buildings, whilst the roof level dormers are sufficiently minimized in scale so as not to appear dominant or bulky. It is considered that the proposed new building responds in design terms to create a focal corner building and also respect the importance of building lines in this area of the borough. It is considered that the existing church with improvements regarding the reinstatement of the spire is the natural focal point in this location. As such, the proposed footprint and the proposed building line of the development in conjunction with the proposed height of the development are considered to ensure that the proposed development would not form an over dominant visually harmful feature when seen within its context.
- 10.44 Additionally, the proposed five-storey building no longer includes a two-storey link extension to the Verger's Cottage and as a result provides for a thoroughfare through the site between the new and existing buildings on

the site. In combination with the above revisions, it is considered that the new building would respect the setting of the listed Verger's Cottage and not have a detrimental impact on its significance.

- 10.45 Therefore, it is considered that the overall design, scale, massing, footprint and height of the development of the proposed new building to be appropriate and responds adequately to its context. The proposed building would be in the form of a contemporary design and it is considered that the proposal has been designed in a manner to ensure that it would sit comfortably and harmoniously integrate with the site and within the streetscene and not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings.
- 10.46 As such, the proposed development would be respectful of its immediate context and the wider adjoining Conservation Areas in terms of its scale, massing and height, and generally reflects the prevailing streetscene scale and does not dominate the streetscene or public realm.
- 10.47 The proposed contemporary design would respect the existing significant characteristics of the site in terms of its plot widths and the treatment of the elevations has been developed to assist in breaking the mass with the use of different materials. It is considered that this interpretative design approach using contemporary architecture and innovative design is an important part of the new built form because it adds to the existing diversity and layering of styles through time. It is considered that the contemporary approach employed would not have a detrimental impact on the character and appearance of the neighbouring Conservation Areas.
- 10.48 Due to the sites location between two heavily trafficked roads, the design of the buildings need to take account of potential for traffic noise. The proposed elevations are a reflection of the repetitive nature of the floor plans but the use of varied materials and articulation of the elevations has assisted in bringing a degree of interest to the appearance of the proposed scheme. However, its acceptability and appropriateness relies on the quality of implementation, including the materials used and detailing. Therefore, it is recommended that stringent conditions be imposed to ensure the delivery of an appropriate scheme of high quality design detail is achieved on the site. In particular, it is important to ensure that appropriate materials form part of the design. The predominant materials proposed consist of a gault brick (Petersen D72 or similar), anodised aluminium framing and a zinc roof. Conservation and Design officers consider that the choice of materials are suitable for the proposal as it is a new building and would allow the building to sit comfortably within the surrounding historic buildings without competing with their significance and blending in harmoniously. Additionally, the predominant material of a light gault brick has been chosen given it would darken over time due to the location of the building at a busy intersection whereby air pollution exists. As such, samples of all facing materials along with details of reveals, window panels and frames shall be secured through the imposition of a condition.

- 10.49 **Accessibility**

- 10.50 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances. Such requirements are also required by Islington Core Strategy CS12. Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.51 The provision of level access throughout the building is considered to be fundamental to the fulfilment of this policy. The provision of wheelchair accessible lifts and accessible toilets on all floors would ensure the building offers highly accessible accommodation. Council's Access officers requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Therefore, a condition is recommended requesting details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met.
- 10.52 As it is not possible to provide all the required disabled parking spaces on site as required by policy, a financial contribution towards the provision of a number of a disabled drop-off bays and on-street accessible parking bays (proportionate to the scale and nature of the use) in the vicinity of the site is considered to be acceptable. Where it might not be possible to implement the accessible parking bays on the street (e.g. as a result of opposition to amending the traffic management order), the contribution would be used towards accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.
- 10.53 **Neighbouring Amenity**
- 10.54 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 10.55 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 10.56 **Daylight and Sunlight**
- 10.57 London Plan Policy 7.6 is concerned with ensuring that new buildings do not cause unacceptable harm to the amenities of surrounding sensitive

land uses, particularly residential buildings. At the local level, Policy CS7 of the Core Strategy prohibits new developments from overshadowing existing residential buildings and Development Management Policy DM 2.1 seeks to safeguard the amenity of adjoining residential occupiers.

- 10.58 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 10.59 Due to the location of the new building in the southwest corner of the site there are no adjoining residential properties that would be affected by the proposal. Specifically, all existing buildings surrounding the site would be contained within a line of angle of 45 degrees from the pane of windows at the adjoining property. As such, it is considered that the proposed development relative to the existing residential units would not result in an undue or unacceptable sense of enclosure or loss of privacy.

#### Overlooking

- 10.60 Objections have been received mainly from the surrounding occupiers stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, and number of windows.
- 10.61 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Therefore, with regard to the properties opposite the site along Parkhurst Road and Camden Road it is not considered that there would be an impact on the amenity of these properties. The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London.
- 10.62 With regard to the properties adjoining the site to the northeast, it is considered that overlooking to these properties would not occur given the proposed new building being sited to the southwest corner of the site with the existing church building located in between. The new residential properties converted within the Church building would also not give rise to overlooking as the angled view lines from the existing building would not offer direct views into existing neighbouring windows. It is not considered that any neighbouring properties would experience an unacceptable loss of privacy.

#### Noise Mitigation

- 10.63 This site is heavily affected by traffic noise at this junction. The site would fit into Noise Exposure Category D of the former PPG24 guidance where planning permission should normally be refused. The application was accompanied by a noise assessment that looked at the noise levels of Parkhurst Road and Camden Road with a view to securing a high quality internal noise environment for resulting residential accommodation. Council's Noise Pollution officer has advised that if consented there will need to be a high performance glazing/mechanical ventilation and façade design specified in order to achieve a high quality internal noise environment. Therefore, they have recommended that this should be conditioned.
- 10.64 Additionally, the residential apartments are described as dual aspect but both the Parkhurst Road and Camden Road facades have high noise levels and the flats will need to have windows closed at all times to retain the acoustic performance of the glazing (and mitigate against the poor air quality). Internal noise levels should take into account the noise generated by any ventilation system. The submitted report measures background noise levels and potential limits for new plant at the development. In order to control noise from mechanical plant a condition is recommended to protect future occupiers' amenity as well as nearby neighbours.
- 10.65 With regard to the community use, the Islington Arts Factory is proposed to be retained at ground and basement floor level with residential directly above. The Islington Arts Factory holds a number of classes and activities such as music performances and recording, dance classes etc which generate high levels of noise within the building. This has not been fully addressed within the submitted noise report but there will need to be an assessment of the situation and the separating structure will need to be designed with this in mind. It is recommended a condition be imposed on any permission requesting details of a scheme of sound insulation between the uses.

#### **Quality of Resulting Residential Accommodation**

- 10.66 The London Housing SPG sets requirements for the design of new residential units, including size, layout, circulation, floor to ceiling heights, aspect and private outdoor space requirements etc. Minimum unit sizes are set out in the London Plan Policy 3.5. Further, DM Policy 3.4 sets out Housing Standards for all new developments. The playspace requirements of the London Plan are set out in the SPG and DM Policy 3.6.
- 10.67 Unit Sizes
- 10.68 All of the proposed residential units, regardless of their bedroom numbers would meet the minimum standards set out in the London Plan (policy 3.5) and DM Policy 3.4. The proposed social rented units exceed the minimum floorspace areas as required by the London Plan and the DM Policy 3.4 with some being particularly generous. The proposed units have also been reviewed by the Council's Housing officer, who raised no objection to the proposals.

10.69 Internal Daylighting

10.70 BRE testing Average Daylight Factor (ADF) was undertaken for the proposed new residential units of both tenures. The ADF testing suggests that bedrooms should reach 1.0%, living rooms 1.5% and kitchens 2%. The presence of balconies on the Camden Road elevation further restricts daylight into some rooms. The majority of rooms pass, but some do fail.

10.71 There are no failures within the new building which contains the proposed social rented affordable housing, as they would all meet the minimum ADF requirements. However, there are some failures to windows to the converted Church building which contains the private residential units. This must be considered in the context that the existing Church building is a non-designated heritage asset and any alterations to the existing windows would be detrimental to the historic character of the building and its contribution to the conservation area. Given the few failures for some of the proposed rooms are within the Church building it is considered that these must be balanced against the wider heritage considerations of preserving the character of this building. For these reasons, the daylighting levels of the proposed residential units are on-balance considered to be acceptable.

10.72 Ceiling heights/Aspect

10.73 All units are designed with a 2.85m floor to ceiling height which is greater than the minimum 2.6 metres outlined in DM Policy 3.4. As such, the proposed ceiling heights are considered acceptable. Further, increasing the ceiling heights in this instance would increase the overall height of the proposed building, which would be detrimental to the streetscene.

10.74 The proposed new building has been designed with two entrance cores and as such all proposed new social rented units would be dual aspect. Further, the proposed private units to the existing Church building would also be dual aspect by virtue of the internal design. Further, there are no north-facing single aspect units which ensure compliance with DM Policy 3.4.

10.75 Private Outdoor space

10.76 The London Housing SPG sets requirements for private outdoor space, which are then expanded on by DM Policy 3.5, which requires 30sqm for ground floor family units. For upper level units, a minimum of 5sqm of external space for 1-2 person units, and an additional 1sqm per additional occupant is sought. Level thresholds must be provided to all private external spaces and balconies must have a minimum width of 1.5m. Ground floor units must have a 1.5m wide defensible space. The proposed new social rented residential units all secure a private balcony space or winter garden. Given the constraints of the site with regard to the existing historic buildings and the angled nature of the site towards the junction of Camden and Parkhurst Roads, the provision of communal open space is limited within the proposal and it is considered acceptable in this instance.

10.77 Play space

10.78 The provision of 10sqm of play space is required per child for major development proposals. The proposal does not include any proposed play space given the constraints of the site highlighted above, therefore a playspace contribution would be required. This is encapsulated by the Islington CIL and as such part of the CIL contribution would be directed towards the provision of play space facilities within the local area.

10.79 **Dwelling Mix**

10.80 The proposed mix of accommodation is as follows:

- 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), and
- 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed).

10.81 The proposed mix of accommodation is not consistent with DM Policy 3.1 as larger family units are sought by the policy. Whilst DM Policy 3.1 seeks a good mix of housing sizes, leading on from Policy CS12 of the Core Strategy, it is accepted that the Parkhurst and Camden Road frontages are a challenging location in terms of its noise and air quality and therefore not a desirable location for a significant amount of large family housing.

10.82 Furthermore, the above housing mix has been reviewed by the Council's Housing officer, who has raised no concerns with regard to the dwelling mix on this particular site. The Council's Housing officer has also stated that the above residential units have been considered as part of a wider assessment of City of London sites within Islington and contribute to an appropriate amount and mix of affordable housing.

**Affordable Housing and Financial Viability**

10.83 The applicant's financial viability consultant has submitted an updated financial viability appraisal with the application. The Local Planning Authority appointed BPS Chartered Surveyors to undertake an independent review of the submitted financial viability report and was asked to consider and comment on the schemes ability to viably provide:

- a greater amount of office floorspace (to better accord with the site's designation within an Employment Growth Area; and
- consider if the affordable housing offer (71% by habitable rooms and 72% by unit numbers) is indeed the maximum reasonable amount that the site can afford to deliver (applying the borough strategic target of achieving at least 50% affordable housing on the relevant sites (reflecting 'policy compliant scheme').

10.84 The BPS report is appended to the end of this report at Appendix 3.

*Affordable Housing Offer*

- 10.85 Following revisions to the scheme to address other land use and heritage considerations, the number of affordable units fell from 20 to 18 and private residential units fell from 9 to 7. In percentage terms this increased the amount of affordable housing provision from 69% to 72% in unit numbers and from 55% to 71% in habitable rooms terms.
- 10.86 This equates to a total of 18 residential units (out of the total 25 proposed), and all 18 affordable units are proposed to be social rented housing. Nominations on these 18 units have been split 50% for Islington Council and 50% for the City of London, which has been agreed with Islington's Housing officer as part of a wider programme of affordable housing from City of London sites within Islington Council.
- 10.87 In assessing the BNP financial viability appraisal, BPS stated that following their review of the cost and value inputs, they have reached the conclusion that the current level of affordable housing represents the maximum that the scheme can reasonably provide. A further consideration is that the conversion buildings are considered by BNP to be unsuitable for affordable housing given that they provide accommodation over multiple levels. Therefore it is argued that no further affordable housing could be provided by the scheme even if it were viable to do so.

### **Sustainability**

- 10.88 London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.89 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 10.90 The BREEAM pre-assessments submitted demonstrate that the non-residential elements of the development would be capable of achieving a BREEAM 'Excellent' rating, which is supported and in accordance with planning policies requiring all development to meet the highest standards of design and construction. It is recommended that the requirement to achieve a minimum BREEAM 'Excellent' rating is required by condition.
- 10.91 The sustainability Strategy recommends rain water harvesting utilising the basement area to collect and redistribute water (that would account for 50% water usage for toilet flushing). This is strongly recommended and a clear commitment, with the location of plant shown on the plans should be provided at planning stage to secure the required space. Further details are

to be secured via planning condition. On review of the Design and Access Statement section on landscape, there are a number of opportunities on the site to integrate SuDS measures into the design, such as raised planters acting as bioretention planters, SuDS tree pits and permeable paving in order to reduce water use and more efficient use of water re-use. These aspects are to be sought and secured via the imposition of a condition.

- 10.92 London Plan policy 5.3 and Core Strategy Policy CS10 require developments to embody the principles of sustainable design and construction. As part of this proposal consideration has been given to the use of sustainably sourced, low impact and recycled materials. The commitment to target a high number of materials BREEAM credits is supported and policy compliant. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided. These details are to be sought via condition seeking a Site Waste Management Plan (SWMP) setting out how these targets will be achieved. The above SWMP should include a brief assessment of the feasibility of reusing or recycling demolition waste on and/or off site.
- 10.93 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. No green roofs have been put forward as part of the proposal. In summary, the scheme requires to maximise the roof areas across the scheme for biodiversity enhancement including underneath any array of photovoltaics and no justification has been put forward as to why the limited brown roof areas have maximised all opportunities. Furthermore, the roof should also be biodiversity based green roof with a varied substrate depth of 80-150mm and no justification has been submitted why green roofs have not been incorporated. A condition shall be imposed for details of the proposed green/brown roofs along with further details demonstrating that green/brown roofs have been maximised across the site. Further, the provision of bird and bat boxes across the site will be sought via condition.
- 10.94 Planning proposals are required to prioritise sustainable drainage solutions before relying on hard engineered solutions such as that which is proposed. Green/brown roofs are one SUDS option amongst others that should be fully explored as part of any justification for not being able to meet DM Policy 6.6 or London Plan Policy 5.13. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given the extent of roof area proposed, there are areas to provide further opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A revised drainage strategy will be sought via condition in order for the quantity and quality standards of DM Policy 6.6 to be met.
- 10.95 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation.

## **Energy Efficiency and Renewable Energy**

- 10.96 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 10.97 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building regulations 2013.
- 10.98 The applicant proposes a reduction in overall emissions of 14.0%, compared to a 2013 baseline. This falls short of the target of 27% reduction vs. 2013 building regulations. The entire development's emissions should be modelled against a baseline derived from Part L1A (for the residential element). The application baseline omits the refurbished/listed element from the calculation. The baseline, and all stages of emissions calculation for the energy hierarchy, should be amended to take account of this - i.e. emissions for the entire development. The baseline should be calculated using a Part L1A/L2A compliant building.
- 10.99 Additionally, it is recommended that further improvements to the efficiency/'lean' parameters – particularly as reductions will need to be modelled against a more stringent baseline (as referred to above), making the 27% target more difficult to achieve.
- 10.100 The total reduction in CO2 emissions is 18%, which is short of the council's target for 14%. Therefore, a condition is to be included to state that a target of at least 18% reduction in total CO2 will be achieved but further investigation into options to improve on this to be exhausted with evidence and justification that all opportunities have been maximised.
- 10.101 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.102 In this instance, a contribution of £71,079 is secured towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).

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

BE LEAN

*Energy efficiency standards*

10.104 Council policy DM 7.1 (A) states “Development proposals are required to integrate best practice sustainable design standards (as set out in the *Environmental Design SPD*), during design, construction and operation of the development.” The energy strategy proposes a number of energy efficiency measures for the new build and it is considered that the approach taken for lighting and appliances is appropriate.

BE CLEAN

*District Heating Connection*

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

*Combined Heat and Power*

10.106 The proposal includes an onsite CHP to serve the base space heating and domestic water demand of the new building. Council energy officers have reviewed the documentation and recommended a condition is regarding provision of further details of plant rooms, heating systems and CHP specifications. These include plant room drawings showing a designated area for a heat exchanger, a heating system schematic including connection points, and drawings showing a designated and protected route for pipework, from the plant room to the edge of the site.

*Shared Energy Network*

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

10.108 Should following the above investigations, the development is proposed to supply low carbon heat to neighbouring sites, this is one method for off-setting the developments carbon emissions (and thereby reduce the liability for carbon offset levy). However, for this to be imposed, as discussed

above for any reduction in the carbon figure, a section 73 application would be required at a later date to vary the secured energy strategy condition targets along with a Deed of Variation to the legal agreement. A retrospective reduction cannot be accommodated within the legal agreement at this stage without the need for the above planning application to vary the condition and accompanying Deed of Variation.

#### *Shared Futureproof District Heating Connection*

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

#### BE GREEN

- 10.110 *Renewable energy technologies*
- 10.111 The Energy Report includes the installation of a 5.58kWp solar PV system, saving around 2.5tCO<sub>2</sub> per year. This is supported but as the development currently falls short of its emissions targets, it is recommended the applicant investigates further increasing the size of the system. Aside from energy and CO<sub>2</sub> savings, this may potentially offer financial benefits to the applicant via feed-in tariff payments etc.
- 10.112 In addition to the above energy hierarchy, London Plan Policy 5.9 and Islington Core Strategy Policy 10 require proposals to reduce potential for overheating to occur and reduce reliance on air conditioning. Local planning policy and guidance states:
- “The need for cooling should be designed out as far as possible through use of passive design and passive ventilation”. “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control.”*
- 10.113 Thermal modelling and overheating analysis for the development has been carried out. This shows little risk of overheating in the dwellings, but a greater risk in the non-residential elements. This is more prominent under the 2050s DSY modelling.
- 10.114 It is considered that the approach to the cooling hierarchy which has been outlined is appropriate and note Section 4.1 of the submitted document states that “there is no intention to utilise any form of mechanical cooling within the proposed development”.
- 10.115 In summary, it is considered that the preferred option of connecting to a shared network (subject to feasibility) is considered appropriate, and should this prove unfeasible then the option of a Gas CHP with additional energy measures to achieve a Council target of 27% under a revised energy

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

- 10.116 In summary it is considered that should connecting to a shared network (subject to feasibility) prove unfeasible then the option of a CHP with additional energy measures to achieve a Council target of 28% under a revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

### **Highways and Transportation**

- 10.117 The site is located at the junction of three one-way streets: Parkhurst Road, Camden Road and Hillmarton Road. The site is currently used for the purposes of car storage/offices for Exan's Accident Repair Centre. There is another site for Exan's Accident Repair Centre, which is located opposite the application site on the southern side of Camden Road. To the north of the site the Islington Arts Factory resides within the former church, Vergers Cottage and the Sunday school.
- 10.118 The Parkhurst Road side of the application site has a red route bay and stopping to park, load/unload or to board and alight from a vehicle within restricted times (except for a Blue Badge holder) is prohibited in this location. Camden Road is also a red route and there is currently no parking provision along the Camden Road side of the application site. There are currently two informal on-site parking spaces, accessed via a cross over into a small driveway area in front of Vergers Cottage, Sunday school.
- 10.119 As Parkhurst Road and Camden Road form part of the TLRN, Transport for London (TfL) are the highway authority for these roads.
- 10.120 The site has a PTAL of 6a, indicating its excellent location in relation to public transport. Caledonian Road Underground Station is located approximately 770 metres from the site, providing services on the Piccadilly Line. Seven bus routes are located approximately 100 metres from the site: 17, 29, 91, 253, 254, 259 and 393.

### *Cycle access and parking*

- 10.121 Development Management Policy DM 8.4 (Walking and Cycling) Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step free and accessible parking. Appendix 6 of the Development Management Policies sets out the relevant cycle parking rates for the various land uses.

- Office use

For B1 land use, Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of 1 space per 80 square meters. 7 spaces would need to be provided for B1 land use. The applicant has proposed to provide 10 cycle spaces for the office space.

- Residential use

For C3 land use, Appendix 6 of the Development Management Policies requires one cycle parking space per bedroom; the applicant has proposed 25 residential units devised of 9x1bedrooms, 13x2bedrooms and 3x3bedrooms, therefore 44 spaces would need to be provided. The proposed provision of 40 spaces should be increased by an additional 4 spaces to meet this requirement. This is to be secured via the imposition of a condition.

- Community use

For community use, Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of 1 space per 3 members of staff. Further information should be provided to demonstrate that the proposed number of spaces meets this requirement. This is to be secured via the imposition of a condition

- Visitor cycle parking

The applicant has proposed to provide 6 on-street visitor cycle spaces. This is welcomed and to be secured as a legal obligation so that the Council can secure funds to implement this. Development Management Policy DM8.4 (Walking and cycling). Part E requires publicly accessible uses (including A1, A2, A3, D1 and D2) to contribute financially to cycle parking in the public realm.

- 10.122 Development Management Policy DM8.4 (Walking and cycling), Part E requires publicly accessible uses (including A1, A2, A3, D1 and D2) to contribute financially to cycle parking in the public realm. This contribution is captured by Islington's CIL (Community Infrastructure Levy).

Servicing, deliveries and refuse collection

- 10.123 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part B, requires the submission of details demonstrating that on-site provision is not practical, and should show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The applicant has demonstrated in the Revised Planning Statement that on-site servicing would not be practical, given the site's constraints.

- 10.124 Storage is appropriately located within the development for all uses. However, no details have been submitted with regard to whether an adequate number of bins and type of bins have been provided for the extent of floorspace being proposed. Furthermore, refuse and recycling arrangements are not clear and these details along with the number and type of bins are to be secured by condition.

Vehicle parking

- 10.125 The proposal is car-free, in line with Policy CS10 (Sustainable design), Part H of the Core Strategy and Policy DM 8.5 (Vehicle Parking), Part A. The rights of residents of the new units to apply for CPZ permits will be removed via legal obligation in line with Core Strategy car-free policy CS10 (Part H).
- 10.126 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). Due to the site's constraints, no disabled car spaces can be provided on site. As such, a financial contribution towards bays or other accessible transport initiatives is to be secured via legal agreement.
- 10.127 The applicant has proposed two disabled bay parking locations along Parkhurst Road, which is managed by TfL as the highway authority. The details of these car spaces are to be conditioned and considered in consultation with TfL.

#### Highways

- 10.128 The requirements for removing redundant crossovers and reinstating the footways shall be secured under the s106 legal agreement.

#### Construction and Logistics Plan

- 10.129 Any impacts arising from the construction of the building in highway and transport terms would be controlled by the submission of a Construction and Logistics Plan. This has also been recommended by TfL, who have stated that such a plan should also address buses and ensure their operation is not adversely affected during construction.
- 10.130 In addition to the above conditions and section 106 obligations the following has also been secured as part of the planning application
- The provision of accessible parking bays or a contribution towards bays or other accessible transport initiatives given 28 accessible parking bays cannot be provided on site or on street.
  - Car-free development – the rights of residents to apply for CPZ permits should be removed.
  - Submission of a final Travel Plan
  - The repair and re-instatement of the footways and highways adjoining the development. Cost to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- 10.131 The officer recommendation of approval is also subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.

## **Contaminated Land and Air Quality**

- 10.132 The Council's Pollution Project Team have reviewed the application proposals and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. The site is currently used as a further repairs garage and there are five underground storage tanks listed on the Contaminated Land database and it is unknown in what condition they are in. With the introduction of residential receptors on the site, it is advised that a contaminated land investigation is essential and should be conditioned in three stages: a land contamination investigation, a programme of any necessary remedial land contamination remediation works arising from the land contamination investigation, and finally, following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out. As such, they have recommended the Council's standard land contamination condition be applied should planning permission be granted.
- 10.133 With regard to air quality, the whole borough is designated as an Air Quality Management Area (AQMA). Development Management Policy DM 6.1 deals with air quality and all major applications should consider air quality impacts caused by both the operational characteristics of the development and traffic generation. Council's Pollution Project Team have reviewed the submitted information and advised that the site is affected by poor air quality. All floors of the site are predicted to exceed the NO<sub>2</sub> objectives. The submitted report has advised potential mitigation but further details will need to be provided on the ventilation, where air is drawn from, any NO<sub>2</sub> abatement technology (and maintenance). Therefore, it is recommended that a condition relating to noise and air quality be imposed should planning permission be granted.

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

### **Planning Obligations**

- 10.134 The officer recommendation of approval is also subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.
- 10.135 It is considered that these contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals and would comply with the Community Infrastructure Levy Regulations.
- 10.136 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate

the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

- 10.137 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.
- 10.138 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.
- 10.139 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 10.140 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 10.141 CIL
- 10.142 Additionally, the Mayor's Community Infrastructure Levy CIL (currently £50 per square metres) is applicable to the application. An appropriately worded informative is recommended to draw the agent's attention to the CIL liability. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application in the case of it being granted planning permission. In the event that the application is approved, CIL would be payable to the London Borough of Islington after the planning consent has been implemented and

will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).

- 10.143 The CIL contributions are calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 11.2 The redevelopment of this site to provide a mix of community facilities, office and residential accommodation in this location within a designated employment growth area would be entirely appropriate in this highly accessible location. Whilst development plan policies and designations seek to maximise business floorspace, the level of space proposed is considered to be the maximum reasonable possible given the constraints of the site and other competing land uses. In addition, the proposal has been accompanied by a financial viability appraisal to demonstrate that no further affordable housing could be provided without compromising the viability of the scheme.. Furthermore, the site must also reprovide the existing community facilities on the site.
- 11.3 The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of listed buildings or the character or appearance of surrounding conservation areas.
- 11.4 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure.
- 11.5 Further, the proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of sense of enclosure or privacy.
- 11.6 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

### **Conclusion**

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

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That 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. Provision of affordable housing – 71% (by habitable room) 72% (by unit numbers) – 100% social rented. A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. New community floorspace is occupied by the Islington Arts Factory prior to the other proposed uses on the site being occupied and the loss of the existing community facilities not to take place until such that the new community space is available for occupation.
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Re-instatement of the church spire.
5. Removal of eligibility for residents' on-street parking permits for future residents.
6. Compliance with the Code of Employment and Training.
7. Facilitation, during the construction phase of the development, of work placements: Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Developer/contractor to pay wages (must meet London Living Wage).
8. Compliance with the Code of Construction Practice, including a monitoring fee 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.
9. The provision of an additional number of accessible parking bays or a contribution towards bays or other accessible transport initiatives.
10. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for

Islington (currently £920). Total amount: to be confirmed by Energy Team (£71,079 tCO2 X £920) – based on information submitted in Energy Strategy.

11. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
12. Submission of a Green Performance Plan.
13. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
14. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
15. Payment towards employment and training for local residents of a commuted sum.
16. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

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

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

## **RECOMMENDATION B**

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

**List of Conditions:**

1	<p><b>Commencement</b></p>
	<p>CONDITION: The development hereby permitted shall begin no later than the of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list</b></p>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>DrawingNos.:2273_PL_001A;2273_PL_010B;2273_PL_011B;2273_PL_012B;2273_PL_015C;2273_PL_020B;273_PL_021B;2273_PL_022B;2273_PL_023B;2273_PL_030;2273_PL_040B;2273_PL_041B;2273_PL_045C;2273_PL_046B;2273_PL_047B;2273_PL_050F;2273_PL_060;F;2273_PL_100G;2273_PL_101J;2273_PL_102E;2273_PL_103E;2273_PL_104F;2273_PL_105F;2273_PL_106C;2273_PL_119C;2273_PL_120D;2273_PL_121C;2273_PL_122C;2273_PL_130C;2273_PL_131A;2273_PL_132B;2273_PL_133A;2273_PL_134B;2273_PL_135A;2273_PL_400G;2273_PL_401G;2273_PL_402E;2273_PL_403F;2273_PL_410D;2273_PL_420D;2273_PL_421D;2273_PL_500D;2273_PL_501D;2273_PL_510D;2273_PL_520E;2273_PL_521D;2273_PL_522D;2273_PL_650D;2273_PL_651B;2273_PL_652B;2273_PL_653B;2273_PL_700;2273_PL_710B;2273_PL_711A;2273_PL_750A;2273_PL_950;2273_PL_951;2273_PL_952_A;2273_PL_953_A;2273_PL_954</p> <p>Acoustic Assessment (prepared by Bickerdike Allen Partners, December 2014)</p> <p>Air Quality Assessment (prepared by REC, December 2014)</p> <p>Construction Method Statement (prepared by HA Goddard and Sons, January 2015)</p> <p>Contaminated Land Assessment (prepared by REC, January 2015)</p> <p>Internal Daylight Report (REVISED) (prepared by EB7, December 2016)</p> <p>Design and Access Statement (REVISED) (prepared by Studio Partington, December 2016)</p> <p>Draft Heads of Terms (prepared by Maddox Associates, March 2015)</p> <p>Existing Window Survey – Church (prepared by Studio Partington, November 2016)</p> <p>Existing Window Survey – Sunday School and Verger’s Cottage (prepared by Studio Partington, November 2016)</p> <p>Economic Viability Assessment (prepared by Aspinal Verdi, March 2017)</p> <p>Flood Risk Assessment (prepared by RAB, January 2015)</p> <p>Foul Sewage and Utilities Assessment Report (prepared by Pitman Associates, January 2015)</p> <p>Health Impact Assessment Screening (prepared by Maddox Associates,</p>

	<p>January 2015)  Heritage Statement (REVISED) (prepared by the Heritage Advisory, December 2016)  Historic Environment Assessment (prepared by MOLA, October 2014)  Open Space Assessment (prepared by Maddox Associates, January 2015)  Planning Statement (prepared by Grade Planning, December 2016)  Sustainable Design and Construction Statement (REVISED) (prepared by EB7, November 2016)  Servicing and Delivery Management Plan (prepared by TTP, January 2015)  Statement of Community Involvement (prepared by Maddox Associates, January 2015)  Transport Statement (prepared by TTP, January 2015)  Tree Survey (prepared by Treeline, January 2015)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials – Further Details Required</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site.</p> <p>The details and samples shall include:</p> <ul style="list-style-type: none"> <li>• Brick, anodised aluminium and zinc roof including manufacturer’s details;</li> <li>• window treatment of all buildings (including sections and reveals);</li> <li>• balustrading treatment (including sections);</li> <li>• detailed drawings showing the principal entrance and service entrances</li> <li>• glass samples any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Inclusive Design</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington’s Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
<b>5</b>	<b>Micro and small enterprises (Details)</b>
	<p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for occupation by micro and small enterprises.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<b>6</b>	<b>Use Class D1 – Restrictions on Use</b>
	<p>CONDITION: The D1 (non-residential institutions) floorspace shall be strictly limited to uses within Use Class D1(a - g). No planning permission is hereby granted for purposes within Use Class D1(h) – place of worship – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of an unfettered place of worship in this location may have impacts, which should be subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 and would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.</p>
<b>7</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
<b>8</b>	<b>Sound Insulation (High Background Noise)</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour  Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The site has been shown to fall within Noise Exposure Category (NEC) D.</p>
<b>9</b>	<b>Sound Insulation Between Different Uses (Details)</b>
	<p>CONNDITION: Full particulars and details of a scheme for sound insulation between the proposed community use (D1) and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance from non-residential uses.</p>
<b>10</b>	<b>Construction Environmental Management Plan</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

<b>11</b>	<b>Air Quality Assessment</b>
	<p>CONDITION: Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on the residential amenity of the proposed residential units.</p>
<b>12</b>	<b>BREEAM</b>
	<p>CONDITION: The development shall achieve a BREEAM Office (2015) rating of no less than 'Excellent' in accordance with the BREEAM pre-assessment submitted.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development in accordance with Development Management Policy DM7.4.</p>
<b>13</b>	<b>Rainwater Recycling</b>
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>14</b>	<b>Green Procurement Plan (Site Waste Management Plan)</b>
	<p>CONNDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p>

	REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.
<b>15</b>	<b>Sustainable Urban Drainage System (SUDS)</b>
	<p>CONDITION: No development shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <p style="padding-left: 40px;">provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</p> <p style="padding-left: 40px;">include a timetable for its implementation; and</p> <p style="padding-left: 40px;">provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.</p> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>16</b>	<b>Bird Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to</p>

	<p>which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>Green/Brown Biodiversity Roofs</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <p style="padding-left: 40px;">biodiversity based with extensive substrate base (depth 80-150mm); laid out in accordance with plans hereby approved; and planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>18</b>	<b>Renewable Energy</b>
	<p>CONDITION: A revised Energy Strategy, which shall provide the energy measures contained within the submitted (updated) Energy Strategy for no less than a 14% on-site total CO<sub>2</sub> reduction in comparison with total emissions from a building which complies with Building Regulations 2013, and investigating additional energy efficiency measures to reduce regulated and unregulated carbon emissions each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO<sub>2</sub> emission reduction targets are met.</p>

<b>19</b>	<b>Cycle Parking Provision</b>
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than the amount of cycle spaces required for all proposed uses in accordance with London Plan (2015) standards.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
<b>20</b>	<b>Cycle Facilities</b>
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
<b>21</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);  a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

<b>22</b>	<b>Delivery and Servicing Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>23</b>	<b>Construction Logistics Plan (CLP)</b>
	<p>CONDITION: No development shall take place unless and until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The approved CLP shall be adhered to throughout the construction period. The CLP shall provide details of:</p> <p>the parking of vehicles of site operatives and visitors  loading and unloading of plant and materials  storage of plant and materials used in constructing the development  the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate  wheel washing facilities  measures to control the emission of dust and dirt during construction  a scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>The report shall assess the impacts during the construction phases of the development on the Transport for London controlled Farringdon Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic on Farringdon Road, local residential amenity and mitigate the impacts of the development.</p>
<b>24</b>	<b>Plumbing or Pipes</b>
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.</p>

	REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.
<b>25</b>	<b>Roof-Top Plant &amp; Lift Overrun</b>
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p style="padding-left: 40px;">roof-top plant; ancillary enclosures/structure; lift overrun; and photovoltaics</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>26</b>	<b>Obscuring of Ground Floor Frontage</b>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>27</b>	<b>Land Contamination</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p>

	<p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To protect occupiers and the environment from contaminated risk.</p>
<b>28</b>	<b>Landscaping</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>an updated Access Statement detailing routes through the landscape and the facilities it provides;</p> <p>a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>proposed trees: their location, species and size;</p> <p>soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details</p>

	<p>so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>29</b>	<b>Protection - TfL</b>
	<p>CONDITION: No development shall be commenced unless and until details of the retention and adequate protection of all trees and tree root systems within, bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority (in consultation with TfL).</p> <p>The details shall include a site plan identifying all trees to be retained and removed including the location of Root Protection Area (RPA) and Construction Exclusion Zone (CEZ) and the erection of protective hoarding. Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Protection/retention shall be in accordance with BS 5837, 2005 'Trees in Relation to Construction'. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection.</p> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>30</b>	<b>Thames Water</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	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.
<b>2</b>	<b>Superstructure</b>
	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.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a> . The Council will then issue a Liability Notice setting out the amount of CIL that is payable.  Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a>  <b>Pre-Commencement Conditions:</b> These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
<b>4</b>	<b>Thames Water</b>
	WATER COMMENTS There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
<b>5</b>	<b>Thames Water</b>
	WASTE COMMENTS A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a

	<p>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 <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater .co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>.</p>
<b>6</b>	<b>Roller Shutters</b>
	<p><b>ROLLER SHUTTERS</b>  The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>



## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

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

### **2. Development Plan**

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

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

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

### **2 London's places**

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

### **7 London's living places and spaces**

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

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

Policy 4.1 Developing London's economy  
Policy 4.2 Offices  
Policy 4.3 Mixed use development and offices  
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision  
Policy 4.10 New and emerging economic sectors  
Policy 4.11 Encouraging a connected economy  
Policy 4.12 Improving opportunities for all

#### **5 London's response to climate change**

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals

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

#### **Spatial Strategy**

Policy CS3 (Nag's Head and Upper Holloway Road)

#### **Strategic Policies**

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

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

#### **Design and Heritage**

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

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.7 Location and design of tall and large buildings  
Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-Led regeneration  
Policy 7.13 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  
Policy 8.4 Monitoring and review for London

Policy CS13 (Employment Spaces)  
Policy CS14 (Retail and Services)  
Policy CS15 (Open Space and Green Infrastructure)  
Policy CS16 (Play Space)

#### **Infrastructure and Implementation**

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

**DM6.5** Landscaping, trees and biodiversity

**DM2.5 Landmarks**

**Housing**

- DM3.1** Mix of housing sizes
- DM3.4** Housing standards
- DM3.5** Private outdoor space
- DM3.6** Play space
- DM3.7** Noise and vibration (residential uses)

**Employment**

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

**Health and open space**

- DM6.1** Healthy development
- DM6.2** New and improved public open space
- DM6.4** Sport and Recreation

**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

**4. Designations**

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

- Hillmarton Conservation Area
- Hillmarton Conservation Area Article 4 Directions
- Nags Head and Upper Holloway Road Core Strategy Key Area
- Camden Road/Parkhurst Road Employment Growth Area
- Camden Road New Church Tower and Spire, Camden Road Local Landmark
- Major Cycle Route Camden Road and Parkhurst Street

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Inclusive Design in Islington
- Planning Obligations and S106

**London Plan**

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

- Urban Design Guide
- Streetbook
- Development Viability SPD

- London
- Providing for Children and Young Peoples Play and Informal Recreation

## APPENDIX 2: Design Review Panel

**APPENDIX 3: BPS Report on Financial Viability Assessment**



ATT: Thomas Darwall-Smith  
Maddox Associates  
Amadeus House  
27b Floral Street  
London  
WC2E 9DP

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](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)  
Our ref: DRP/60

Date: 5 May 2015

Dear Thomas Darwall-Smith,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: Islington Art's Factory, 2 & 2A Parkhurst Road, London, N7 0SF – planning application reference P2015/0330/FUL**

Thank you for attending Islington's Design Review Panel meeting on 14<sup>th</sup> April 2015 for an assessment of the above scheme. The proposed scheme under consideration was for the redevelopment of the site consisting of demolition of the existing garage structure and verger's cottage, refurbishment of the Sunday school building to provide 2 private residential units (2 x 2-bed), refurbishment of the Church building to provide 7 private residential units (3 x 1-bed, 2 x 2-bed and 2 x 3-bed) and construction of a new 5-storey building with basement below to provide 695 square metres of community floorspace (Use Class D1), 52 square metres of office floorspace (Use Class B1) and 20 affordable residential units (10 x 1 bed, 8 x 2 bed and 2 x 3 bed), resulting in a total of 29 residential units (13 x 1-bed, 12 x 2-bed and 4 x 3-bed), along with associated landscaping, access, parking and public realm works.

### **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, Steve Burr, Kate Graham, Richard Lavington and Ludwig Tewksbury on 14<sup>th</sup> April 2015 including a site visit and 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 existing buildings

The Panel considered the existing Victorian church to be an important landmark building that would benefit from restoration and that the former Sunday School and Verger's Cottage were characterful buildings that make an important contribution to the significance of the conservation area. It was felt that although each building is important each contributes to the importance of the other through their relationship as being part of a satisfying group within a prominent location.

### The loss of the Verger's Cottage

The panel felt that no convincing justification had been provided for the demolition of the Verger's Cottage and that the starting point for any redevelopment proposals should be the retention of all buildings, which make a positive contribution to the conservation area. The internal spaces are of such quality; with art nouveau tiles and cast-iron staircase that every attempt should be made to incorporate these spaces and their detailing within the new development. If approval is being sought for the removal of the building a convincing case needs to be made that the harm resulting from its removal is outweighed by the benefits to the overall development layout. The Panel did not feel this was evident in the presented scheme.

### Residential use of the Church and former Sunday School

The Panel were informed of the project ambition to design and construct the project whilst allowing the Islington Arts Factory (IAF) to remain on site throughout. The panel questioned the logic behind converting two prominent community buildings to housing and re-providing the community use within a new residential building of which no part signifies a community use. The Panel wondered whether a temporary home nearby could be found for IAF whilst the new project is constructed and if this might allow the refurbishment of the church and neighbouring buildings to accommodate a revitalised IAF facility. The church and upper Sunday School hall in particular have very special internal spatial qualities and any conversion, whether residential or community, needs to use these to best effect. It was felt that it would be unacceptable to utilise the ground floor of the church for bin and cycle storage and that this should be reconsidered. Generally it was considered that the detail design for the Church & Sunday School needed to be fully resolved to demonstrate that the quality of the existing buildings would not be compromised.

The reinstatement of the church spire is welcomed but must be secured by legal agreement, conditions and construction management plan. The exterior of the church should be restored and any new openings should better reflect the character of the building.

The Panel raised concerns that the redevelopment of the church itself would not be designed to the same level of detail as the wider scheme due to it potentially being sold to a third party developer and suggested that the Council may be able to prevent this through conditions/legal agreement.

Further information was required on how the spaces between the buildings will be treated and how any newly revealed elevations will appear. The Panel felt the project presented the opportunity to significantly enhance these aspects of the scheme with greater hierarchy of public space, routes and servicing.

### New residential building

While there was some concern over the height and massing of the proposed building and that such a lengthy parapet line without a step-down could be overly dominant towards the heritage assets, generally it was felt that the proposed building has an acceptable relationship with the heritage assets and allows views of the spire to remain prominent.

However, concern was raised over the defensive appearance of the building and the lack of interest to the apex of the site, the latter possibly calling for a more innovative solution. Concern was also raised over whether the proposed winter gardens will be constructed to sufficient quality and whether these and floor to ceiling height windows will reveal visual clutter behind them. The layout and quality of accommodation of the apartments at roof level in the new building was also questioned.

## Summary

The Panel welcomed the principle of re-developing the site however considered that insufficient justification had been provided for the demolition of the Verger's Cottage and that it would bring richness to the scheme if incorporated within the redevelopment proposals. Any proposals showing its removal will need to clearly demonstrate this is to the overall benefit of the development of the site. The Panel also suggested that it might be better for the community use to remain within the church and former Sunday School buildings. The Panel considered that the relationship between the buildings and quality of the external spaces requires improvement as well as internal planning of the existing Church & Sunday School buildings. Concern was raised over the defensive appearance of the proposed new building and the lack of interest to the apex of the site and that these issues need to be resolved.

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

As the scheme is 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

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27 April 2014

## 1.0 INTRODUCTION

- 1.1 We have been instructed by Islington Borough Council to review BNP Paribas Real Estates' March 2015 Viability Assessment of a proposal to redevelop 2 Parkhurst Road ('the Site') under planning application P2015/0330/FUL.
- 1.2 The Site is approximately 0.2 Ha and is located at the junction of Camden Road and Parkhurst Road. It is bounded by Camden Road to the south, Parkhurst Road to the north and Holloway Community Centre to the east. The applicant, the City of London, is proposing the following:  
  
*"Partial refurbishment, demolition and redevelopment of site to provide 5 storey (plus basement) building comprising 695 sq m of replacement community floorspace (use class D1) 52 sq m office (use class B1) and 20 affordable residential units (10 x 1 bed, 8 x 2 bed and 2 x 3 bed). Refurbishment of former Sunday school to provide 2 private residential units (2 x 2 bed). Refurbishment of former church to provide 7 residential units (3 x 1 bed, 2 x 2 bed and 2 x 3 bed)....."*
- 1.3 The proposed D1 space is intended for use by the existing tenant, the Islington Arts Factory, which is a community organisation.
- 1.4 The applicant is proposing to provide 69% of the residential units as affordable housing (55% by area). This exceeds the Council's affordable housing target of 50%, which is set by Core Strategy policy CS12. All of the affordable units will be Social Rent tenure, which is higher than the Council's 70% target. The applicant is currently proposing that 35% of the affordable units will be nominated to the Council. We have been informed that the applicant intends to retain some of the affordable housing in its own ownership.
- 1.5 We have reviewed the cost and value inputs that have been applied in BNP's development appraisal of the proposed scheme, in order to give a view as to whether the currently proposed level of affordable housing is the maximum that can reasonably be provided.

## 2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 The proposed scheme generates a residual value of -£2,73m. When compared against BNP's estimate benchmark land value of £1.46m, the scheme deficit is -£4,91m.
- 2.2 It is unlikely that a typical private developer would be willing to proceed with the scheme, as there would be no commercial logic in undertaking a scheme that generates such a large deficit.
- 2.3 We have been informed that the City of London (the applicant) intends to retain some or all of the social housing that will be constructed. One of the applicant's main objectives is to deliver affordable housing and to continue its charitable work of providing community facilities. Therefore this is not a typical commercial, profit-led scheme. This approach explains why the applicant is still apparently willing to proceed with the scheme in spite of the large apparent deficit it generates.
- 2.4 We have analysed the proposed benchmark land value of £1.464 m. This figure is based on an existing use value (EUV) of £1.22 m which we agree is a realistic estimate. We do, however, fail to see the logic of applying a landowner premium in this case. The logic of a premium is for a landowner to benefit from an increase in land value arising from the grant of planning consent for a higher value use. In this instance the proposed consent would result in a net loss. Therefore market value for the site would not exceed EUV as such there is no scope available to fund a premium.
- 2.5 We have revised the benchmark land value by removing the landowner premium and also by removing the void costs and rent free periods that have been included as we do not consider these to be necessary given that a tenant is in occupation. This results in a £1.44m benchmark, which is very similar to BNP's figure of £1.46m.
- 2.6 Our Cost Consultant, Neil Powling, has reviewed a Cost Plan (January 2015) that has been prepared by Fulkers, and has concluded that the costs proposed are broadly reasonable. He considers the overall costs to be marginally overstated by £177,000, which is a minimal difference relative to the entire build cost sum of £9,580,320.
- 2.7 Our analysis of local sales evidence suggests that the values applied in the appraisal are realistic, taking into account the disadvantages of the site, which is located opposite Holloway Prison. The proposed private housing is somewhat unusual including the layout of the private market units most of which will be spread over 3 or 4 floors. This creates uncertainty over achievable values; although given the disadvantages of the proposed conversion apartments we would not expect achievable values to substantially exceed those in BNP's appraisal. Private sales values total £9.59m in the appraisal, and we calculate that these values would need to increase by almost 70% in order fully eliminate the current deficit.
- 2.8 We have created our own appraisal to model the affordable housing values which results in a value of £2.1 m (£159 per sqft, £1,711 per sqm), which suggests that the £131 per sqft (£1,410 per sqm) is perhaps somewhat pessimistic. Our figure is some £0.38 m higher than BNP's affordable housing valuation, which if adopted would reduce the scheme deficit by only a relatively marginal amount and substantially below the level required to clear the deficit.
- 2.9 We are satisfied that the value of the proposed D1 space is realistic. We have queried whether the Islington Arts Factory will retain its nil rent status, or whether instead it will be required to pay a market rent on the proposed D1 space. We are currently awaiting a response on this issue from BNP. We note however that the appraisal

prepared by BNP currently indicates the Arts Centre is assumed to contribute a rent of £8,500 per annum. Any reduction in this rent would increase the apparent deficit. It should be noted that the Arts Centre currently pays a nil rent. We understand that Heads of Terms are currently being prepared in respect of a lease of the proposed D1 space between the applicant and the Islington Arts Factory.

- 2.10 Following our review of the cost and value inputs into BNP's viability assessment, we have reached the conclusion that the current level of affordable housing represents the maximum that the scheme can reasonably provide. A further consideration is that the conversion buildings are considered by BNP to be unsuitable for affordable housing given that they provide accommodation over multiple levels. Therefore it is argued that no further affordable housing could be provided by the scheme even if it were viable to do so.

### **3.0 BENCHMARK LAND VALUE**

- 3.1 The former church and associated buildings are currently occupied by the Islington Arts Factory. These buildings accommodate dance studios, artist studios, music rooms, a café, and gallery space.
- 3.2 BNP has undertaken an existing use valuation of the site. This valuation generates an existing use value of £1.22m, to which a landowner premium of 20% has been applied to reach £1.464m, which has been used as a benchmark land value for the purposes of testing the viability of the application scheme.
- 3.3 We have been informed that the City of London have assigned a Market Rent of £100,000 to the existing space. This is a 'book value' representing the notional market rent of the premises. This is not actually paid by the existing tenant, Islington Arts Factory who are leased the space at a nil rent.
- 3.4 BNP has valued the existing D1 space assuming vacant possession is secured followed by a letting of the premises in the open market. There is a total of 10,376 sqft (964 sqm) of D1 space. This has been assigned a rent of £10 per sqft (£108 per sqm) by BNP, who cite evidence of D1 rents in this locality. This is lower than the £15 per sqft (£161 per sqm) that has been applied to the application scheme's new-build D1 space and reflects the former's condition including its need for refurbishment. We accept that the proposed rental margin between current and proposed accommodation is realistic.
- 3.5 The D1 Use comparable evidence mostly relates to lettings to colleges and nurseries which are commercially driven organisations capable of generating rental payments, thus is different from the uses that are currently on the site, namely two dance studios, artist studios, music rooms, a café and gallery space which are essentially less commercial. The lettings evidence cited by BNP includes the following:
- 7 Arkansas House, New Orleans Walk, London, N19 3SZ. This was let in June 2014 at £18.65 per sqft (£200 per sqm). This is a day nursery, in 'good condition'.
  - 93-101 Greenfield Road, London, E1 1EJ - let for £12 per sqft (£129 per sqm) to an educational college.
  - 333 High Street, Wood Green, London, N22 8JA - £12.90 per sqft (£139 per sqm). In use as a nursery. Modern building in good condition. In less central location London than the application site.

- 3.6 Following our analysis of the comparable evidence provided, we conclude that £10 per sqft is not an unrealistically high figure. We have viewed photographs of the interior of the building. These indicate that the facilities are in a reasonably good condition. We cannot however reach any firm conclusions regarding the building without further evidence. Nevertheless, the general tone of rents for D1 space does show that £10 per sqft (£108 per sqm) is toward the lower end of the spectrum of achievable rents, and is unlikely to be overstated.
- 3.7 The 1,344 sqft (£125 sqm) of storage space has been assigned a rent of £10 per sqft (£108 per sqm). No comparable evidence has been provided specifically for the storage space rents. We understand that this storage space is ancillary to the D1 space. Whilst it could be argued that a lower rent may be appropriate for the storage space, the overall rent for the premises (excluding the forecourt) is realistic as a somewhat higher rent could potentially be justified for the main D1 floorspace. A reduction in the £13,440 annual rent assigned to the storage space would in any case have a minimal impact on viability.
- 3.8 A capitalisation rate (yield) of 9% has been applied. We consider this to be realistic, reflecting the limited income security that is typically achieved by landlords of D1 space.
- 3.9 A void period of 18 months and a rent free period of 6 months have been applied to the D1 Uses. This assumes vacant possession is secured and a letting is achieved in the open market providing for the above marketing period and letting incentives. Given that space is currently tenanted, and has a notional rent ascribed to it, it is arguably reasonable to assume that the existing tenant pays or is assumed to pay a market rent for the premises and that there is no need to secure an alternative lettings, as the decision to forego rent is a 'personal' decision of the City of London rather than driven by any other consideration. The City of London could for example grant endow the tenant in order to provide funding to enable a rent to be paid. Indeed this is recommended best practice when subsidising occupiers in local government. We suggest that simply capitalising the Market Rent of £117,240 as estimated by BNP using a 9% yield, without deductions for voids or rent free periods, is arguably appropriate, and would generate a £1.23m figure after purchaser's costs.
- 3.10 The freeholder is currently receiving £20,000 per annum from Exan for use of the forecourt for the parking and maintenance of cars. BNP has also capitalised this income using a 9% yield, which we agree is suitable. They have factored in an 18 month void period, which, as with the D1 space, we do not consider to be necessary given that a tenant is already in occupation. We suggest, therefore, a simple capitalisation of the passing rent, which gives a net capital value £210,000 after deduction of purchaser's costs. Adding this to the £1.23m calculated in the preceding paragraph, gives an £1.44m. This compares to BNP's EUV of £1.22m,
- 3.11 BNP have then added a 20% premium to arrive at their proposed benchmark. We are of the view the inclusion of a premium generally reflects an allowance to the land owner as an incentive to release the land for development. In this instance the land owner is simply redeveloping the site and potentially retaining it within their ownership. Secondly the scheme generates a deficit, therefore in our view EUV is likely to represent market value and as such there is scope for generation of a premium.
- 3.12 Our figure of £1.44m compares to BNP's of £1.464m. Albeit we arrive at our values through differing assumptions we conclude that the benchmark applied in the appraisal is broadly reasonable.

#### 4.0 PRIVATE RESIDENTIAL VALUES

- 4.1 Private market values have been calculated using an average value of £725 per sqft (£7,804 per sqm) uniformly applied by BNP to all the units. This value per sqft has been supported by comparable sales evidence from the local area. The Site is directly opposite Holloway Prison, which is viewed by BNP as being a constraint upon residential values achievable.
- 4.2 We sought a unit pricing schedule so that we could analyse individual unit prices but this has not been provided. We have applied the suggested sales rate £725 per sqft (£7,804 per sqm) to each of the units in order to create the schedule of values below:

<u>Building C</u>				
Unit No.	Type	GIA (sqm)	GIA (sqft)	Values
C001	1B2P	94	1,010	732,006
C002	1B2P	93	1,003	726,933
C003	2B3P	72	774	561,178
C004	2B4P	70	757	548,770
C005	3B5P	141	1,515	1,098,477
C006	3B5P	147	1,584	1,148,656
C007	1B2P	149	1,609	1,166,371

<u>Building B</u>				
		GIA (sqm)	GIA (sqft)	Values
B001	2B3P	85	913	661,843
B002	2B3P	158	1,696	1,229,728

- 4.3 Building B is the former Sunday school, while Building C is the former Camden New Church. Most of the values of these units exceed average values locally for each unit type, which can be explained in part by their exceptionally large sizes and period features.
- 4.4 The apartments are conversions which creates some disadvantages relative to purpose built residential buildings, but on the other hand does provide some attractive and unique features especially those associated with the buildings' former uses as a church and Sunday school. We summarise some key features of the units below:
- C004 inhabits the tower of the former church. C004 is across 4 storeys
  - C005, C006 and C007 have the have the highest values
  - C001, C002, C005, C006 and C007 are all triplex
  - C003 is on one floor
- 4.5 The ground floor apartments in both buildings will have direct access to garden space outside of the apartments. The upper floor apartments will not have private external amenity space, but this is compensated for by large internal areas. The ground floor is shared by C001, C002 and C003.

- 4.6 Given how unique the private housing in this scheme will be, we have requested further commentary from BNP, who have informed us that they have relied on second-hand evidence and the opinions of local agents upon the sales potential of these units. We discuss these values below by reference to asking prices of nearby units, some of which are smaller than the proposed units but are nevertheless of use for establishing a general tone of value:

#### One-beds

- A 535 sqft flat (£50 per sqm) one-bed flat is available at £365,000 in Carleton Road, which is £682 per sqft (£7,341 per sqm). This is a reasonably good quality block of flats which has ample communal gardens.
- A 465 sqft (£43 sqm) one-bed in Fairweather House, Parkhurst Road, is available at £350,000 (£752 per sqft - £8,094 per sqm). It is set within well maintained communal gardens. This is an exceptionally small unit which may account for the relatively high value per sqft.
- A 535 sqft one-bed available for £399,950 (£748 per sqft - £8,051 per sqm) on Parkhurst Road. This is a period terraced building, and this ground floor conversion flat has good period features.

#### Two-beds

- Two-bed available at £425,000 on Holloway Road, in a reasonably good quality block of flats.
- 2-bed flat available at £550,000 at Caledonian Road. It has an area of 675 sqft (£63 per sqm) and is £814 per sqft (£8,762 per sqm). This is a modern, recently-constructed block. In close proximity the site but a superior location as not overlooking Holloway Prison. On the other hand, the proposed will be new-build which may add a premium.
- 2-bed maisonette for sale at £500,000. This 975 sqft (£91 sqm) unit is available at £512 per sqft (£5,511 per sqm). This low value per sqft may reflect the relatively large size of this unit.
- A 702 sqft (£65 per sqm) 2-bed flat at £500,000 asking price (£712 per sqft - £7,663 per sqm) on Caledonian Road. This is in a modern, recently-constructed block of flats which is in a superior location as not overlooking Holloway Prison.

- 4.7 It is typical for achieved prices to be at a discount from the asking prices (5-10% is not uncommon), thus we have taken this into account in our analysis. Based on the availabilities of second-hand units, we consider the values applied to the proposed units be realistic.

#### Recent new-build application schemes

- 4.8 For a nearby new-build scheme on Parkhurst Road which we were recently involved in reviewing, we estimated residential values of c£660 per sqft (£7,104 per sqm). Inflation of 6.2% is shown by the House Price Index from June 2014 to February 2015. This is £701 per sqft (£7,458 per sqm) when the £660 per sqft (£7,104 per sqm) June figure is uplifted to present-day values.

- 4.9 For another nearby scheme, at 351 & 351A Caledonian Road, the applicant estimated values of £704 per sqft (£7,578 per sqm) in November 2014. We agreed that these were reasonable. These were upon a disadvantaged site, reflecting its close proximity to railway lines. A somewhat higher figure is to be expected for the proposed.
- 4.10 A scheme on Benwell Road was ascribed estimated values of £724 per sqft (£7,793 per sqm) by BNP in September 2014. There has been negligible growth in Islington HPI between September and the latest HPI figures (February 2015). This Benwell Road scheme is broadly comparable with the proposed scheme, which suggests that £724 per sqft is a reasonable estimate.
- 4.11 Values recently estimated for a nearby scheme at Ladbroke House averaged £860 per sqft (£9,257 per sqm) which, based on extensive analysis of comparable evidence, we concluded was reasonable. It is to be expected that lower values are achievable at the proposed scheme than Ladbroke House, given the latter's superior location, facing Highbury Fields, and that it is an attractive period building that is to be converted, which benefits from exceptionally high floor-to-ceiling heights.

### Queensland Terrace

- 4.12 Recent asking prices for Queensland Terrace of almost £8,611 per sqm (£800 per sqm) have recently been cited by the selling agents. Queensland Terrace is in a mixed use area and directly opposite The Emirates football stadium, which is arguably not an ideal position for housing, although is undoubtedly preferable to being opposite Holloway Prison. This Barratt scheme is superior to the proposed scheme in some respects including its aspects, its scale, its further distance from main roads, and that it is not constrained by the close proximity of nearby buildings. We would not expect values per sqft at the proposed scheme to reach this level.
- 4.13 A large number of the available 2-beds at Queensland Terrace are available at £600,000-£615,000. For example, an apartment at £615,000 (£851 per sqft - £9,160 per sqm) is higher than the proposed 2-beds, including in terms of values per sqft. One-bed flats at Queensland Terrace are on the market for £435,000 to £450,000. Making allowance for typical discounts from asking prices, and for the relative advantages Queensland Terrace, these availabilities indicate that markedly higher 2-bed values than those estimated by BNP are not to be expected.

### 321 Holloway Road

- 4.14 The recently constructed 321 Holloway Road is cited by BNP as its key comparable scheme. It has asking prices of £644-£790 per sqft - an average of £706 per sqft (£7,599 per sqm). It sold out at the end of Q3 2014, and is due for completion in April/May 2015. These units sold in June 2014 but would have factored in some degree of forecast sales growth up to the date of practical completion. It is located on the busy A1, and is in close proximity to the Site. We would not expect private market values for the proposed scheme to exceed those at 321 Holloway Road.
- 4.15 321 Holloway Road is the only new-build scheme cited by BNP, who have provided a schedule of sales of second-hand apartments in the local area.

## **5.0 AFFORDABLE HOUSING VALUES**

- 5.1 Affordable housing values have been calculated at £1.72m, which is £131 per sqft (£1,410 per sqm). All the units are Social Rent tenure, and BNP have valued these by using gross weekly rents that are compliant with the Council's affordability criteria.

The capital value has been derived using BNP's own bespoke model. We have received a summary of BNP's model which does not show the rent and yield assumptions that were used to reach the capital valuation.

5.2 We have been informed that the rents for affordable housing will be based on April 2015 target rents for Islington:

- 1-beds: £158-£160 per week
- 2-beds: £173-£188 per week
- 3-beds: £222-£248 per week

5.3 We have undertaken a summary appraisal of the affordable housing, using the above weekly rents and typical assumptions applied in affordable housing valuations:

- 6% yield
- maintenance & management costs: 15% of weekly rent
- voids: 4% of weekly rent
- Major repairs: 1% of weekly rent

5.4 The result is £2.1m (£159 per sqft), which suggests that £131 per sqft (£1,410 per sqm) is perhaps somewhat pessimistic. We have tested our model with higher yields, which shows that a yield of just over 7% would be required in order to reduce the capital value to BNP's figure of £131 per sqft.

## 6.0 DEVELOPMENT COSTS

6.1 Our Cost Consultant, Neil Powling, has reviewed the Cost Plan (January 2015) that has been prepared and Fulkers, and has concluded that the costs are broadly reasonable. He considers the overall costs to be marginally overstated by £177,000, which is a minimal difference relative to the entire build costs. Neil explains this difference as follows:

*“Our adjusted benchmarking of Block A shows the Applicant's costs to be high compared to benchmark by £177,000; this is mainly the result of the 4% addition (£199,560) for price & design risk; we consider a 5% addition for risk on new build work to be sufficient and reasonable. Our benchmarking of Blocks B&C shows the Applicant's estimated costs to be reasonable.”*

6.2 A Developer's Profit of 20% on GDV has been applied to the private market element of the scheme, which reflects the level of risk associated with this type of development. This is a profit level that has commonly been applied in recent viability assessments.

6.3 A Developer's Profit of 6% on GDV has been adopted for the affordable housing element of the scheme, which is an industry standard profit level for this form of housing.

6.4 Finance costs have been calculated using an interest rate of 7%, which is a reasonable rate to apply in the current lending market. A pre-construction period of 6 months, a 24 month construction period and a 6 month sales period have been assumed when calculating the finance costs, which are realistic development programme assumptions for a scheme of this size and complexity.

6.5 Marketing of 2%, letting agent fees of 10%, and letting legal fee of 5%, are all in line with typical benchmark rates for viability assessments in the current market.

6.6 S106 Contributions of £135,000, Islington Borough CIL of £141,750 and Mayoral CIL of £28,350 are included in BNP's appraisal. These have not yet been confirmed to us by planning officers as being correct figures for this scheme.

## 7.0 D1 COMMUNITY USE - VALUES

7.1 A rent of £15 per sqft has been applied, and then capitalised using an 8% yield for the proposed D1 space.

7.2 BNP has provided a schedule of D1 lettings, some of which we have analysed above in relation to the valuation of the existing D1 space. It is logical that the rent of the proposed (£15 per sqft - £161 per sqm) is higher than the £10 per sqft (£108 per sqm) applied to the existing space reflecting improvements in configuration specification and condition.

7.3 The yield of 8% is realistic for D1 space, which when let in the open market typically has limited investor interest relative to, for example, office buildings. This reflects the typically lower income security attainable from D1 tenants.

- 7 Arkansas House, New Orleans Walk, London, N19 3SZ. This was let in June 2014 at £18.65 per sqft (£200 per sqm). This is a day nursery, in good condition.
- 93-101 Greenfield Road, London, E1 1EJ - let for £12 per sqft (£129 per sqm) to an educational college.
- 333 High Street, Wood Green, London, N22 8JA - £12.90 per sqft (£139 per sqm). Nursery. Modern building in good condition. In less central location in London than the Site.

7.4 It is apparent that £15 per sqft (£161 per sqm) is in the upper range of achievable rents for D1 Uses. In terms of the capitalisation rate of 8%, this is higher than the typical rate of 5-6% that is applied to new-build B1 (office) space. BNP has not, however, provided any evidence in support of an 8% yield, which may be due to the limited transactional evidence. Taking into account this building's location, which is not in a Central London location and its D1 Use class. We consider c8% to broadly realistic. The City of London (the applicant) does not in any case intend to sell the building, and will retain its role as landlord by securing a letting with Islington Arts Factory.

7.5 In the appraisal, rents total 11,235 per annum which is inclusive of the rents applied to the office space (discussed below).

## 8.0 OFFICE (B1) - VALUES

8.1 A rent of £15 per sqft (£161 per sqm) has been applied, and then capitalised using an 8% yield. BNP have included a void period of 6 months and a rent free period of 6 months. There is a total of 52.66 sqft of office space. The small area indicates that it is effectively ancillary to the D1 Uses on site. We accept that the valuation assumptions applied to the office space are reasonable in this context.

**BPS Chartered Surveyors**

## Appendix One: Local sales transactions

Address	Last sale price	Last sale date	Property type	Year built	Bedrooms
37 Moriatry Close N70EF	£499,999	13 Jun 2014	Flat	1980	1
83B Crayford Road N70NE	£381,000	15 May 2014	Flat	1880	1
Flat 1 Vaynor House Williamson Street N70ST	£369,950	01-Sep-14	Flat		1
30A Hungerford Road N7 9LX	£360,000	21 Jul 2014	Flat		1
37B Parkhurst Road N70LR	£365,000	23 May 2014	Flat	1880	1
19 Keighley Close N7 9RT	£280,000	29 Apr 2014	Flat	1970	1
Flat 3 364 Camden Road N70LG	£270,000	19 Sep 2014	Flat	1884	1
First Floor Flat 34 Hungerford Road N7 9LX	£372,000	25 Jul 2014	Flat		1
Flat 2 348 Camden Road N70LG	£230,000	21 Jul 2014	Flat	1880	1
Flat 16 Barnersbury House Parkhurst Road N70NR	£211,000	23 Jun 2014	Flat	1960	1
Flat 13 Hilton House Parkhurst Road N70NN	£340,000	12 Jun 2014	Flat	1930	1
Flat 4 14 Beacon Hill N7 9LY	£410,000	02-Sep-14	Flat	1890	1
Flat 14 Bunning House Chambers Road N70NX	£270,000	30 May 2014	Flat		1
Flat 1 34 Freegrove Road N7 9RQ	£675,000	31 Oct 2014	Flat		2
8 Keighley Close N7 9RT	£560,000	14 Aug 2014	Terrace	1970	2
3A Penn Road N7 9RD	£512,000	30 Jun 2014	Flat		2
Second Floor Flat 51 Penn Road N7 9RE	£485,000	25 Sep 2014	Flat	1887	2
4B Beacon Hill N7 9LY	£463,500	05-Dec-14	Flat	2014	2
Flat 208 Bakersfield Crayford Road N70LY	£320,000	10 Oct 2014	Flat	1970	2
Flat 3 555 Caledonian Road N7 9RX	£495,000	31 Jul 2014	Flat	1890	2
Flat 44 Parkhurst Court Warlters Road N70SD	£311,500	31 Oct 2014	Flat		2
Flat 2 Parkhurst Court Warlters Road N70SD	£320,000	30 Apr 2014	Flat	1913	2
12 Moriatry Close N70EF	£402,000	03-Oct-14	Flat		2
Flat 28 Parkhurst Court Warlters Road N70SD	£232,000	26 Aug 2014	Flat	1936	2
8 Staveley Close N7 9RS	£528,888	18 Jul 2014	Terrace	1975	2
Flat 104 Bakersfield Crayford Road N70LU	£319,000	21 Nov 2014	Flat	2005	2
11B Penn Road N7 9RD	£865,000	28 Oct 2014	Flat	1898	3
Flat D 4 Hungerford Road N7 9LX	£655,000	01-Jul-14	Flat	1860	3
Flat 7 402 Camden Road N70SJ	£548,000	08-Aug-14	Flat	1880	3
Flat 1 553 Caledonian Road N7 9RR	£735,000	31 Jul 2014	Flat	1880	3
33 Penderyn Way N70EY	£525,500	30 Jul 2014	Terrace	1974	3
Flat 20 Bakersfield Crayford Road N70LT	£500,000	10 Oct 2014	Flat		3
Flat 19 Bakersfield Crayford Road N70LT	£450,000	24 Jun 2014	Flat	1972	3
Flat C 65 Tabley Road N70NB	£535,000	23 Dec 2014	Flat	1906	3
Flat 1 555 Caledonian Road N7 9RX	£710,000	02-Feb-15	Flat	2003	3
2 Hungerford Road N7 9LX	£2,220,000	23 May 2014	Detached	1886	4
15 Penderyn Way N70EY	£560,000	21 Nov 2014	Terrace	1970	4
5 Belfont Walk N70SN	£525,000	01-Sep-14	Flat	1980	4
27 Beacon Hill N7 9LY	£1,701,316	05-Sep-14	Semi-detached		5
31 Freegrove Road N7 9RG	£1,475,000	02-Oct-14	Terrace	1900	5
15 Tabley Road N70NA	£350,000	21 Jan 2015	Flat	1890	5
Flat D 44 Carleton Road N70EP	£515,000	29 Sep 2014	Flat		

## Appendix Two:

### Cost Review, by Neil Powling FRICS

#### 1 SUMMARY

- 1.1 See paragraph 3.4 below - the GIA for the new build works of Block A are given in the cost plan as 1,953m<sup>2</sup>. This figure does not appear consistent with the net areas given for the functional elements of this building.
- 1.2 Our adjusted benchmarking of Block A shows the Applicant's costs to be high compared to benchmark by £177,000; this is mainly the result of the 4% addition (£199,560) for price & design risk; we consider a 5% addition for risk on new build work to be sufficient and reasonable. Our benchmarking of Blocks B&C shows the Applicant's estimated costs to be reasonable.

#### 2 METHODOLOGY

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

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

### 3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon:-
- Assessment of viability and affordable housing provision prepared by BNP Paribas Real Estate v.2 dated March 2015 including the appendices and in particular Appendix 3 the Cost plan and Appendix 4 the Argus Appraisal
  - The Design & Access Statement planning issue prepared by Richards Partington Architects
  - The Planning Statement prepared by Maddox Associates dated 23<sup>rd</sup> January 2015
  - Appendix 3 is the Cost plan prepared by Fulkners LLP dated January 2015
- 3.2 The cost plan is split into two main sections: Block A is new build including residential flats with the Community areas comprising: Arts areas, café, gallery and office combined together. As the two functions have not been separately estimated we have used blended data for benchmarking.
- 3.3 The second section comprises the estimate for Blocks B & C, the conversion to flats of the former Sunday school and of the existing church.
- 3.4 We have assumed the costs and GIA stated in the cost plan for Block A of 1,953m<sup>2</sup>

and Blocks B & C of 1,301m<sup>2</sup> to be correct. The latter GIA is consistent with the stated NIAs of the units, however the former (Block A) slightly exceeds the NIA of the combined residential and community areas; we have queried this anomaly.

- 3.5 The preliminaries have been calculated at 12.5% and the OHP at 5% for both sections. We consider these additions reasonable.
- 3.6 Block A has additions of 4% for Price & Design risk and 5% for contingencies. We are content with a total allowance of 5% for risk for new build and therefore consider the combined allowance to be excessive by 4%. Blocks B & C has an addition of 8% Development Allowance - because of the increased uncertainty in conversion work we are satisfied that this addition is reasonable.
- 3.7 Block A also shows a 20% addition for VAT. We would not expect this to be payable for new build works and note that there is no inclusion in the Appraisal for VAT.
- 3.8 The additions for professional fees are 14% to Block A and 16% to Block B. On the assumption that the project will be procured traditionally with a full professional team we consider these additions realistic.
- 3.9 We have downloaded current BCIS data for benchmarking purposes. We have considered the various areas grouped collectively as a Community Centre for benchmarking and blended the rates with a mean “generally” rate for new build flats. The Location Factor for Islington is 114 and we have applied this adjustment in our calculations.
- 3.10 Refer to our two files “Elemental analysis Block A and BCIS benchmarking” and “Elemental analysis Blocks B&C and BCIS benchmarking”. Our adjusted benchmarking of Block A shows the Applicants costs to be high compared to benchmark by £177,000; this is the result of the 4% addition (£199,560) for price & design risk. Our benchmarking of Blocks B&C shows the Applicant’s estimated costs to be reasonable.

BPS Chartered Surveyors  
Date: 9<sup>th</sup> April 2015

**Islington Arts Factory**  
**BCIS Downloaded 9th April 2015**

**From next tab:-**

LB Islington	Community	749	Blended rate		
Building A - new	Res	1,220	38%	2,542	967
build - 20 flats - 5 storey			62%	1,417	878
Community Bldg A - new build - Gallery, office, arts, entrance/café	Tot new bld blk A		1,968		1,845
Building B - refurb - 2 flats - 3 storey					
Building C - refurb - 7 flats - 4 storey + stair up 2 storeys	Sunday School B			242	
Church C			767		
Location			114		
Estimate Jan 2015 1Q2015					
TPI 1Q2015		257		forecast	
TPI 2Q2015		261		forecast	
<b>Avg prices def</b>	<b>LF100</b>		<b>LF114</b>		<b>sample</b>
Community Centres generally - mean	1,614		1,840		113
Community Centres up to 500m <sup>2</sup> generally - mean	1,711		1,951		47
Community Centres up to 500m <sup>2</sup> -2000m <sup>2</sup> generally - mean	1,543		1,759		62
New bld flats generally mean	1,168		1,332		793
New bld flats 3-5 storey mean	1,151		1,312		527
Refurb flats generally mean	1,286		1,466		69
Refurb flats 3-5 storey mean	1,225		1,397		27
<b>Avg prices 5 years</b>					
Community Centres generally - mean	2,230		2,542		17
Community Centres up to 500m <sup>2</sup> generally - mean	2,945		3,357		7
Community Centres up to 500m <sup>2</sup> -2000m <sup>2</sup> generally - mean	1,732		1,974		9
New bld flats generally mean	1,243		1,417		231
New bld flats 3-5 storey mean	1,218		1,389		149
Refurb flats generally mean	1,661		1,894		20
Refurb flats 3-5 storey mean	1,465		1,670		8
<b>Rehab/ conversion Group elements inc prelims</b>		<b>Flats generally</b>		<b>Flats 3-5 storey</b>	
<b>LF100</b>	<b>LF114</b>		<b>LF100</b>	<b>LF114</b>	
Substructure	44	50	49	56	
Superstructure	543	619	402	458	
Finishes	275	314	298	340	
Fittings	205	234	280	319	
Services	595	678	815	929	
1,662	1,895		1,844	2,102	

Islington Arts Factory  
Elemental analysis Blocks B & C (Refurb) & BCIS benchmarking

GIA m <sup>2</sup>	BCIS max 5 year element avg				Group elements Refurb
	1,301		Flats - BCIS mean		
	£	£/m <sup>2</sup>	LF100 £/m <sup>2</sup>	LF114 £/m <sup>2</sup>	LF114 £/m <sup>2</sup>
Demolitions	85,535	66			
1 Substructure	74,340	57	108	123	56
2A Frame	110,585	85	133	152	
2B Upper Floors	132,385	102	60	68	
2C Roof	10,000	8	77	88	
2D Stairs	88,231	68	22	25	
2E External Walls	282,900	217	141	161	
2F Windows & External Doors	93,800	72	72	82	
2G Internal Walls & Partitions	96,909	74	47	54	
2H Internal Doors	58,593	45	40	46	
Balconies, balustrading & wintergardens	0	0			
2 Superstructure	873,403	671	700	798	458
3A Wall Finishes	50,441	39	54	62	
3B Floor Finishes	144,030	111	44	50	
3C Ceiling Finishes	63,945	49	29	33	
3 Internal Finishes	258,416	199	127	145	340
4 Fittings	74,400	57	47	54	319
5A Sanitary Appliances	63,500	49	20	23	
5B Services Equipment (kitchen, laundry)		0	16	18	
5C Disposal Installations	18,214	14	9	10	
5D Water Installations	22,117	17	30	34	
5E Heat Source			26	30	
5F Space Heating & Air Treatment	234,180	180	94	107	
5G Ventilating Systems	2,000	2	18	21	
5H Electrical Installations (power, lighting, emergency lighting)	225,150	173	75	86	
5I Gas Installations			4	5	
5J Lift Installations	40,000	31	33	38	
5K Protective Installations (fire fighting, sprinklers, lightning protection)	143,110	110	11	13	
Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite)	42,725	33	16	18	
5M Special Installations - (window cleaning, BMS, medical gas)			18	21	
5N BWIC with Services	36,450	28	8	9	
5O Builders Profit % Attendance on Services			14	16	
5 Services	827,446	636	392	447	929
6A Site Works	56,370	43			
6B Drainage	4,810	4			
6C External Services	30,000	23			
6D Minor Building Works		0			
6 External Works	91,180	70			
SUB TOTAL	2,284,720	1,756	1,374	1,566	2,102
7 Preliminaries 12.5%	285,590	220			
Overheads & Profit 5%	128,516	99			
SUB TOTAL	2,698,826	2,074			
Development allowance 8%	215,906	166			
Contingencies		0			
Grand Total (Exc VAT)	2,914,732	2,240			
Rounded	2,915,000	2,241			
Exc fees added at 16%					
No VAT added					
Benchmarking - blended rate					1,670
Add demolitions		66			
Add external works		70			
Add allowance for external walls		150			
Add allowance for security, fire alarms, sprinklers		95			
		381			
Add prelims	12.5%	48			
Add OHP	5.0%	21			450
					2,120
Add contingency	8.0%				170
Total adjusted benchmark					2,290

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Islington Arts Factory  
Elemental analysis Block A (new build) & BCIS benchmarking

GIA m <sup>2</sup>	BCIS max 5 year element avg						
			Flats - BCIS mean		Community - BCIS mean		Blended 62:38%
	£	1,953 £/m <sup>2</sup>	LF100 £/m <sup>2</sup>	LF114 £/m <sup>2</sup>	LF100 £/m <sup>2</sup>	LF114 £/m <sup>2</sup>	LF114 £/m <sup>2</sup>
Demolitions	40,000	20					
1 Substructure	590,273	302	108	123	211	241	168
2A Frame	111,664	57	133	152	143	163	157
2B Upper Floors	272,798	140	60	68	55	63	66
2C Roof	210,381	108	77	88	292	333	181
2D Stairs	85,231	44	22	25	25	29	26
2E External Walls	712,447	365	141	161	197	225	185
2F Windows & External Doors	122,076	63	72	82	163	186	122
2G Internal Walls & Partitions	231,413	118	47	54	69	79	63
2H Internal Doors	177,450	91	40	46	61	70	55
Balconies, balustrading & wintergardens	174,187	89					
2 Superstructure	2,097,647	1,074	700	798	1,218	1,389	1,022
3A Wall Finishes	74,632	38	54	62	69	79	68
3B Floor Finishes	171,026	88	44	50	89	101	70
3C Ceiling Finishes	58,246	30	29	33	52	59	43
3 Internal Finishes	303,904	156	127	145	210	239	181
4 Fittings	96,900	50	47	54	70	80	64
5A Sanitary Appliances	68,000	35	20	23	33	38	28
5B Services Equipment (kitchen, laundry)	4,200	2	16	18	32	39	34
5C Disposal Installations	19,530	10	9	10	24	27	17
5D Water Installations	29,295	15	30	34	44	50	40
5E Heat Source			26	30	0	0	18
5F Space Heating & Air Treatment	44,184	23	94	107	274	312	185
5G Ventilating Systems	70,000	36	18	21	77	88	46
5H Electrical Installations (power, lighting, emergency lighting)	283,155	145	75	86	161	184	123
5I Gas Installations			4	5	2	2	4
5J Lift Installations	115,000	59	33	38	53	60	46
5K Protective Installations (fire fighting, sprinklers, lightning protection)	195,300	100	11	13	11	13	13
Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite)	49,560	25	16	18	53	60	34
5M Special Installations - (window cleaning, BMS, medical gas)			18	21	55	63	37
5N BWIC with Services	24,076	12	8	9	18	21	13
5O Builders Profit % Attendance on Services			14	16	0	0	10
5 Services	902,300	462	392	447	857	977	648
6A Site Works	114,616	59					
6B Drainage	6,841	4					
6C External Services	50,000	26					
6D Minor Building Works	20,500	10					
6 External Works	191,957	98					
SUB TOTAL	4,222,981	2,162	1,374	1,566	2,566	2,925	2,083
7 Preliminaries 12.5%	527,873	270					
Overheads & Profit 5%	237,543	122					
SUB TOTAL	4,988,396	2,554					
Price & Design Risk 4%	199,560	102					
Contingencies 5%	249,450	128					
Grand Total (Exc VAT)	5,437,406	2,784					
Rounded	5,439,000	2,785					

Exc fees added at 14%.

Exc VAT incorrectly added to cost plan but NOT appraisal

Benchmarking - blended rate

1,845

Add demolitions

20

Add external works

98

Add additional cost of substructure

134

Add additional cost of external walls

180

Add balconies

89

Add additional cost of security, fire alarms, sprinklers

87

610

Add prelims

12.5% 76

Add OHP

5.0% 34

720

2,565

Add contingency

5.0%

128

Total adjusted benchmark

2,693

91

Difference (which is accounted for mainly by the additional 4% price & design risk)

177,124

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
PO Box 333  
222 Inner Street

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B3</b>
<b>Date:</b>	27 April 2017	<b>NON-EXEMPT</b>

Application number	P2016/5054/LBC
Application type	Listed Building Consent
Ward	Holloway
Listed building	Verger's Cottage
Conservation area	Hillmarton Conservation Area Hillmarton Conservation Area Article 4 Directions
Development Plan Context	<ul style="list-style-type: none"><li>- Nags Head and Upper Holloway Road Core Strategy Key Area</li><li>- Camden Road/Parkhurst Road Employment Growth Area</li><li>- Camden Road New Church Tower and Spire, Camden Road Local Landmark</li><li>- Major Cycle Route Camden Road and Parkhurst Street</li></ul>
Licensing Implications	Not Applicable
Site Address	Islington Arts Factory, 2 Parkhurst Road & 2A Parkhurst Road, London N7 0SF.
Proposal	P2016/5054/LBC: Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear.

Case Officer	John Kaimakamis
Applicant	City of London

**1. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** listed building consent:

1. subject to the conditions set out in Appendix 1;
2. subject to members resolving to grant planning permission for the related planning application P2015/0330/FUL

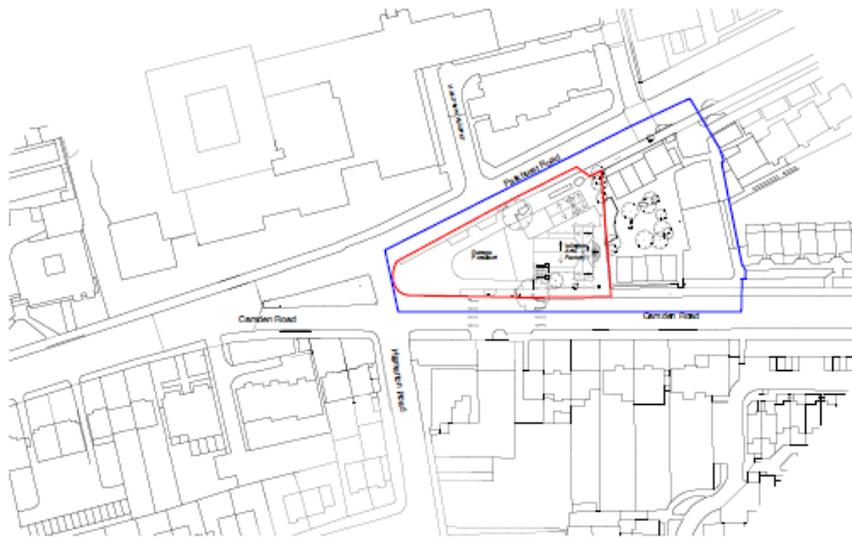
**2. SITE PLAN (site outlined in red)****3. PHOTOS OF SITE/STREET**



Figure 1 Apex of site at junction of Camden Road and Parkhurst Road



**Figure 2 Camden Road**



**Figure 3 Parkhurst Road**

#### **4. SUMMARY**

- 4.1 The redevelopment of this site to provide a mix of community facilities, office and residential accommodation in this location would be appropriate in this location.
- 4.2 The proposed buildings respect the heights of buildings in the immediate context and would result in a successful townscape in this location. Further, the high quality design would be sensitive to surrounding heritage assets and complementary to local identity. No part of the proposed development would block, detract from or have an adverse effect on any significant strategic or local protected views.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site comprises land occupied by the Islington Arts Factory (the "IAF"), together with an area of car parking that is used for the car workshop facility (which is located across Camden Road to the south). The site is 0.2ha in size.
- 5.2 The application site is triangular in shape and extends to meet the junction of Camden Road and Parkhurst Road at its narrowest point to the west. Camden Road forms the southern boundary of the site, and Parkhurst Road forms its northern boundary. The Holloway Estate Community Centre forms the eastern boundary. Both Camden Road and Parkhurst Road are 'red routes' and are therefore managed by Transport for London, both of which are defined as major cycle routes.
- 5.3 The level of the site falls slowly to the east. The application site contains 9 trees, which include one street tree located adjacent to the former Sunday school on Parkhurst Road and one street tree adjacent to the church on Camden Road (both London Plane trees).
- 5.4 There are three buildings on the site, the former Church and Sunday School (and Vergers Cottage) and the former petrol filling station office and its canopy. The former church and Sunday school contain the IAF, which offers: 2 dance studios, artists' studios, music rooms, a café with outdoor seating/garden, a gallery space; and toilets and changing facilities.
- 5.5 The former petrol filling station (PFS) is used in connection with car storage, with approximately 30 cars parked in the forecourt at any one time. There is another site for Exan's Accident Repair Centre, which is located opposite the application site on the southern side of Camden Road.
- 5.6 The site has a PTAL of 6a, indicating its excellent location in relation to public transport. Caledonian Road Underground Station is located approximately 770 metres from the site, providing services on the Piccadilly Line. Seven bus routes are located approximately 100 metres from the site: 17, 29, 91, 253, 254, 259 and 393.
- 5.7 The site is located within the Hillmarton Conservation Area with the former church and Sunday school (together) designated as a local landmark (LL4: Camden Road New Church Tower and Spire, Camden Road). Additionally, the site is located within an Employment Growth Area.

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

- 6.1 The proposals as originally submitted sought planning permission for the redevelopment of the site consisting of:
  - demolition of the existing garage structure and verger's cottage
  - refurbishment of the Sunday School building to provide 2 private residential units (2 x 2-bed),

- refurbishment of the Church building to provide 7 private residential units (3 x 1-bed, 2 x 2-bed and 2 x 3-bed) and
  - construction of a new 5-storey building with basement below to provide 695sqm of community floorspace (Use Class D1), 52 square metres of office floorspace (Use Class B1) and 20 affordable residential units (10 x 1 bed, 8 x 2 bed and 2 x 3 bed).
- 6.2 This resulted in a total of 29 residential units (13 x 1-bed, 12 x 2-bed and 4 x 3-bed), along with associated landscaping, access, parking and public realm works.
- 6.3 The original planning submission also proposed to demolish the 'new' entrance to the Church and a number of external alterations to the existing buildings including new insertions and alterations of existing windows.
- 6.4 Additionally, the proposal sought to reinstate the spire to the tower of the existing Church building.
- 6.5 Conservation/design and planning officers expressed concerns in relation to the proposal with regard to the overall built form, a lack of justification in the plans to demolish the Verger's Cottage, the detailed design of the new building and lack of ground floor frontage and as a result the applicant amended the application to reduce the volume and massing of the proposed building.
- 6.6 The amendments consisted of reducing the height of the building to the existing ridge height of the existing Church building, an increase in the amount of glazing to both street elevations in order to reduce the amount of solid to void ratio, introduction of active frontages and passive surveillance opportunities at ground floor level, reduction in the overall size of the dormers at roof level and no external insertions or alterations to the existing buildings other than to reinstate original features where repair is required. Finally, the Verger's Cottage was to be retained in full and no demolition was proposed.
- 6.7 The amended proposal provides for 546 square metres (GIA) of employment floorspace and is broken down as follows:
- an Estate office for the City of London located to the ground floor of the new building (56.5 sq m);
  - an office unit to the ground floor of the new building (69 sq m);
  - conversion of the existing Verger's Cottage and Sunday School (414 sq m); and
  - 6.5 square metres of ancillary circulation space.
- 6.8 Therefore, as amended, the application seeks listed building consent for Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres

(GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear.

## 7. RELEVANT HISTORY:

7.1 No planning applications of relevance.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to the occupants of 259 adjoining and nearby properties in April 2015 and consulted for a minimum of 21 days. Site notices and a press advert were also displayed in April 2015 for a minimum of 21 days.

8.2 The revised proposals were also subject to a re-consultation period. The same occupants of 259 adjoining and nearby properties along with all those who had submitted representations were consulted for a period of 21 days in January 2017. A site notice and press advert were also displayed in January 2017.

8.3 In response to both consultation periods, a total of 5 objections were submitted. One (1) letter of support was also submitted along with a supporting statement from the Islington Arts Factory.

8.4 The issues in relation to listed building issues and the Vergers Cottage raised can be summarised as follows (officers response is provided in italics):

- Objections to the demolition of the Verger's Cottage and new insertions and alterations to the existing Sunday School and Church buildings;  
*[The revised proposals now maintain the Verger's Cottage and no internal and external alterations are proposed other than to reinstate original features and removal of unsympathetic modern alterations. Additionally, no new insertions or alterations to windows will take place to the existing Sunday School and Church buildings other than to reinstate and repair where necessary.]*
- Proposed new building does not put forward a high quality contextual design for this Conservation Area;  
*[The proposal has been designed in a manner to respect the existing buildings retained on site and also draws upon the historical massing of the former building to occupy the site. The proposed development has been designed in consultation with Design and Conservation officers and also responded to comments made by the Design Review Panel. It is considered that it is respectful of its immediate context and the wider adjoining Conservation Areas in terms of its scale, massing and height, and generally reflects the prevailing streetscene scale and does not dominate the streetscene or public realm].*

### **External Consultees**

- 8.5 **Historic England** have stated that the planning application and listed building consent application should be determined in accordance with national and local policy guidance, and on the basis of Islington's specialist conservation advice.

### **Internal Consultees**

- 8.6 **Design and Conservation Officer** stated they are more comfortable about the proposed massing, height and bulk of the proposal as a result of the revised plans. Their previous concerns with regard to views have been overcome with a significant reduction in the impact on these views. Accepting that the site is situated in a heavily built urban area, they are of the view that the proposed massing, bulk and heights are generally acceptable. Retention of the Verger's Cottage and minimal works to the existing buildings are also seen as appropriate. Conditions are recommended for materials and details so that the quality of the design is not compromised, while the proposed materials have been agreed in consultation with officers.

### **Other Consultees**

- 8.7 Islington's Design Review Panel considered the proposed development at application stage on 14 April 2015. The panel's written comments are summarised below and their response in full is attached under Appendix 3:

#### **Verger's Cottage Demolition**

The Heritage Statement does not acknowledge the demolition of the Verger's cottage which also makes a positive contribution to the conservation area. However it might be that a case could be made that any extra units combined with securing the rebuilding of the church spire (including restoration of the currently bricked up openings) via legal agreement might outweigh the harm arising from the loss of the verger's cottage.

#### **Officer's Comments**

*Since the submission of the planning application in 2015 the Verger's Cottage has been grade listed by Historic England. In response, the applicant has revised the proposal to maintain the Verger's Cottage in full with the only external alterations relating to the reinstatement of original features.*

#### **Height/Massing/Scale**

The form/layout is essentially acceptable, however, the scheme would benefit from a reduced height if reductions can be made in floor to ceiling heights.

#### **Officer's Comments**

*Whilst the same amount of storeys are maintained, the revised proposals have*

*reduced the overall height of the building, which includes reduction at roof level and the internal floor to ceiling heights. As such, the overall height of the new building would match that of the ridge height of the Church building.*

#### Dormers

The dormers appear overly prominent/bulky thus making the building seem top heavy.

#### Officer's Comments

*The revised plans have reduced the bulk of the dormers by setting them further in from the main elevation building line and also reduced the overall size and scale.*

#### Solid to Void Ratio on Elevations of the New Building.

The solid to void ratio is considered excessive, with too much brickwork and too few and too narrow windows. The quantity of glazing must be increased as the elevations have an excessive amount of blank brickwork.

#### Officer's Comments

*The revised plans have increased the overall size and number of windows on both elevations fronting Parkhurst and Camden Roads which have resulted in a considerable reduction in the solid to void ratio of the proposed new building. This has also resulted in much more glazing and a lesser amount of blank brickwork.*

#### Ground Floor Elevations

The ground floor elevations suffer in particular from a lack of openings and insufficient passive surveillance opportunities.

#### Officer's Comments

*The revised plans have amended the ground floor frontages to both elevations with the introduction of more glazed areas, the introduction of a café, and replacement of the brick fence with suitable railings to allow for a more active frontage and better passive surveillance opportunities.*

#### Apex of New Building

The apex of the building (of which there is an important view from Camden Road) is lacking in interest which could be improved by increased fenestration.

#### Officer's Comments

*The revised submission has increased the articulation and fenestration of the apex of the building with the introduction of glazing and articulated brickwork, which has resulted in an appropriate improvement to the detailed design of this aspect of the building.*

#### Replacement Windows to Existing Buildings

The new and replacement windows and windows to the historic church building need amending to better reflect the character of the building rather than the domestic contemporary designs which are proposed. The new long strip window proposed to the gable end is not considered to be acceptable.

#### Officer's Comments

*The revised proposals do not alter any of the existing window openings of the Church building, Sunday School building or Verger's Cottage. Further, all windows are to remain intact and the only changes will be to repair any windows in a poor state to their original state.*

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

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

- Hillmarton Conservation Area
- Hillmarton Conservation Area Article 4 Directions
- Nags Head and Upper Holloway Road Core Strategy Key Area
- Camden Road/Parkhurst Road Employment Growth Area
- Camden Road New Church Tower and Spire, Camden Road Local Landmark
- Major Cycle Route Camden Road and Parkhurst Street

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

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations (including and Listed Building issues)

### **Land-use**

10.2 The proposal involves the relocation of the Islington Arts Factory from the Church/Sunday School/Vergers Cottage buildings (to be redeveloped for private residential use and office floorspace) to a replacement purpose-built unit at basement and ground floor levels of the proposed new affordable residential building.

10.3 The revised proposal provides for 546 square metres (GIA) of employment floorspace and is broken down as follows:

- an Estate office for the City of London located to the ground floor of the new building (56.5 sq m);
- an office unit to the ground floor of the new building (69 sq m);
- conversion of the existing Verger's Cottage and Sunday School (414 sq m); and
- 6.5 square metres of ancillary circulation space.

### **Design, Conservation and Heritage Considerations (including Listed Building issues)**

10.4 The site is located within the Hillmarton Conservation Area and is highly prominent in its location close to the junction of the busy Camden Road and Parkhurst Road. The site currently contains a Gothic church building (along with a new entrance to the church and lecture hall), the former Sunday School and extension, along with the Verger's Cottage. The Verger's Cottage is Grade Listed (II), while the Sunday School and church building are not grade or locally listed. Nevertheless, the Sunday school and church building do require listed building consent for alterations by virtue of being attached to the Verger's Cottage. The site as a whole is contained within a designated heritage asset, being the Hillmarton Conservation Area.

10.5 Development Plan policies seek to secure sustainable development that is of high quality and contributes towards local character, legibility, permeability and accessibility of the neighbourhood. Developments should contribute to people's sense of place, safety and security. Development should have regard to the pattern and grain of spaces and streets in

orientation, scale, proportion and mass and be human in scale with street level activity.

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

- 10.11 The proposed redevelopment seeks to:
- Refurbish the Grade II listed Verger's Cottage and former Sunday School building for Use Class B1 office floorspace;
  - Convert the Church to provide 7 private residential units; and
  - Construct a new 5-storey building on the site to provide for a community centre, office floorspace and 18 social rented affordable units.
- 10.12 Since the revised proposals were submitted, the Verger's Cottage and entrance (part of the former Camden Road New Church complex), have been Grade II listed. As such, Listed Building Consent would be required for any alterations. The building has been listed primarily for its ornate interior and intact plan form in addition to its detailed elevations.
- 10.13 Additionally, the Verger's Cottage makes a significant contribution to the Hillmarton Conservation Area, which is a designated heritage asset.
- 10.14 Paragraph 129 of the NPPF requires "planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".
- 10.15 The submission includes a detailed survey of the Verger's Cottage and the layouts proposed retain the interior walls, mosaics and details. It is proposed to convert the building along with the Sunday School building into business floorspace making use of the existing features and retaining all of the walls and doorways that remain from the original cottage. The proposed external alterations to the Verger's Cottage would reinstate original windows and remove recent inappropriate alterations such as the veranda to the entrance. Details of the existing elements of the buildings and detailed designs of the proposed reinstated elements have been submitted and it is considered that these alterations would not affect the significance of these buildings and are also appropriate to conserve and enhance their significance. These details are to be conditioned should planning permission and listed building consent be granted.
- 10.16 Additionally, the proposed conversion of the Church building into residential units would be limited to internal alterations that are considered acceptable, whilst the external alterations would be limited to replacement of existing windows in need of repair with materials to match the original windows of the Church.
- 10.17 Finally, as required by the NPPF any redevelopment should exploit all possibilities to enhance the conservation area. In this instance the proposal seeks to re-instate the missing top part of the spire to the church, which is

considered to be a heritage/public benefit. The reinstatement of the church spire is to be secured by legal agreement, conditions and a construction management plan should planning permission be granted.

- 10.18 The proposed new building as originally submitted included a 5-storey building that was taller than the ridge height of the existing Church building, with a solid to void ratio that was excessive, prominent dormers that were overly prominent and bulky and a ground floor elevation that had insufficient active frontages for passive surveillance. Additionally, the apex of the new building at the corners of Parkhurst Road and Camden Road lacked articulation.
- 10.19 Planning and Design officers expressed concerns in relation to the above concerns and its general setting amongst adjoining and surrounding designated heritage assets, as well as its prominence from certain protected views. Consequently, there have been amendments to the scheme since its submission, as outlined above in Section 3 of the Report. The most notable amendment to the proposed scheme included a revision so that the overall building height was reduced to no higher than the ridge of the existing Church building. Additionally, the solid to void ratio was significantly reduced, while the mass and bulk of the dormers was significantly reduced, and the apex of the building was redesigned to provide more articulation. Finally, significant alterations were undertaken to the ground floor elevation in order to create a more responsive active frontage at this important intersection.
- 10.20 The assessment below in terms of design is based on the revised drawings.
- 10.21 Given the existing significant buildings on the site (including the grade listed Verger's Cottage), any proposal on the site must consider the impact on the significance of these buildings and the heritage asset as a whole, taking into account proportion, height, massing, bulk, materials, use, relationship with adjacent heritage assets, alignment and general treatment of setting. Specifically, the development should be high quality contextual urban design and respond successfully to the 'iron' shape of the site as the original building on the site, The Athenaeum, formerly did, whilst not obscuring or detracting from views of the church and other buildings, and also being appropriately subordinate to the church and other buildings.
- 10.22 It is considered that the revised design of the new building would fit in with the local vernacular in the Hillmarton Conservation area where large villas and more regular shaped blocks of flats predominate. The proposed balconies are recessed or integrally designed within buildings, whilst the roof level dormers are sufficiently minimized in scale so as not to appear dominant or bulky. It is considered that the proposed new building responds in design terms to create a focal corner building and also respect the importance of building lines in this area of the borough. It is considered that the existing church with improvements regarding the reinstatement of the spire is the natural focal point in this location. As such, the proposed footprint and the proposed building line of the development in conjunction

with the proposed height of the development are considered to ensure that the proposed development would not form an over dominant visually harmful feature when seen within its context.

- 10.23 Additionally, the proposed five-storey building no longer includes a two-storey link extension to the Verger's Cottage and as a result provides for a thoroughfare through the site between the new and existing buildings on the site. In combination with the above revisions, it is considered that the new building would respect the setting of the listed Verger's Cottage and not have a detrimental impact on its significance.
- 10.24 Therefore, it is considered that the overall design, scale, massing, footprint and height of the development of the proposed new building to be appropriate and responds adequately to its context. The proposed building would be in the form of a contemporary design and it is considered that the proposal has been designed in a manner to ensure that it would sit comfortably and harmoniously integrate with the site and within the streetscene and not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 11.2 The redevelopment of this site to provide a mix of community facilities, office and residential accommodation in this location within a designated employment growth area would be appropriate in this location. The re-use of the listed building is appropriate.
- 11.3 The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of listed buildings or the character or appearance of surrounding conservation areas.
- 11.4 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of listed building consent be subject to **conditions** to secure the following:

#### List of Conditions:

<b>1</b>	<p><b>Commencement</b></p> <p>The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans list</b></p> <p>The development hereby approved shall be carried out in accordance with the following approved drawings and information:  DrawingNos.:2273_PL_001A;2273_PL_010B;2273_PL_011B;2273_PL_012B;2273_PL_015C;2273_PL_020B;273_PL_021B;2273_PL_022B;2273_PL_023B;2273_PL_030;2273_PL_040B;2273_PL_041B;2273_PL_045C;2273_PL_046B;2273_PL_047B;2273_PL_050F;2273_PL_060;F;2273_PL_100G;2273_PL_101J;2273_PL_102E;2273_PL_103E;2273_PL_104F;2273_PL_105F;2273_PL_106C;2273_PL_119C;2273_PL_120D;2273_PL_121C;2273_PL_122C;2273_PL_130C;2273_PL_131A;2273_PL_132B;2273_PL_133A;2273_PL_134B;2273_PL_135A;2273_PL_400G;2273_PL_401G;2273_PL_402E;2273_PL_403F;2273_PL_410D;2273_PL_420D;2273_PL_421D;2273_PL_500D;2273_PL_501D;2273_PL_510D;2273_PL_520E;2273_PL_521D;2273_PL_522D;2273_PL_650D;2273_PL_651B;2273_PL_652B;2273_PL_653B;2273_PL_700;2273_PL_710B;2273_PL_711A;2273_PL_750A;2273_PL_950;2273_PL_951;2273_PL_952_A;2273_PL_953_A;2273_PL_954</p> <p>Acoustic Assessment (prepared by Bickerdike Allen Partners, December 2014)</p> <p>Air Quality Assessment (prepared by REC, December 2014)</p> <p>Construction Method Statement (prepared by HA Goddard and Sons, January 2015)</p> <p>Contaminated Land Assessment (prepared by REC, January 2015)</p> <p>Internal Daylight Report (REVISED) (prepared by EB7, December 2016)</p> <p>Design and Access Statement (REVISED) (prepared by Studio Partington, December 2016)</p> <p>Draft Heads of Terms (prepared by Maddox Associates, March 2015)</p> <p>Existing Window Survey – Church (prepared by Studio Partington, November 2016)</p> <p>Existing Window Survey – Sunday School and Verger’s Cottage (prepared by Studio Partington, November 2016)</p> <p>Economic Viability Assessment (prepared by Aspinal Verdi, March 2017)</p> <p>Flood Risk Assessment (prepared by RAB, January 2015)</p> <p>Foul Sewage and Utilities Assessment Report (prepared by Pitman Associates, January 2015)</p>

	<p>Health Impact Assessment Screening (prepared by Maddox Associates, January 2015)</p> <p>Heritage Statement (REVISED) (prepared by the Heritage Advisory, December 2016)</p> <p>Historic Environment Assessment (prepared by MOLA, October 2014)</p> <p>Open Space Assessment (prepared by Maddox Associates, January 2015)</p> <p>Planning Statement (prepared by Grade Planning, December 2016)</p> <p>Sustainable Design and Construction Statement (REVISED) (prepared by EB7, November 2016)</p> <p>Servicing and Delivery Management Plan (prepared by TTP, January 2015)</p> <p>Statement of Community Involvement (prepared by Maddox Associates, January 2015)</p> <p>Transport Statement (prepared by TTP, January 2015)</p> <p>Tree Survey (prepared by Treeline, January 2015)</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
<b>3</b>	<b>Details to match-Listed buildings</b>
	<p>All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>5</b>	<b>No removal of historic fabric</b>
	<p>Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or repaired prior to full details detailing their protection, repair or relocation have been submitted and approved by the Council.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>6</b>	<b>Details of final fixtures and fittings</b>
	<p>Notwithstanding the plans hereby approved, full details and detailed drawings of the proposed treatment of all historic fabric, fixtures and fittings including damp proofing measures shall be submitted to the LPA, prior to the commencement of any works including piling and foundations of the approved buildings above).</p> <p>These shall include, but are not limited to:</p> <ol style="list-style-type: none"> <li>a) Any staircases at below ground level</li> <li>b) Light fittings (including cabling)</li> <li>c) Ductwork (including trunking locations)</li> <li>d) Flooring</li> </ol>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

## **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**

##### **2 London's places**

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

##### **7 London's living places and spaces**

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-Led regeneration

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

##### **Spatial Strategy**

Policy CS3 (Nag's Head and Upper Holloway Road)

##### **Strategic Policies**

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

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

## **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM2.5** Landmarks

### **4. Designations**

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

- Hillmarton Conservation Area
- Hillmarton Conservation Area Article 4 Directions
- Nags Head and Upper Holloway Road Core Strategy Key Area
- Camden Road/Parkhurst Road Employment Growth Area
- Camden Road New Church Tower and Spire, Camden Road Local Landmark
- Major Cycle Route Camden Road and Parkhurst Street

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

- Conservation Area Design Guidelines
- Urban Design Guide
- Streetbook
- 

#### **London Plan**

- Sustainable Design & Construction
-

## APPENDIX 2: Design Review Panel



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 Islington Town Hall  
 Upper Street  
 LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>	<b>B4</b>
<b>Date:</b> 20 June 2017		

Application number	P2017/1383/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	No
Conservation area	No
Development Plan Context	Site Allocation HC3 (Site A 166-220 Holloway Road) Highbury Corner and Holloway Road Key Area (Core Strategy Policy CS4)
Licensing Implications	No
Site Address	London Metropolitan University, 166 - 220 Holloway Road, N7 8DB
Proposal	The erection of a 2 storey extension to J-Block which would increase the height of the building to a total of 4 storeys. Alterations to the retained ground and first floors, including replacement windows (with aluminium perforated shading panels) and doors; partial brick infill to windows and openings on north east and south west elevations; ventilation panels and 3 new external doors on south west elevation(s); and new entrance with brick surround on South East elevation. Demolition of first floor walkway bridges from J-Block to F-Block and Tower Level 1; external plant (including first floor plant screen); and associated works.

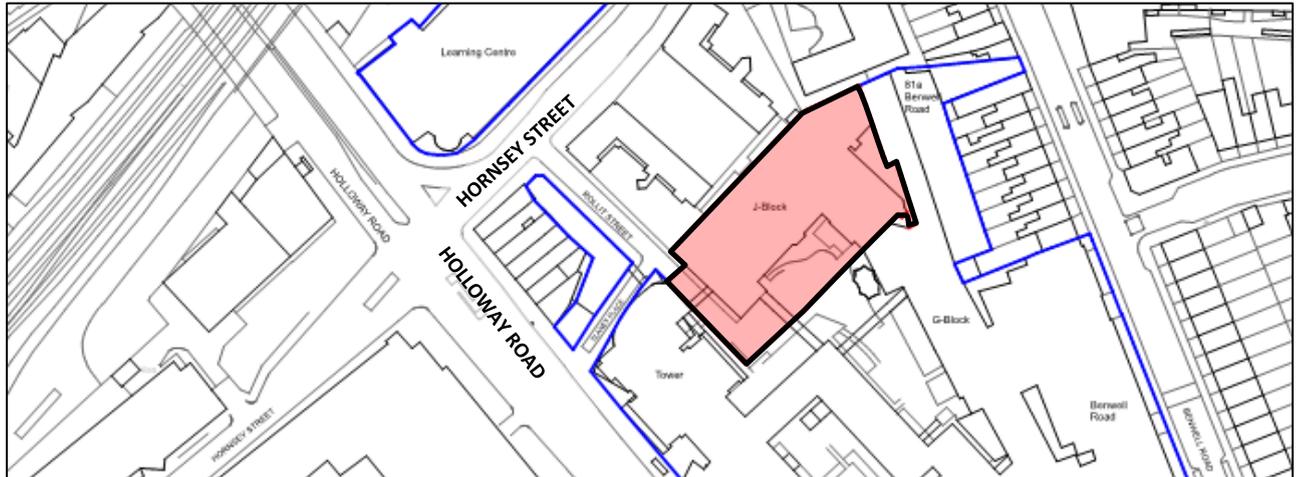
Case Officer	Jan Slominski
Applicant	Mr Dominic Slevin (London Metropolitan University)
Agent	Cushman and Wakefield

## 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 on 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



*Fig 2.1 Site Plan. Application site outlined/shaded in red, university campus outlined in blue.*

## 3. PHOTOS OF SITE AND SURROUNDINGS



*Fig 3.1 Aerial view of J-Block*



*Fig 3.2 J-Block viewed from existing central courtyard (within University Campus).*



*Fig 3.3 J-Block viewed from Rollit Street (outside University Campus).*



*Fig 3.4 J-Block viewed from Hornsey Street (photo from April 2015 when trees are not in leaf)*

#### **4. SUMMARY**

- 4.1 The application site is part of the London Metropolitan University (LMU) campus on Holloway Road. J-Block is a 2 storey building centrally located within the campus (but

adjacent to residential buildings), and planning permission is sought for the removal of the pitched roof and the addition of 2 storeys, to create additional ancillary facilities for the university including additional communal study spaces and a new ancillary canteen and café area for students.

- 4.2 The existing building is not locally or statutorily listed and is not subject to any heritage designations. The removal of the roof and additional 1-2 storeys accommodation is supported in design terms, subject to appropriate materials and detailing.
- 4.3 The site is subject to site allocation HC3 in the local development plan, which promotes development for additional education facilities. The proposal would provide additional shared study spaces to complement the existing formal arrangement of teaching rooms, and would increase the floorspace for use by the University thus complies with the overarching policy objectives.
- 4.4 The impacts of the proposed development have been assessed. It would not directly result in an increase in student numbers and the wider impacts (including impacts on the amenities of the adjacent neighbours) have been assessed and are considered acceptable.
- 4.5 The development would improve the sustainability, energy efficiency and accessibility of the building and would provide improved educational facilities in accordance with the policy objectives for the site. The application has been considered with regard to the Development Plan and is considered to be a sustainable form of development, therefore and approval is recommended subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is J-Block and the adjacent land, within the London Metropolitan University Campus on Holloway Road. J-Block is a 2-3 storey brick building under a hipped roof, centrally positioned within the campus. The campus is allocated as site HC3 (Site A 166-220 Holloway Road) in the Islington Local Plan Site Allocations (2013) and Core Strategy (2013) Policy CS4, for higher education and associated uses, including student union, library, research, and office use.
- 5.2 Part of the University campus (The Rocket building, part of C-Block, and the southern corner of the campus) falls within the St Mary Magdalene Conservation Area; J-Block (and the whole application site) is outside this area. Part of the campus (north of Hornsey Road) falls within the assessment area for the London Plan protected viewing corridor from Alexandra Palace to St Paul's Cathedral, and the application site is also outside this area.
- 5.3 To the north and north-west are three 5-storey blocks of flats known as Rollit House, Branston House, and Block E (30-36 Hornsey Road). Rollit House and Branston House are inter war brick blocks managed by Islington Council, and Block E is a modern render, metal and glass block built within the last 15 years. To the north east lies another university building (81A Benwell Road) and beyond this are the rear gardens of the 3 storey terraced houses fronting Benwell Road. To the south and west, the building is surrounded by other university buildings including the 2 storey prefabricated F-Block (likely to be removed in future); a cluster of 3-4 storey brick buildings, the 9 storey tech tower and the 15 storey concrete tower.

- 5.4 Although J-Block is located centrally within the LMU Campus, there are adjacent residential buildings which are not part of the campus. Fig. 5.1 shows the location of J-Block and its relationship to the adjacent buildings.



*Fig 5.1 J-Block in context*

- 5.5 Holloway Road is part of the Transport for London (TFL) Road Network (TLRN) and is a strategic cycle route. The site has a Public Transport Accessibility Level of 6a (Excellent) and is within walking distance of Holloway Road Station (90m away); Highbury and Islington Station (840m away) and Drayton Park Station (570m away) which together serve a number of underground, TFL Overground and National Rail services. There are also several bus routes on Holloway Road.

- 5.6 There is no green space on the site, and the nearest Site of Importance for Nature Conservation (SINC) is adjacent to the railway line north of Hornsey Road, and not adjacent to the site.

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

- 6.1 The proposal would remove the pitched roof of J-Block and partial second storey, and erect an additional 1-2 storeys of accommodation which would increase the height of the building to 4 storeys.

- 6.2 There would be alterations to the retained ground and first floors of J-Block including additional/blocked up windows, new entrances, and the demolition of the existing first floor bridges which span from J-Block to F-Block and the 1960s Tower at first floor. There

would also be internal layout changes and external plant. In total there would be a net increase in floorspace of 1775 sqm (GIA).

- 6.3 The proposal would not result in change of use, but would re-arrange the type and layout of university accommodation. The building would generally be arranged around central staircases and void spaces, with open plan study commons to the south of the building (adjacent to the courtyard), and separate teaching spaces on the north side (adjacent to the nearest residential neighbours). There would be tiered lecture theatres at ground floor, with the other teaching spaces arranged as a mixture of teaching rooms, and IT suites. An ancillary canteen would be provided at ground floor (the canteen is currently located in a different building) with additional coffee bars at ground and third floors.
- 6.4 The proposed additional storeys would have ribbed terracotta panel elevations to match the solidity and tone of the retained brickwork, with a mixture of full height glazing and glazed panels behind latticed. There would be feature windows on the top floor which would “pop up” from the surrounding roofs and integrate with the plant and photovoltaic panels at roof level.
- 6.5 There would also be external plant areas on the roofs of the ground floor and the top floor, including solar photovoltaic panels and chimneys for the ventilation system.
- 6.6 The proposal is part of a wider masterplan for the University Campus which is likely to result in further applications for alterations and extensions to other buildings on the campus. Officers have been involved in early discussions with the university about future works (which are summarised in the design and access statement). These are likely to include the recladding and re-use of the concrete tower for new teaching spaces; the provision of a new on-site energy centre (including a CHP plant) on-site as part of a campus-wide energy and heat sharing network (with potential to connect to a wider district energy network); the demolition of the central pre-fabricated buildings (F-Block) to create a new central landscaped courtyard with better design, permeability and accessibility; and refurbishment of the other buildings within the campus to result in improved accessibility and sustainability.
- 6.7 The application is only for the extension and alterations to J-Block and its acceptability needs to be determined as a standalone application (as there is no guarantee that any of the future works will take place). The information on the wider masterplan is therefore provided for information only.
- 6.8 The proposal does however include a small area of external space (allowing step free access to the entrances) which will be redesigned as part of the proposal, and is the first step towards the wider courtyard redesign.

## **7. RELEVANT HISTORY**

- 7.1 There is extensive planning history at the site which has been reviewed. The following history is considered most relevant to the proposed development.

### **Planning History**

- 7.2 P2017/0387/FUL Replacement of all existing windows above ground floor level with double glazed aluminium windows including glass insulated spandrel panels; erection of a four storey lift shaft, of which three storeys are visible on the south east elevation; external fabric repairs and upgrades to include removal, replacement, and refurbishment of existing

brickwork, lintels, parapets, pipework, exterior plant and services equipment; removal and/or replacement of roof lights on the flat and pitched roofs; addition of escape/maintenance ladders above flat roofs and associated works. Approved 21/04/2017.

- 7.3 P071546 Refurbishment of office & installation of server room including platform lift & enclosure. Approved 14/08/2007. (At S-Block which is to the east of the Campus, adjacent to the Great Hall)
- 7.4 P051349 Replacement of existing entrance doors with two sets of revolving doors and a side pass door. Approved 04/08/2005. (At the Tower)
- 7.5 P012773 Erection of two-storey building as an extension to the University of North London. Approved 07/11/2002.
- 7.6 P001945 Installation of an automated teller machine on the front elevation for University of North London. Approved 16/10/2000.
- 7.7 982482 The installation of a new Automated Teller Machine for Barclays Bank. Approved 29/01/1999.
- 7.8 981716 Change of use of part of ground floor from ancillary educational uses to professional and financial services (A2). Approved 16/10/1998.
- 7.9 980615 Installation of three dual polar antennae on three new pole mounted wall fixings. Prior Approval not required 22/04/1998.
- 7.10 972131 The construction of a nine storey information technology and general education tower including lecture theatre block and glazed entrance area for UNL, together with link staircases to the adjacent block. Approved 20/01/1998.
- 7.11 962009 Outline scheme for a construction of an eight storey tower in connection with the University's educational use. Approved 12/03/1997.
- 7.12 910900 Redevelopment to provide a four storey building with a basement comprising teaching facilities with ancillary offices for the Polytechnic of North London. Approved 20/02/1992, and subsequently varied: P2015/0884/S73 Variation of wording of condition 8 (pedestrian access) of p/p ref: 910900 for 'Redevelopment to provide a four storey building with a basement comprising teaching facilities with ancillary offices for the Polytechnic of North London', dated 20/02/1992. Approved 08/06/2015.
- 7.13 Erection of four flagpoles and a new ramp (as amended by letter dated 7.6.91) Approved 26/06/1991
- 7.14 851759 Construction of a new entrance lobby between the tower block and library block to provide information area bookshop and bank together with elevational alterations to the ground floor of the tower block. Approved 17/02/1986.
- 7.15 861186 Erection of an equipment cabin on tower block roof. Approved 30/10/1986.
- 7.16 861468 Installation of bank service till. Approved 16/12/1986.

#### **Pre application advice**

- 7.17 The proposed development forms part of a programme of works at London Metropolitan University. Limited formal pre-application advice was sought prior to the submission of the current application, and the advice given related to the principles of the general upgrades proposed by the overall masterplan of works (under reference Q2016/4111/PPA). Design

guidance specific to J-block was provided by the Design Review Panel followed by a design-focussed meeting with officers.

### **Design Review Panel**

- 7.18 Islington's Design Review Panel considered the proposal on 16th January 2017.
- 7.19 The Panel's pre-application stage written comments (issued on 6<sup>th</sup> February 2017) are appended as Appendix 3, and the comments made in relation to J-Block are copied with responses as follows:
- 7.20 "The Panel did not raise concerns about the principle of providing a 4 storey building in the location of Block J. However, there was some concern about the impact of the additional height on the courtyard and the Panel emphasised the importance of a commitment that the central courtyard improvements and enlargement, which will address the scale of Block J, will be implemented."

*(Officer Comment: The proposal includes part of the courtyard, for which landscaping details are required by condition 13; and the demolition of the first floor walkways between J-Block and the tower and F-Block which will result in increased openness to the courtyard, offsetting the impact of the additional scale)*

- 7.21 "Some concern was raised about the relationship of the proposed extension to the host building. There was debate about the original form of Block J. Panel members questioned whether the building was originally symmetrical and thought that the exposed gable (on the south elevation) was likely to have been balanced by another on the opposite side. Whether or not this was the case, it was thought that considering a symmetrical composition might assist in providing a more balanced form and elevation.

Although panel members had no objections to the overall resulting 4 storeys, they thought that the distinct 2 storeys addition looked proportionally awkward. Therefore, the Panel had a preference for the "knitting" approach rather than the proposed addition looking like a separate volume. There was concern expressed about large areas of south facing glazing shown on some iterations, in relation to both solar gain and maintenance."

*(Officer Comment: These comments have been fully addressed by the proposal. The existing building is not symmetrical, but a "balanced symmetry" approach has been taken to the design, with "pop up" windows close to the corners of the building, and a well composed arrangement of picture windows and more subtly expressed windows set behind terracotta ribs. The proposed ribbed terracotta facade would tie in with the colour and texture of the existing brickwork, following the "knitting" approach suggested, and the extension would continue the plane of the existing walls rather than introducing setbacks or a separate volume. The original window openings would either be bricked up or have reduced glazing with the addition of perforated aluminium panels to improve thermal performance and reduce overheating).*

- 7.22 "Panel members were positive about the idea of getting rid of corridors and opening onto the courtyard. However, they encouraged the design team to consider carefully the acoustic issues of having teaching spaces directly accessed off study and recreation areas. The design studies need to be developed further to ensure that the building functions effectively and has flexibility for future change."

*(Officer Comment: These comments relate to internal changes which do not in themselves require planning permission, but again these have been fully addressed. The lecture theatres would have separated*

*designed to provide different teaching and personal study spaces with varying degrees of separation to offer a choice of learning spaces in line with the university's needs.)*

- 7.23 “The Panel felt that the proposal should be informed by the context and further analysis should be done of all the buildings. They should relate better to the courtyard and to each other, particularly at ground level. This analysis should inform a rationale which could be applied to Block J and then to later phases to develop a coherence and rationality rather than reflectional symmetry throughout the scheme. This may assist in the decision process about the approach to take with Block J and whether this should be an integrated or contrasting design.”

*(Officer Comment: The design and access statement sets out analysis of the existing buildings on the campus including the historical context within which J-Block was originally constructed. The proposal would sensitively extend the existing building with an improved relationship to the courtyard including larger ground floor windows and new step-free entrances. The design is well integrated to the proposed building and the rest of the existing campus, partially in response to the prevailing design language and materiality.)*

- 7.24 “As the upper parts of the extension would look over the courtyard, panel members suggested that this could have a more theatrical relationship with the square; it is directly opposite the performing arts building and one way to explore a common theme between buildings may be to create more overlooking of the square at parapet level.”

*(Officer Comment: The proposal would introduce “pop up” windows (picture windows at third floor level which partially rise higher than the parapet line. These would introduce drama and activity at first floor, whilst also (on the courtyard side of the building) clearly marking out the main entrances and approaches to the building. This would result in a better relationship with the courtyard; improve wayfinding across the campus (which is currently quite confusing) and a rational, appropriate design.*

## **8. CONSULTATION**

### **Procedural Matters**

- 8.1 Letters were sent to occupants of 223 adjoining and nearby properties on 19/04/17. Site notices and a press notice were published on 27/04/2017. The public consultation of the application therefore expired on 18/05/2017; however it is the Council's practice to continue to consider representations made up until the date of a decision.

### **Public Consultation**

- 8.2 At the time of the writing one letter in support was received from a local resident, and 2 objections had been received from neighbours with regard to the application. The objections raised are summarised as follows (with officer comments in brackets):
- There would be harm to neighbour amenity caused by loss of light, overshadowing, visual amenity, noise and disturbance. *(Officer comment: The neighbour amenity impacts of the scheme have been assessed and it is considered that these would not result in unacceptable harm to neighbours. See the “design” section of this report in relation to the visual amenity impacts, and the “neighbour amenity” section of this report in relation to the other neighbour impacts raised)*
  - Construction noise would be harmful to neighbours, in particular at 8am on a Saturday. *(Officer comment: A condition is recommended securing compliance with the submitted*

*construction management plan, and the s.106 legal agreement requires compliance with the construction code of conduct. Whilst construction impacts are always inconvenient to neighbours, the application takes all reasonable steps to minimise these impacts.)*

- 8.3 One comment was received in support, stating that “the campus is long overdue for improvements” and that this is an excellent first step as part of plans to significantly improve the area.

#### **External Consultees**

- 8.4 **Transport for London (TFL):** No objection. The A1 Holloway Road forms part of the Transport for London network (TLRN). There is unlikely to be a significant adverse impact on the TLRN or other TFL assets.
- 8.5 **London Underground (Infrastructure Protection):** No objection. The proposal would not impact the nearby underground tunnels/infrastructure.
- 8.6 **London Fire and Emergency Planning Authority:** No objection.
- 8.7 **Crime Prevention Officer:** No objection.

#### **Internal Consultees**

- 8.8 **Nature Conservation Manager:** No objection. The site has limited potential for biodiversity improvements but bird boxes should be required by conditions, including swift boxes or swift bricks. The position of these should be determined on site by a qualified ecologist.
- 8.9 **Energy Officer:** Concerns were initially raised because the proposal would only comply with the Council’s carbon reduction policy around the dependence of the proposed development on a future university CHP unit which would not be secured by of the proposal; however further detail was submitted by the applicant demonstrating that the proposal would comply with the relevant carbon emissions targets without dependence on the CHP or external equipment. Consequently no objection was raised by the energy officer.
- 8.10 **Environmental Health and Acoustics Officer:** No objection. There would be external plant in the ground floor plant room, at 1st floor roof and 3rd floor levels. Although the plant has not been specified, background sound levels have been surveyed and plant noise limits set. No specific concerns are raised and conditions are recommended to ensure compliance with the noise limits and mitigation set out in the application details. There is potential disruption to the rest of the campus as well as neighbours arising from the construction process and a Construction and Environmental Management Plan should also be required by a condition to minimise the impacts.
- 8.11 **Highways Officer:** No objection. The proposal would have no direct impact on the public highway, as it is an extension to an existing building and is within the University Campus rather than fronting any main roads. A Construction Management Plan would be required.
- 8.12 **Access Officer:** No objection. There is level access throughout the building, although the tiered lecture theatres do not allow disabled access to all seats. Consideration should be given to a “changing places” WC. The 4 existing accessible parking bays will be retained and there are cycle storage and end of journey facilities elsewhere on site. In order that the proposed works deliver an inclusive environment, it is important that the facilities that support it are inclusive and meet contemporary design standards. Details should be provided showing that a proportion of the racks should be accessible to ambulant

disabled cyclists and also for adapted cycles, and at least one accessible shower should also be provided on the campus.

- 8.13 **Design and Conservation Officer:** No objection. The removal of the bridges is welcome as the general refurbishment of the buildings. The loss of the gable end/architectural details at parapet level of J Block are regrettable, but on balance, the design of the proposal is high quality and subject to satisfactory materials and detailing will deliver an interesting and positive scheme on site. The roof is highly visible from the surrounding (taller) buildings, and should be designed neatly as a “fifth elevation,” and a green roof would be desirable with materials/detailing subject to conditions to ensure high quality appearance and finishes. Louvered/perforated/ventilation openings should receive an architectural finish rather than having “industrial” looking louvres; preferably with laser cut or perforated panels. All finishes and materials should be subject to a condition to ensure they are of acceptable quality and deliver the design aspirations as presented in the D&A statement.
- 8.14 **Tree Officer:** No formal response, but advised that the proposed removal of three trees would be acceptable subject to new trees being planted elsewhere.

## **9. RELEVANT POLICIES AND LEGISLATION**

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

### **National Guidance**

- 9.2 The National Planning Policy Framework (NPPF) 2012 is a material consideration which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. Since March 2014 planning practice guidance for England has been published online.

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2016 (amended), Islington’s Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The relevant Development Plan policies are listed in Appendix 2.

### **Designations**

- 9.4 The site has the following designations under the London Plan 2016 (amended), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations June 2013:

- Site Allocation HC3 (Site A 166-220 Holloway Road)
- Highbury Corner and Holloway Road Key Area (Core Strategy Policy CS4)
- Within 50m of Conservation Area: St Mary Magdalene (although not visible from the CA)

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

- 9.5 The relevant SPGs and/or SPDs are listed in Appendix 2.

### **Environmental Impact Assessment (EIA)**

- 9.6 No request for an Environmental Impact Assessment (EIA) scoping opinion was submitted, however the site is significantly less than 1 hectare in size and it is not in a sensitive area as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations

(2017). As such the proposal is not considered to fall within the development categories of Schedule 1 or 2 of the EIA Regulations and an EIA is not considered necessary.

## **10. ASSESSMENT**

10.1 The main issues for consideration are:

- Land-Use
- Design and Conservation
- Neighbouring Amenity
- Accessibility
- Landscaping and Trees
- Sustainability, Energy Efficiency and Renewable Energy
- Highways and transportation

### **Land Use**

10.2 The site is part of the London Metropolitan University Campus on Holloway Road, which is allocated as site HC3 (Site A 166-220 Holloway Road) in the Islington Local Plan Site Allocations (2013) and Core Strategy (2013) Policy CS4.

10.3 This site allocation is for higher education and associated uses, including student union, library, research, and office use. In this location, existing education and related uses should be consolidated and improved, and care should be taken to avoid unacceptable impacts on protected viewing corridors (as defined by the London View Management Framework and Development Management Policies). Where possible, development should contribute to improving the public realm; in particular the poor physical environment along Holloway Road and Hornsey Road.

10.4 Policy DM4.12 supports new social infrastructure (including education facilities) but states that this must be conveniently and sustainably located; provide inclusive and accessible facilities; provide well designed, fit-for-purpose and flexible spaces; maximise shared use; complement the surrounding uses and character; and avoid adverse amenity impacts.

10.5 The proposal would extend an existing teaching building within the university campus to provide refurbished teaching space, common study areas, and better quality ancillary spaces (for example the café/canteen area). It would deliver a net increase of 1775sqm (GIA) additional floorspace for education uses (Use Class D1).

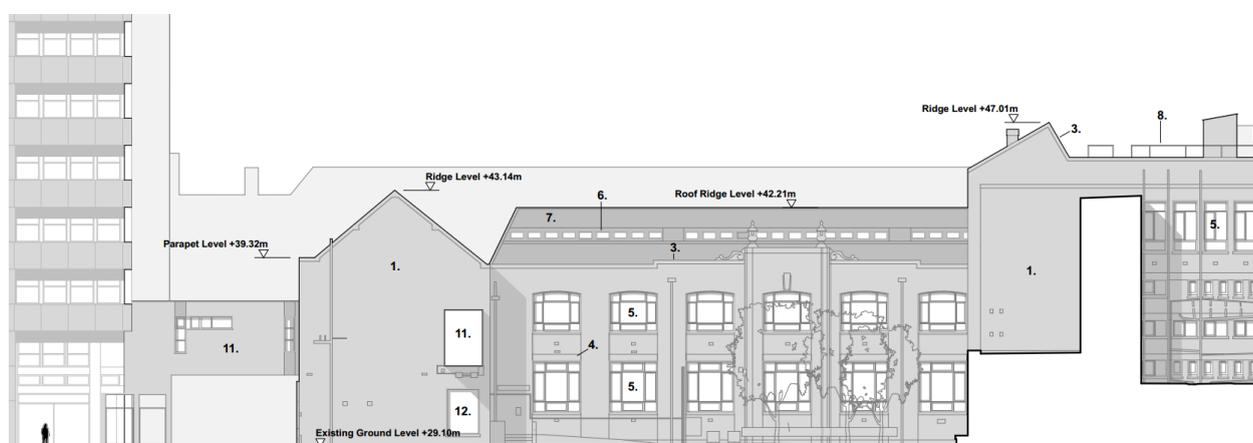
10.6 This would be conveniently and sustainably located within a site allocated specifically for this type of use, and close to good public transport links. The proposal would result in well designed, inclusive and accessible facilities (as considered in the "Accessibility" section of this report) and would complement the rest of the University Campus.

10.7 Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. The proposed development would be subject to s.106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution of £2,513; and a construction training placement during the construction period. Further obligations are set out in the relevant sections of this report.

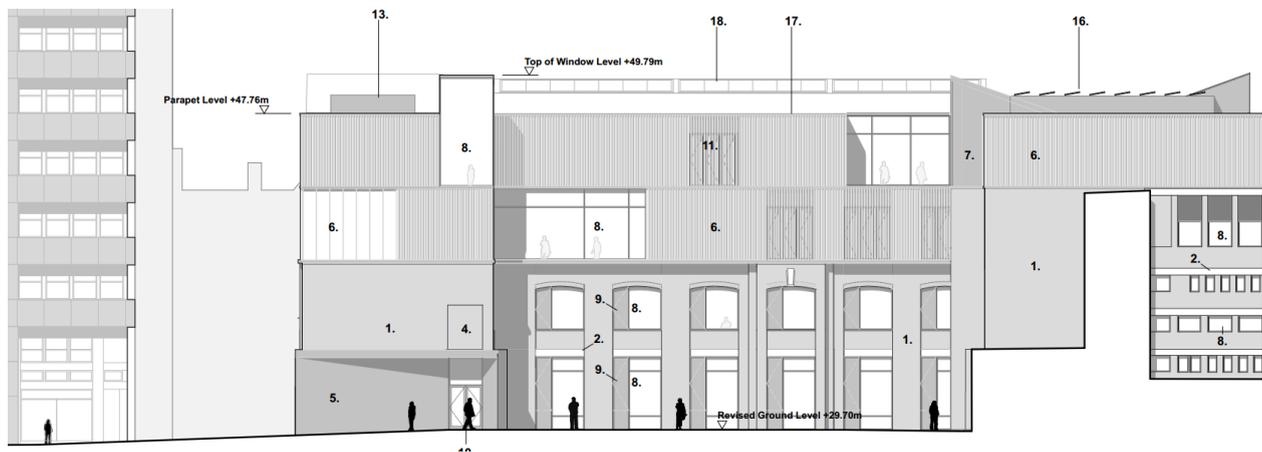
- 10.8 The proposed development would comply with the overarching land use policy and site allocation objectives of consolidating and improving education uses.

### **Design and Appearance**

- 10.9 The NPPF introduced the presumption in favour of sustainable development, which it states is indivisible from good design. London Plan Policies 7.4, 7.5, 7.6 and 7.7 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality and to be of proportions, composition, scale and design which enhances and appropriately defines the public realm. Buildings should not cause unacceptable harm to surrounding amenity and should make the public realm comprehensible at a human scale, particularly at ground level.
- 10.10 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.11 The proposal would remove the pitched roof of J-Block and in its place would add 2 storeys to the building. An external staircase on the north east elevation and an external plant enclosure in front of the building would also be removed. The building is not located within a conservation area and no objections are raised to the removal of these items. An, within the courtyard, would also be removed.
- 10.12 The surrounding buildings on the campus are generally 3-4 storey brick buildings, with prefabricated 2 storey buildings located centrally within the courtyard area (which the masterplan seeks to demolish once additional teaching space has been provided elsewhere in the campus). There are also taller buildings on and adjacent to the campus, including the 10 storey tech tower and 15 storey 1960s tower, and 5 storey residential blocks to the north of J-Block. The proposed height increase to 4 storeys would not result in an excessively tall building, and would appear comfortable within the scale of its surrounding context.
- 10.13 The following images show the appearance of the proposed extension and alterations.



*Fig 10.1: Existing South East (Main) Elevation*



*Fig 10.2: Proposed South East (Main) Elevation*



*Fig 10.3: Artists Impression of the view from the Courtyard (South East Elevation)*

- 10.14 The proposal would introduce a new entrance on the front (south east) elevation facing the courtyard, with a dark brick recessed surround, and a “pop up” window at third floor directly above the entrance door. The proposal would also remove an external wheelchair ramp and steps in favour of a level entrance (enabled by regraded external landscaping) for improved accessibility. This would be a legible and sensitively designed new entrance.
- 10.15 There would be a number of windows which would be enlarged (at ground level where the cill heights would be lowered) and others which would be infilled or partially infilled with matching brick or perforated aluminium panels, reducing the amount of glazing for environmental performance reasons. The windows on the south west elevation (which would be WC windows) would be retained with high level ventilation panels and glazing below. The new extension would be clad in terracotta ribs, with a mixture of window openings set into the ribs, and set behind the ribs. The facing material would integrate well with the red brick facades whilst offering visual distinction between the old and new parts of the building. By reducing the width and amount of openings at upper levels the facades avoid a top-heavy appearance, and integrate well with the rest of the building. There would be some large feature windows which would enliven the elevations (particularly in the evening), and would include some “pop up” windows on the top floor, which would be taller than the surrounding parapet height to add activity and drama to the elevations. The fenestration, cladding, and detailed design approach would all result in vertical emphasis which would contribute to an elegant, restrained appearance.

- 10.16 The building would have a flat roof with the plant areas and ventilation chimneys neatly positioned. These would not be visible from ground level but as there are a number of taller buildings surrounding, would be visible from a number of places. The rooflights, PV arrays and plant would be preferable to the existing plant enclosure in the courtyard and should be neatly arranged and fully enclosed (with perforated enclosures if required for ventilation) to avoid excessive clutter or visual harm.
- 10.17 Condition 3 (Materials and detailing) is recommended to ensure that the quality of the external materials and detailing is of appropriate quality.
- 10.18 The proposed design has responded well to the DRP comments, and would result in a high quality appearance which would be well integrated to the existing fabric.
- 10.19 The proposed development is considered to be well designed, and acceptable in design terms in accordance with London Plan Policy 7.6, Policy CS7 of the Islington Core Strategy, and Development Management Policies DM2.1 and 2.3.

### **Accessibility**

- 10.20 London Plan Policy 7.2 states that development should 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.
- 10.21 Islington Policy DM2.2 requires all new developments to demonstrate inclusive design, including that all developments should demonstrate that they provide for ease of and versatility in use, deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. All development needs to be assessed against this policy background to ensure genuinely inclusive design from the outset and for the lifetime of the development.
- 10.22 The proposal would essentially remove all of the inherent accessibility barriers with the existing building, and by re-planning the entrances, WCs, circulation, and internal spaces would substantially upgrade the accessibility of the building. This would allow step free access to all of the building, a level entrance (resulting from external regrading and landscaping improvements), and would avoid segregation of entrances or circulation spaces for users of varying mobility. The council's inclusive design officer has raised the tiered lecture theatres as the only barriers to accessibility, but as each lecture theatre would have a wheelchair accessible entrance and two wheelchair spaces, officers consider that this would result in a good standard of inclusive design.
- 10.23 The inclusive design and access measures proposed would be secured by an appropriately worded condition (no.4).

### **Neighbour Amenity**

- 10.24 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1.



*Fig 10.4 J-Block in context (repeated from fig 5.1) showing relationship to neighbouring buildings*

Daylight to existing surrounding buildings

10.25 The proposed increase in height would result in the potential for loss of daylight to neighbouring properties. To demonstrate the impacts, a sunlight and daylight assessment was submitted with the application. This considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

10.26 With regard to daylight, the BRE guidance states that if the new development subtends an angle of more than 25° to the horizontal (taken perpendicular to the centre of the affected window), of a window to an existing building, then the diffuse daylighting of the rooms in that building may be adversely affected. The impact on neighbouring windows would be noticeable if either:

- the VSC [vertical sky component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; (the VSC test);
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value (the daylight distribution test).

10.27 The daylight tests were applied to all of the affected main habitable rooms at Rollit House, Branston House, Block E 30-36 Hornsey Road, and 71 to 89 Benwell Road with the following results.

10.28 Rollit House: 59 out of 68 windows assessed passed the VSC test. The 9 windows which fail the VSC test serve rooms which are lit by other windows which do pass the VSC test,

and all 38 habitable rooms passed the daylight distribution test. The residents of Rollit House are thus unlikely to experience noticeable loss of daylight following the development.

10.29 Branston House: 53 out of 61 windows passed the VSC test. The remaining 8 windows serve rooms which are lit by other windows which do pass the VSC test, and all 35 habitable rooms passed the daylight distribution test. The residents of Branston House are thus unlikely to experience noticeable loss of daylight following the development.

10.30 Block E, 30–36 Hornsey Road: 43 out of 51 windows passed the VSC test. The remaining 8 windows fail; of these 5 are very minor fails retaining at least 0.7 times their former values, and the other three retain at least 0.6 times their former values. These reductions are likely to be noticeable but VSC values of at least 0.6 times the former value (or a reduction of 40%) are normally considered acceptable in built up urban areas, so the daylight reductions to these individual windows are acceptable. Of the 45 habitable rooms in the building, 35 would pass the daylight distribution test and 10 would fail. 7 of the rooms which fail would retain at least 0.6 times their former daylight distribution values, which is normally considered acceptable in built up urban areas, so whilst noticeable the daylight reductions to these rooms are considered acceptable. The other 3 rooms are vertically stacked and would be affected by substantial reductions in daylight, as set out in the following table:

10.31 *Table 10.1: Rooms at Block E*

<b>Room</b>	<b>Room Area (sqm)</b>	<b>Existing Lit Area (sqm)</b>	<b>Proposed Lit Area (sqm)</b>	<b>Factor of Former Value</b>
First Floor R2	9.05	3.33	1.81	0.54
Second Floor R2	9.05	5.08	2.67	0.53
Third Floor R2	9.05	8.22	3.24	0.39

10.32 As noted however, all of the windows in Block E would still receive in excess of 25% APSH so although three rooms would suffer from reduced daylight, they would still receive good levels of annual average sunlight and the cumulative impact on living conditions is not considered sufficiently harmful to warrant refusing the application.

10.33 71 to 89 Benwell Road: All 85 windows passed the VSC test. 54 out of 55 rooms passed the daylight distribution test, and the only room which failed would retain 0.78 times its former value which is a very minor fail (short of the target of 0.8).

Daylight Summary

10.34 The impacts on daylight are considered acceptable to all neighbouring habitable rooms, except for First floor R2, Second floor R2, third floor R2 at Block E 30-36 Hornsey Road which would experience reduced daylight but would retain good levels of sunlight as assessed below.

Sunlight to existing surrounding buildings

10.35 With regard to sunlight, the BRE Guidelines state that neighbouring habitable rooms should be assessed if there is the potential for loss of sunlight, and main living rooms are

considered more sensitive than kitchens and bedrooms. Loss of sunlight may be noticeable where:

- The new development is situated within 90° of due south of the (existing) window; and
- The new development is within 25° to the horizontal (taken perpendicular to the window), measured from the centre of the window.

10.36 For windows which are likely to be affected, there would be no real noticeable loss of sunlight where in a typical year the centre point of the assessed window receives:

- More than 1 quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March (i.e. winter); or
- less than 0.8 of its former hours during either period

10.37 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 APSH.

10.38 The sunlight tests were applied to all of the affected main habitable rooms at Rollit House, Branston House, Block E 30-36 Hornsey Road, and 71 to 89 Benwell Road with the following results.

10.39 Rollit House: Of 44 windows assessed, 34 windows would achieve 25% APSH and 5% WPSH, at least 0.8 times their former value. Of the 10 failures, 8 would receive 5% WPSH, but not the 25% APSH. Of these 10, there are three in rooms that have other windows to the same room (R6 first floor, R6 second floor and R10 third floor), which far exceed the annual sunlight target of 25% APSH meaning the occupants of the rooms will still have good access to sunlight. One further window (Ground floor W15) would experience 0.75 times its former ASPH, so would only be a minor fail (against a target of 0.8). The remaining 6 windows achieved the following results in the sunlight assessment:

10.40 *Table 10.2: Windows and Rooms at Rollit House*

<b>Window/Room</b>	<b>Existing APSH %</b>	<b>Proposed APSH %</b>	<b>Factor of Former Value</b>	<b>Daylight Distribution Factor of Former Value</b>
Ground floor W16/R6	15	6	0.4	0.97
Ground floor W17/R7	15	6	0.4	0.93
Ground floor W24/R10	2	1	0.5	0.92
First floor W14/R7	24	7	0.29	0.99
Second floor W15/R7	39	12	0.31	1.0
Third floor W18/R11	50	18	0.36	1.0

10.41 3 of the windows in table 10.2 (Ground floor W16, W17 and W24) already experience low levels of sunlight (well below 25% APSH), so whilst there would be a large decrease in percentage terms, the actual reduction would be minor and the proposal would not substantially change living conditions in the affected rooms. The remaining three windows; first floor W14, second floor W15, and third floor W18 would experience significant

noticeable losses in sunlight, which would noticeably reduce the amount of sunlight they receive. It is however noted that all of the rooms served by windows highlighted in table 10.2 would receive at least 0.92 times their previous daylight distribution figures (against a target of 0.8) so the daylight levels received by these rooms would not be noticeably affected. Whilst the reduction in sunlight to 6 windows at Rollit House would be noticeable, there would be no noticeable loss of daylight and the cumulative impact on living conditions at the affected homes would not be sufficiently harmful to warrant refusing the application.

10.42 Branston House: 19 of 43 windows would achieve 25% APSH and 5% WPSH, or at least 0.8 times their former value. 18 further would receive the annual sunlight target of 25% APSH, but not 5% APSH in the winter months, meaning 37 out of 43 windows meet the annual sunlight target. There would be 6 windows which would experience a noticeable reduction in overall annual sunlight, as set out in table 10.3.

10.43 *Table 10.3: Windows and Rooms at Branston House*

<b>Window/Room</b>	<b>Existing APSH %</b>	<b>Proposed APSH %</b>	<b>Factor of Former Value</b>	<b>Daylight Distribution Factor of Former Value</b>
Ground Floor R3 / W6	24	12	0.5	0.95
Ground Floor R4 / W7	21	9	0.43	0.96
First Floor R3 / W6	37	16	0.43	0.98
First Floor R4 / W7	37	14	0.38	0.99
Second Floor W6/R3	51	23	0.45	0.98
Second Floor R4/W7	50	22	0.44	0.99

10.44 One of these (Second Floor W6) is a minor failure receiving 23% APSH (short of the 25% target), and the room (R3) has another window which would receive 46% APSH. Second Floor W7 is also a minor failure receiving 22% APSH. Officers consider that the windows of these two rooms would still experience acceptable levels of sunlight. Similarly to the losses at Rollit House, the rooms served by the remaining four windows which would experience noticeable reductions in sunlight (First Floor R3 / W6; First Floor R4 / W7; Ground Floor R3 / W6; and Ground Floor R4 / W7) would all pass the daylight distribution test and would receive at least 0.95 times of their former daylight distribution figures (against a target of 0.8). Although 4 (assumed) habitable rooms would experience significant loss of sunlight, the daylight levels received by these rooms would not be significantly affected, and officers consider that the overall cumulative impact on living conditions at the affected homes would not be sufficiently harmful to warrant refusing the application.

10.45 Block E, 30–36 Hornsey Road: 41 of 47 windows would achieve 25% APSH and 5% WPSH, or at least 0.8 times their former value. Of the 6 windows which fail, 2 (Ground Floor window W8 and First Floor window W1, W2, W4 would achieve good annual sunlight levels, (29%, 28%, 39% and 49% respectively) but would fail the WSPH test, as shown in table 10.4

10.46 *Table 10.4: Windows and Rooms at Block E*

Window/Room	Existing WPSH %	Proposed WPSH %	Factor of Former Value
Ground Floor R7 / W8	2	1	0.5
First Floor R1 / W1	5	2	0.40
First Floor R2 / W2	8	2	0.25
First Floor R4 / W4	9	2	0.22

10.47 The 4 windows which fail the winter sunlight tests would comfortably exceed the annual sunlight tests, so they would still receive good levels of annual average sunlight. The other two windows which fail the tests (Ground Floor R1 and R2) would receive 100% of their existing WPSH (which is 2%), and 0.75 and 0.63 times their existing APSH respectively. This would result in a noticeable reduction in annual sunlight levels, although reductions to at 0.6 times the former value (or a reduction of 40%) are normally considered acceptable in built up urban areas, so the sunlight reductions to these individual windows are within acceptable limits.

10.48 71-89 Benwell Road: 65 of 68 windows would achieve 25% APSH and 5% WPSH, or at least 0.8 times their former value. In cases where windows would fail the first two tests, the BRE guidance states that 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 APSH. The three other windows would experience a reduction in APSH of no more than 4%, so in practice there would be “no real noticeable loss of sunlight” and the impact on all windows at 71-89 Benwell Road would be acceptable.

Sunlight to existing surrounding gardens

10.49 The Council’s application of planning policy tends to focus on habitable rooms, accepting that in built up urban areas good levels of sunlight to gardens is not always possible. The submitted assessment did however assess the impact on gardens, using the BRE test to determine what percentage of each amenity area would receive at least 2 hours of sunlight, on 2 separate dates of any year.

10.50 This assessment showed that on 21<sup>st</sup> March, 2 out of 4 tested areas would receive 100% of their existing sunlight (Block E Courtyard A3 and Block E decking area A2); and the other 2 would receive significantly reduced sunlight levels (Rollit/Branston House Communal Area A1 experiencing a reduction from 61% to 35%, and Block E decking area A1 experiencing a reduction from 54% to 0%). On 21<sup>st</sup> June all the tested areas would receive at least 0.96 times their current sunlight levels 100% of their current sunlight levels for more than 2 hours.

10.51 Given that the Council’s policies do not generally protect sunlight to garden areas, that these areas are more likely to be used by residents in June, and that generally good levels of sunlight would be achieved, this demonstrates that there would not be further unacceptable impacts on the sunlight available to residents.

### Sunlight and daylight summary

10.52 The submitted sunlight and daylight report demonstrates that there would only be significant losses to a handful of neighbouring windows, and in order to ensure a “worst case scenario” assumes that these all serve habitable rooms. However even where there are significant losses of sunlight, the affected rooms would still receive similar levels of daylight to current levels, and no neighbouring rooms would experience unacceptable losses of both sunlight and daylight. Having considered the test results in detail and assessed the cumulative impacts of all the individually affected windows, officers consider that the impacts are within normally acceptable limits and that the resultant daylight and sunlight levels received by residential neighbours would not result in unacceptable harm to the quality of life of neighbours.

### Privacy, enclosure and overlooking

10.53 Policy DM2.1 identifies a minimum distance of 18 metres between windows ‘to protect privacy for residential developments and existing residential properties. Standard 28 of the London Plan SPG Housing (2016) requires proposals to demonstrate that habitable rooms would have adequate levels of privacy in relation to neighbouring properties.

10.54 The existing building is already much closer than 18 metres to all of the surrounding residential windows (the closest are approximately 10m away), and whilst the extension would increase the height of the existing building it would not increase its footprint or introduce windows onto walls which do not already have windows. There would however be additional windows on the new second and third floors, including on the north west elevation where there they would potentially increase overlooking to the neighbours at Rollit House and Branston House. Some of these windows would be positioned behind the terracotta ribs which would obscure views, and the large “pop up” window would offer oblique views of the windows at Rollit House (and views along Rollit Street) so these are considered acceptable. However in order to prevent unacceptable loss of privacy to neighbours arising from the other windows, a condition is recommended requiring the other second and third floor windows to be obscure glazed with restricted opening (condition 17).

10.55 The scale of the building would be similar to those surrounding, would not result in an overbearing sense of enclosure or overly cramped urban environment. The privacy, enclosure and overlooking impacts are considered acceptable.

### Noise and Disturbance

10.56 The neighbour objections received included concerns about noise and disturbance arising from the development. The proposal was accompanied by an acoustic assessment which included a survey of existing noise levels and an assessment of predicted noise impacts from plant and activity. This sets out that low-noise plant; duct lagging; and barrier screens will be used to avoid increasing background noise levels to unacceptable levels. The submitted details have been assessed by the Council’s acoustics officer and no objection was raised subject to the imposition of a planning condition setting external noise limits at the nearest sensitive receptors (residential windows). The report also considers the impacts of noise from similar study areas in other university buildings, and concludes that with the windows open the typical audible noise level at the residential properties 10m away would be lower than the existing background levels (and in any case the windows could be shut in the event of noise complaints).

- 10.57 The application proposes in part to relocate student activity and the potentially noise-generating uses away from more sensitive locations and into the campus and buildings; and by providing common study spaces and a more attractive canteen / café area, it is likely that students will remain on the campus for longer. These spaces are internal and by providing additional accommodation within the campus, it is likely that some of the existing impacts of students loitering or making noise on surrounding streets will actually be contained within the buildings and campus, thus reducing antisocial activity. The proposal is not considered likely to result in increased disturbance to neighbouring residents.
- 10.58 Officers consider that subject to the recommended condition (no.5), the proposal will not result in unacceptable impacts in terms of noise and activity.

#### Neighbour amenity summary

- 10.59 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity. The proposal is thus considered acceptable in accordance with London Plan Policies 7.6, 7.14 and 7.15, and as Development Management Policy DM2.1.

#### **Biodiversity, Landscaping and Trees**

- 10.60 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area.
- 10.61 The site is not within or adjacent to a Conservation area, and the trees on the site are not offered formal protection. The submitted arboricultural report sets out adequate measures for the protection of trees during construction (to be secured by condition 14), with the exception of three trees which would be removed. These are identified by the report as category C trees with limited long-term prospects, and the report goes on to state that “suitably sized replacements and species should be planted on completion of the scheme.” The Council’s tree officer and biodiversity officer have both raised no objection to the loss of these particular trees, but the tree officer has advised that overall tree cover should not be reduced so the application should be subject to an appropriate landscaping plan which would adequately provide replacement trees. A condition (no.6) is therefore recommended requiring either replacement trees as part of the external landscaping. Subject to appropriate replacement trees, the proposal would be acceptable in this respect.
- 10.62 The proposal includes an area of landscaping for which details have not yet been provided. Subject to a condition requiring further approval of details with regard to the landscaping, and the provision of bird boxes as recommended by the biodiversity officer (condition 7), no objection is raised.
- 10.63 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations. The scheme does not include any green roofs but there does not appear to be any reason why one cannot be provided on site and therefore condition 15 is recommended to that this is

provided unless adequately demonstrated to be unfeasible. All roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm.

### **Security and External Lighting**

- 10.64 Policy DM2.1 requires developments to be designed to be safe and to demonstrate safety in design; including access, materials and site management. Policy DM2.2 requires developments to deliver safe, legible and logical environments. A Planning Security Statement and a Lighting Statement for Planning were submitted with the application, detailing entrance security measures and external lighting principles. The statements outline passive design as a principle, with security card access to various areas of the building allowing control over different areas. This would avoid unnecessary physical barriers, and would also allow variable control (for example allowing restrictions to certain areas which could be relaxed or tightened outside normal working hours, term time, football match days, etc.) The proposal was considered by the Crime Safety Officer who raised no objections to the proposal, and it is not considered that the proposal would result in any new security risks or opportunities for crime.
- 10.65 Paragraph 125 of the NPPF requires developments to limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation. Paragraph 7.19 (Policy 7.5) of the London Plan (MALP) 2016 states that the lighting of the public realm also needs careful consideration to ensure places and spaces are appropriately lit, and there is an appropriate balance between issues of safety and security, and reducing light pollution. Poorly designed lighting has the potential to add to the existing Light Pollution levels in London, to cause harm to neighbour amenity, and to disturb dark corridors for wildlife.
- 10.66 The submitted Lighting Statement identifies the potential harm caused by inappropriate external lighting, and states that internal lighting will be subject to automatic lighting controls and that external lighting should be designed to avoid environmental problems. No external lighting is proposed between J-Block and the residential neighbours in order to avoid neighbour amenity impacts. A condition (no.8) is recommended requiring details of external lighting to be approved by the Council, to avoid excessive light pollution and ensure a well-designed and safe environment in accordance with the above policies.

### **Health and Air quality**

- 10.67 Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being.
- 10.68 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM 6.1 of the Development Management Policies document requires that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.69 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An air quality assessment was submitted, including an Air Quality Neutral Assessment which concludes that as the pollutant emissions (nitrogen oxides) from the proposed plant would be lower than the GLA's Sustainable Design and Construction SPG benchmarks, no further mitigation is required regarding the ongoing emissions arising from the building's use.

10.70 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The proposal is relatively minor as it will not result in major demolition or excavation works, although there will still be construction dust, waste, machinery, material storage and vehicles which all have the potential to negatively impact air quality. The London Plan “Control of Dust and Emissions during Construction and Demolition” SPG requires low emission non-road mobile machinery (NRMM) to comply with low emissions standards and a condition (no.16) is recommended to ensure that the proposal complies with these standards. The air quality assessment sets out appropriate measures to avoid significant impacts on air quality arising from the construction programme, and subject to compliance with these measures and condition 16, the proposal is considered acceptable in terms of Air Quality.

### **Highways and Transportation**

10.71 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is ‘excellent,’ and is in close proximity to Holloway Road underground Station and several bus routes along Holloway Road. Drayton Park train station and Highbury & Islington underground, rail and overground station are also within walking distance. The A1 Holloway Road is part of the Transport for London road Network (TLRN), and Hornsey Road (A103) to the north is a local strategic road.

10.72 The proposal is to reconfigure and redesign university accommodation, and to increase the amount of communal/social study space and ancillary facilities. It will not increase the number of formal teaching spaces and thus will not directly result in a change to student numbers on campus. Most of the existing provision in terms of cycle storage, parking, servicing etc. which serves the whole campus will therefore be unchanged as a result of the development. A transport statement and travel plan were submitted with the application detailing the management arrangements to be continued by the extended building.

### **Servicing and refuse**

10.73 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.

10.74 J-Block (and the rest of the campus) is currently served by an external courtyard area to the north, accessed from Benwell Road. This area contains waste bins, separated for recycling, confidential paper, food and general waste. A waste management strategy was submitted with the application which identifies (mostly daily) collections from Benwell Road, and includes measures for the minimisation of waste, which although not explicitly referred to, broadly follows the waste hierarchy set out in Chapter 5 of the London Plan.

10.75 There is no direct access from the street to J-Block for other collections and deliveries, but deliveries and servicing for the campus are managed holistically via off-road servicing yards accessed from Hornsey Road and Benwell Road. No changes to the existing arrangements are proposed, no additional requirements arise from the proposed

development, and no objection to this continued arrangement is raised by the Council's transport planner or Transport for London.

- 10.76 The proposal is therefore not considered to create any significant changes to the existing delivery, collection and servicing arrangements when compared to the existing situation and no concerns are raised.

#### Vehicle and Cycle parking

- 10.77 The application site is within a Controlled Parking Zone (CPZ). The existing university campus has 2 private (not publicly accessible) parking areas within the servicing areas which available only to essential contractors and 4 accessible parking spaces for disabled staff/students. The travel plan shows that the vast majority of students travel by public transport, with only 5.7% using cars or taxis.
- 10.78 122 cycle parking spaces are located on campus as a mixture of sheltered/secure spaces, and short stay Sheffield stands. The submitted travel plan also identifies the locations of cycle storage at other university locations, promoting cycling as a means of transport for staff and students (although it goes on to show that there is limited need for travel between sites). As the proposal will not increase the number of students at the campus, no change to the number of cycle or vehicle parking spaces is proposed and the retention of the existing provision is acceptable. As no details of accessible cycle storage were provided, a condition (no.4) is recommended requiring details of accessible cycle storage within the University Campus.

#### Construction impacts

- 10.79 The submitted transport statement estimates a construction programme of 62 weeks, commencing on 23/10/17 with practical completion on 28/12/18. Construction access will be via Rollit Street, with shared access for the existing residents at Rollit House maintained. The access arrangements exclude parking for contractors to avoid congestion.
- 10.80 Any requirement for the repair and re-instatement of the footways and highways adjoining the development which arises from construction impacts, should be resourced by the applicant, and secured by a s.106 obligation. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- 10.81 The application was accompanied by a Construction Management Plan which identifies measures for minimisation of environmental and amenity impacts, notification of neighbours, and working hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays. These hours are in line with those permitted by the Islington Noise Service code of practice for construction sites.
- 10.82 As the Construction Management Plan was drafted well in advance of construction works, this outlines headline impacts and intentions for minimisation of impacts, but does not include specific information on vehicle tracking, dates of deliveries (for example to avoid clashes with road closures on football match days at the nearby Emirates Stadium). A condition (no.9) is therefore recommended to secure an expanded construction management plan detailing specific measures.
- 10.83 Subject to compliance with the submitted construction management plan (and recommended condition 9), waste strategy and air quality strategy, the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbour amenity, the wider environment, or the safe and efficient operation of the highway network.

10.84 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 also 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 of £1,800 towards monitoring. This payment is considered 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.

#### Highways and Transportation Summary

10.85 The application sets out adequate provision for on-site servicing, waste storage, operational parking, collections and deliveries, and includes an ongoing travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM5.1, DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012).

#### Sustainability, Energy Efficiency and Renewable Energy

10.86 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. This requires all development to achieve the highest feasible sustainability standard, and a sustainability statement was submitted which follows the structure suggested by the Mayor of London's Supplementary Planning Guidance (SPG) Sustainable Design and Construction, and London Plan Policy 5.3.

#### Flooding and Sustainable Urban Drainage Systems (SUDS)

10.87 Policy DM6.6 expects all major development to include details to demonstrate that SUDS has been incorporated and will be properly maintained. The proposal would not increase the footprint of development on the site, and as it would extend the existing building there would be limited opportunities for SUDS. The submitted flood risk statement highlights that the site is at low risk of flooding from rivers and the sea, but at high risk of surface water flooding. The site is also considered to be at low risk of groundwater flooding and the application would not increase this risk. A foul water drainage strategy was also submitted which advises that the limited increases in WCs (an additional 5 connections) could be accommodated by the existing drains.

10.88 As the proposal is a refurbishment with additional storeys there is little scope for new SUDS. A condition (no.10) is however recommended requiring details of measures which incorporate SUDS principles and maximise the benefits of the proposal in terms of drainage and flood risk. Subject to conditions the proposal would make the maximum reasonable contribution to reducing flood risk and is acceptable in this respect.

#### Energy Efficiency, CO2 Emissions, And Renewable Energy

10.89 London Plan Policy 5.2B sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Islington Policy CS10 A and Section 2 of the Environmental Design SPD require that onsite total CO2 reduction targets (both regulated and unregulated) against Building Regulations 2010 are reduced by 40% where connection to a Decentralised Energy Network (DEN) is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to reductions of 39% where connection to a DEN is possible, and 27% where not possible.

- 10.90 The proposal would take a fabric-first approach to CO2 savings, and would achieve a carbon reduction of 40.3% without relying on any future DEN or CHP connection; significantly exceeding the target of 27%. This is primarily achieved by improvements in the efficiency of building services equipment, PV panels, and upgrades to the fabric; for example the new build walls have a u value of 0.09 W/m<sup>2</sup>K and the refurbished walls 0.18 W/m<sup>2</sup>K compared to a notional value of 0.26 W/m<sup>2</sup>K.
- 10.91 Policy DM 7.4A states “Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding”. The council’s Environmental Design Guide states “Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification.” As the proposal would involve refurbishment and new-build elements, a bespoke BREEAM assessment certification approach is underway. The development is projected to achieve a BREEAM rating of ‘Excellent’, with a score of 74.8% (between “Excellent” (70%) and “Outstanding” (80%)); subject to a condition (no.18) requiring certification this would be acceptable.
- 10.92 London Plan Policy 5.6B sets out a hierarchy for energy systems for major development proposals, prioritising connection to existing heating or cooling networks; over a site wide CHP network and communal heating and cooling. Islington Policy DM7.3B states “*all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.*” The university is separately undertaking a feasibility study into the potential of developing a site-wide energy centre (CHP) which would be designed to connect to a future DEN, although this does not form part of the application. An on-campus CHP, or future DEN, would further reduce the total forecast carbon reduction so a s.106 obligation is recommended requiring the proposal to be designed to connect to a future campus wide CHP and/or DEN.
- 10.93 The submitted sustainability statement shows that there would be shortfalls in air tightness against the target standards in the Environmental Design SPD, and the Council’s energy officer has recommended that details of the CHP connection (and temporary boilers), cooling system, futureproofing for CHP and DEN connections, and Solar PV panels should be provided. As the proposal will upgrade an existing building which suffers from poor air tightness, it is unlikely that the proposal will be able to comply with all of the standards expected from a new building. However, as above, the refurbishment and new build have been designed to minimise carbon emissions and to exceed BREEAM excellent, and officers consider that appropriate measures have been taken to minimise the environmental impacts of the proposal. A condition (no.11) is recommended requesting further detail on the detailed designs of the equipment and mechanical systems to be implemented in order to ensure that these would comply with the assumptions made by the submitted sustainability assessment.
- 10.94 In accordance with the Council’s zero carbon policy, the council’s Environmental Design SPD states that “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.”

- 10.95 The site is located within the wider LMU campus, and the university are undertaking work on a masterplan for wider campus improvements. The applicants have advised that there is potential for further reductions in CO2 emissions across the campus, including those arising from upgrades to other existing buildings, but also arising from a potential site-wide CHP facility with future connection to the Council's planned DEN for the surrounding area.
- 10.96 If they come forward, these proposals present significant opportunities for carbon reductions across the wider university site, and potentially further strategic sustainability benefits arising from the future CHP and DEN connections. The campus presents a unique set of opportunities for carbon reductions on-site, which are not normally present on other sites within the Borough.
- 10.97 The proposed works to J-Block would minimise carbon emissions arising from the individual building, but it is also clear that there are further opportunities to offset remaining emissions on-campus, and that wider benefits could arise from these opportunities. In order to comply with the zero carbon policy it is proposed that the carbon offset contribution of £165,143.37 (see "Planning Obligations and CIL" below) is secured, but deferred to allow the university to make further campus wide carbon emissions savings on-campus. If further carbon savings are made on-campus, this may result in a reduced carbon offset payment (in addition to necessary works and avoiding double counting). The future assessment of carbon reductions following the development (and other on-campus CO2 offsetting works) and the payment of the resultant carbon offset payment should be secured by a s.106 agreement.
- 10.98 London Plan Policy 5.15 and Islington Policies CS10, DM6.6 and DM7.4 require developments to minimise water consumption and the pressure on the combined sewer network, by incorporating water efficiency measures. The proposal would achieve potable water reduction of up to 40.9% through the use of low flow fixtures to minimise water consumption, which exceeds the requirements of Policy DM7.4. A greywater recycling feasibility study has been undertaken increasing this reduction to 50.6% although this is dependent on the future university courtyard proposal so there is no commitment to secure this as part of the application.

#### Building Fabric

- 10.99 In accordance with Islington Policies CS10 and DM7.4, details on the materials selection based on lifecycle assessment for all major material components of the design should be provided e.g. structure, steel, cladding, concrete etc. These details were not supplied with the application, so a green procurement plan is recommended to be required by a planning condition (no.12).

#### Contamination

- 10.100 Paragraphs 120-122 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning decisions need to consider whether the site is suitable for its new use taking account of ground conditions and natural hazards or former activities such as pollution arising from previous uses; and in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land. London

Plan (MALP) 2016 Policy 5.21 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Proposals should include an assessment of existing ground conditions and identify appropriate remedial measures for any contaminated land prior to development commencing.

10.101 The proposal would not involve significant excavation of land, and there is no indication that the land was previously in industrial or high risk uses. The contamination risk is low and no immediate risks are identified. No objection is raised in terms of potential health risks arising from contamination.

#### Sustainability Summary

10.102 No overall objection is raised on sustainability grounds, and as set out above, it is recommended that the relevant sustainability requirements are secured by planning conditions and s.106 obligations.

#### Planning Obligations and CIL

10.103 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. It is however noted that both charging schedules set out a nil rate for institutions of higher education (within Use Class D1). CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.

10.104 Allocation of CIL monies to particular infrastructure projects is not a matter for consideration in the determination of planning applications.

10.105 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.

10.106 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.

10.107 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a s.106 agreement.

- 1 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
- Local employment and training contribution of £2,513.
- Compliance with the Council's Code of Local Procurement
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £1,800.
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

- Carbon Offsetting payment of £165,143.37; subject to optional submission of an on-campus CO2 offset statement outlining further reductions to CO2 emissions and a consequential revised payment amount.
- Protected connection for future Decentralised Energy Network or campus wide Combined Heat and Power plant.
- Submission and compliance with a Green Performance Plan
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

10.108 None of the above heads of terms were included in Islington's proposed CIL during viability testing, and all of the contributions (as set out in the Planning Obligations SPD) were considered during public examination as separate charges that would be required in cases where relevant impacts would result from proposed developments.

## **11. SUMMARY AND CONCLUSION**

11.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultees.

11.2 The impacts of the proposed development, including impacts on the amenities of the adjacent flats, are considered acceptable. The proposal would not result in an increase in student numbers but it would provide improved educational facilities in accordance with the policy objectives for the site. It would result in an improved learning environment, a high quality contextual design, and improved sustainability, energy efficiency and accessibility.

11.3 Consequently it is considered that the proposed development would comply with the relevant national, London Plan, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents) and approval is recommended subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation.

11.4 It is recommended that planning permission is 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 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
- Local employment and training contribution of £2,513.
- Compliance with the Council's Code of Local Procurement
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £1,800.
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- Carbon Offsetting payment of £165,143.37; subject to optional submission of an on-campus CO2 offset statement outlining further reductions to CO2 emissions and a consequential revised payment amount (index linked).
- Protected connection for future Decentralised Energy Network or campus wide Combined Heat and Power plant.
- Submission and compliance with a Green Performance Plan
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning sub-committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>  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).
<b>2</b>	<b>Approved plans list</b>  CONDITION: The development hereby approved shall be carried out in accordance with the following approved documents and plans:  <b>Approved Documents:</b> Acoustic Planning Report 035599 revision 01 (Burohappold 19 January 2017); Air Quality Assessment 036083 revision 01 (Burohappold 29 March 2017); Arboricultural Impact Assessment 5154294 (Atkins, March 2017) Construction Management Plan (Faithful Gould, 27 March 2017); Cover Letter (Cushman & Wakefield, 31 March 2017) Daylight and Sunlight Report LH/MC/GO/ROL7478 (AnsteyHorne, 30 March 2017); Design and Access Statement 1620-R-0020 (Design Engine, March 2017); Design Development Summary (1620-R-0020 (Design Engine, March 2017); Flood Risk Statement 036083 (Burohappold, 30 March 2017); Foul Water Drainage Strategy 036083 (Burohappold, 30 March 2017); J Block Planning Security Statement (PTS Consulting, 29.03.17) Lighting Statement for Planning 036083 (Burohappold 28 March 2017); Planning Statement (Cushman & Wakefield, March 2017) Response to planning authority – Accessibility queries (Design Engine, 9 <sup>th</sup> June 2017); Statement of Community Involvement (Cushman & Wakefield, March 2017) Structural Planning Statement 036083 “Design No S 003” (Burohappold 30 March 2017); Sustainable Design & Construction Statement 036083 revision 02 (Burohappold 28 March 2017); Transport Statement 036083 revision 02 (Burohappold 29 March 2017); Waste Strategy (Bilfinger, January 01 2017).  <b>Approved Plans:</b> Location Plan 1620-0001 rev.P1; Existing Block Plan 1620-0010 rev.P1; Existing Site Topography Plan 1620-0015 rev.P1; Existing Ground Floor Plan 1620-0020 rev.P1; Existing First Floor Plan 1620-0021 rev.P1; Existing Second Floor Plan 1620-0022 rev.P1; Existing Roof Plan 1620-0023 rev.P1; Existing South East Elevation 1620-0030 rev.P1; Existing South West Elevation 1620-0031 rev.P1;

Existing North West Elevation 1620-0032 rev.P1;  
 Existing North East Elevation 1620-0033 rev.P1;  
 Proposed Block Plan 1620-0011 rev.P1;  
 Proposed Demolition Plan 1620-0012 rev.P1;  
 Ground Floor Proposed 1620-0210 rev.P1;  
 First Floor Proposed 1620-0211 rev.P1;  
 Second Floor Proposed 1620-0212 rev.P1;  
 Third Floor Proposed 1620-0213 rev.P1;  
 Roof Proposed 1620-0214 rev.P1;  
 Proposed South East Elevation 1620-0340 rev.P1;  
 Proposed South West Elevation 1620-0341 rev.P1;  
 Proposed North West Elevation 1620-0342 rev.P1;  
 Proposed North East Elevation 1620-0343 rev.P1;  
 South East Context Elevations (Existing and Proposed) 1620-0350 rev.P1;  
 Proposed Section AA 1620-0351 rev.P1;  
 Proposed Section BB+CC 1620-0352 rev.P1.  
 Tree Protection Plan 5154294-ATK-EXT-ZZ-DR-G-0001 rev.P01 (Atkins, 21/03/17);  
 Proposed North West Elevation Obscured Glazing 1620-SK-0048 (Design Engine, 07.06.2017).

REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.

**3 Materials and detailing**

CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site apart from demolition. The details and samples shall include large scale drawings, manufacturers details and material samples of the following:

- a) External facing materials, and in the case of new brickwork details bond, mortar colour and pointing style;
- b) windows and doors (including sections and reveals);
- c) and details of any louvres, ventilation panels or screens;
- d) any external handrails of balustrading;
- e) copings, soffits, cills and reveals (and details of how these will be designed to avoid watermarks or staining to the surfaces below), the undersides of any projecting elements, and junctions of external materials including expansion gaps;
- f) Roof materials and edge details;
- g) Rainwater goods (including locations, fixings, material and colour);
- h) Details and location of all soil, vent and waste pipes which shall (except for the termination) be constructed within the building;
- i) Details of any other equipment or devices to be installed externally external surfaces of the building including meter boxes, service connection access, aerials and satellite dishes;
- j) Details of the materials and detailing of the roof level plant, equipment, and chimneys which shall be designed as a "fifth elevation" to avoid visual harm when viewed from the surrounding taller buildings;
- k) All other external materials.

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Inclusive Design</b>
	<p>CONDITION: Notwithstanding the approved plans the scheme shall be constructed in accordance with the principles of Inclusive Design. All lifts serving the accommodation hereby approved shall be installed and operational prior to the first occupation of the university facility hereby approved.</p> <p>Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site apart from demolition. The details shall include:</p> <ul style="list-style-type: none"> <li>a) arrangements for all access points (including external access and gradients)</li> <li>b) lifts, stairways and landings</li> <li>c) accessible WCs and toilet facilities</li> <li>d) details of accessible cycle storage within the University Campus</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities, in accordance with policy 7.2 of the London Plan 2016, Policies CS7 and CS9 of the Islington Core Strategy 2011 and Islington's Development Management Policy DM2.2.</p>
<b>5</b>	<b>Plant Noise and Fixed Plant</b>
	<p>CONDITION: Notwithstanding the approved plans and prior to the installation of any external plant, a detailed acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall be drafted by an appropriately experienced &amp; competent person, to detail the specific individual and cumulative noise levels arising from the proposed plant, assess the noise impacts and set out relevant noise mitigation measures which shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>Notwithstanding the details approved, the design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To avoid unacceptable harm to neighbour amenity and to secure an appropriate residential environment for neighbouring occupiers.</p>
<b>6</b>	<b>Trees</b>

	<p>CONDITION: Notwithstanding the hereby approved details, and prior to the occupation of the hereby approved development, a scheme for the planting of at least three trees shall be submitted to the Local Planning Authority, and the subsequently approved trees shall be planted in the next planting season following approval. The submitted details shall include details of the proposed species, size, tree pit or planting area, and specification to ensure successful establishment and survival of new trees. The approved tree planting shall have a two year maintenance / watering provision following planting and any new trees which are removed, die, become severely damaged or diseased within five years of planting 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>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>7</b>	<b>Bird Boxes</b>
	<p>CONDITION: Details of bird nesting boxes including swift boxes or swift bricks shall be submitted to and approved in writing by the Local Planning Authority prior the occupation of the extended building. The number and position of bird boxes needs to be determined on site by a qualified ecologist. The details shall include 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>
<b>8</b>	<b>External Lighting</b>
	<p>CONDITION: Full details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, and hours of operation. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
<b>9</b>	<b>*Construction and Environmental Management Plan</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, an expanded construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p>

The Method of Demolition and Construction Statement shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning (within the site) and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- m) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Holloway Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The report shall also demonstrate how vehicle movements would be designed around local match day road closures to avoid clashes and/or highway obstruction on the surrounding roads.

No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning within the site or as otherwise agreed by this condition during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

	<p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and the free flow of traffic on Holloway Road, local residential amenity and to mitigate the impacts of the development.</p>
<b>10</b>	<b>*SUDS</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, an expanded Sustainable Urban Drainage statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The statement shall set out measures demonstrating how the development will follow the principles of sustainable drainage and implement suitable measures to minimise the pressure on the combined sewer.</p> <p>REASON: In order to secure sustainable urban drainage, reducing the risk of flooding and to mitigate the impacts of the development.</p>
<b>11</b>	<b>Photovoltaic panels (details)</b>
	<p>CONDITION: Prior to first occupation of the development hereby approved, manufacturers' specifications and a scheme of the detailed designs and layout of the equipment and mechanical systems to be implemented shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall include but not be limited to: location of PV panels; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels and external plant as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that the proposed mechanical plant would achieve the performance standards assumed by the approved sustainability statement, to avoid harm to neighbour amenity, to secure sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<b>12</b>	<b>Green procurement plan</b>
	<p>CONDITION: Prior to the commencement of the hereby development (apart from demolition), a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>

13	<b>Landscaping</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to works apart from demolition commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> <li>a) a scaled plan showing vegetation to be retained and plants to be planted;</li> <li>b) specification to ensure successful establishment and survival of new planting.</li> <li>c) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>d) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>e) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>f) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>g) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>h) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>i) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>j) any other landscaping features forming part of the scheme.</li> </ol> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
14	<b>*Tree Protection</b>
	<p>CONDITION: No works (including site clearance, preparatory work or development) shall take place until a scheme for the appropriate working methods (the Arboricultural Method Statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to the protection of the trees to be retained by the development, has been submitted to and approved in writing by the local planning authority.</p> <p>The details submitted shall include:</p> <ol style="list-style-type: none"> <li>i. Removal of existing structures and hard surfacing;</li> <li>ii. Installation of temporary ground protection;</li> <li>iii. Excavations;</li> <li>iv. Installation of new hard surfacing – materials, design constraints and implications</li> </ol>

	<p>for levels;</p> <p>v. Tree works schedule;</p> <p>vi. A schedule of specific events requiring input or arboricultural supervision</p> <p>Development shall be carried out in accordance with the approved AMS.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<b>*Biodiverse Roof</b>
	<p>CONDITION: Notwithstanding the hereby approved details, a biodiverse roof shall be installed over the hereby approved flat roof(s) of the building prior to first occupation unless a feasibility assessment is submitted to and approved in writing by the Local Planning Authority.</p> <p>The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and</p> <p>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> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
<b>16</b>	<b>Non Road Mobile Machinery (NRMM)</b>
	<p>CONDITION: An inventory of all NRMM must be registered on the NRMM register <a href="https://nrmm.london/user-nrmm/register">https://nrmm.london/user-nrmm/register</a>. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>REASON: To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan (2016) and to minimise air pollution.</p>
<b>17</b>	<b>Obscured Glazing</b>
	<p>CONDITION: Prior to the occupation of the hereby approved development, details and a sample of the obscured window glazing and opening restrictions shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>All windows shown on the Proposed North West Elevation Obscured Glazing 1620-SK-0048 (Design Engine, 07.06.2017) plan as being at risk of overlooking impacts shall be provided with obscured glazing and restricted opening prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details as approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>18</b>	<b>BREEAM</b>
	<p>CONDITION: 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>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<b>Superstructure</b>
	<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>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at:  <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>

	<p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Car-Free Development</b></p> <p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	<p><b>Roller Shutters</b></p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
6.	<p><b>Roof top plant</b></p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
7	<p><b>Construction works</b></p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
8	<p><b>Thames Water</b></p> <p>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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In</p>

	<p>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 Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p>
9	<p><b>Highways Requirements</b></p>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place <u>prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works <u>commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>

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

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

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

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

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

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes relevant to the determination of the 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 2016, 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 2016 Spatial Development Strategy for Greater London

##### 1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

##### 2 London's places

Policy 2.9 Inner London

Policy 2.18 Green Infrastructure: the multi-functional network of green and open spaces.

##### 3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

##### 4 London's economy

Policy 4.12 Improving opportunities for all

##### 5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

##### 6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.13 Parking

## **7 London's living places and spaces**

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

### **Spatial Strategy**

Policy CS 4 (Highbury Corner and Holloway Road)  
Policy CS 8 (Enhancing Islington's Character)

### **Strategic Policies**

Policy CS 9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS 10 (Sustainable Design)  
Policy CS 11 (Waste)  
Policy CS 15 (Open Space and Green Infrastructure)

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

### **Design and Heritage**

DM2.1 Design  
DM2.2 Inclusive Design

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

DM4.12 Social and strategic infrastructure and cultural facilities

### **Employment**

DM5.1 New business Floorspace

### **Health and open space**

DM6.1 Healthy development  
DM6.2 New and improved public open space

Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

## **8 Implementation, monitoring and review**

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

### **Infrastructure and Implementation**

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

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

### **Energy and Environmental Standards**

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

### **Transport**

DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling

DM8.5 Vehicle parking  
DM8.6 Delivery and servicing for new developments

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

## **D) Islington's Local Plan: Site Allocations June 2013**

### **The Sites**

Site HC3: London Metropolitan University (LMU) Campus Area, Holloway 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 June 2013.

#### **Islington Local Plan**

Site Allocation HC3 (Site A 166-220 Holloway Road)  
Highbury Corner and Holloway Road Key Area (Core Strategy Policy CS4)

#### **London Plan**

No relevant designations

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

The following SPGs and/or SPDs are relevant:

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

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

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- Planning for Equality & Diversity SPG
- Shaping Neighbourhoods – Character and Context SPG
- Social Infrastructure (May 2015)
- Sustainable Design and Construction SPG
- London Planning Statement (May 2014)

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

The following written response was issued by the Council's Design Review Panel following consideration of the proposal to extend J-Block (in addition to the principle of further works to other parts of the campus).

**CONFIDENTIAL**

ATT: Mr Adam Pyrke  
Cushman & Wakefield  
125 Old Broad Street,  
London EC2N 1AR

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](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: DRP/112

Date: 6 February 2017

Dear Adam Pyrke,

**ISLINGTON DESIGN REVIEW PANEL**

RE: **London Metropolitan University, Holloway Road, N7 8DB**

Thank you for attending Islington's Design Review Panel meeting on Monday 16 January 2017 for a first review of the above scheme. The proposed scheme under consideration is for redevelopment works as part of a masterplan comprising: recladding of the 1960's tower and potential upgrades to the adjacent tech tower; 2-storey height increase to J-Block; works (including demolition) to improve permeability and upgrade central courtyard (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), Neil Williamson, George Saumarez Smith, Thomas Lefevre, Sarah Jackson and Charles Thomson on Monday 16 January 2017 including a site visit in the morning and presentation from the design team followed by a questions and answers session and deliberations at the offices of the London Borough of Islington in the afternoon. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel welcomed the opportunity to see the scheme at an early stage of development. They were generally supportive of the intentions to improve the existing buildings. Below is a summary of their discussion.

Masterplan and landscaping

There was a largely consistent response from the Panel in relation to the proposed masterplan. Panel members were generally supportive of the concepts and welcomed the intended improvements. However, they highlighted the importance of a commitment to deliver all phases of the masterplan.

Panel members suggested there would be benefit in creating public links between Drayton Park and Holloway Road which would allow the large internal courtyard to be more accessible. They felt the opportunity for this to be designed into the scheme now should be taken, and future management of access could follow.

The Panel was positive about the proposal to open up the courtyard to the street to provide a publicly accessible amenity space, while retaining appropriate enclosure. Panel members appreciated the resulting questions of security would need to be addressed by management. The Panel felt that the character of the central open space would be greatly improved by the proposed removal of access ramps and bridges.

The Panel noted with interest the proposal to run a design competition to commission a landscape architect to design the central open space, but questioned the fact that the landscape architect might be appointed in isolation and they emphasised the importance of an integrated urban design approach involving the whole design team.

Concern was raised that, according to the animation presentation, the first view into the space is of steps. Panel members stressed the importance of looking into the accessibility of the space for all.

The improvements to the courtyard are planned to come after the extension to Block J but the Panel suggested that part (at least) of the works to the courtyard should be phased to coincide with the completion of Block J. This will demonstrate the intent to relate the internal and external functions of the campus to each other and to complete the courtyard which will have a significant impact of improving the image of the University.

#### J Block

The Panel did not raise concerns about the principle of providing a 4 storey building in the location of Block J. However, there was some concern about the impact of the additional height on the courtyard and the Panel emphasised the importance of a commitment that the central courtyard improvements and enlargement, which will address the scale of Block J, will be implemented.

Some concern was raised about the relationship of the proposed extension to the host building. There was debate about the original form of Block J. Panel members questioned whether the building was originally symmetrical and thought that the exposed gable (on the south elevation) was likely to have been balanced by another on the opposite side. Whether or not this was the case, it was thought that considering a symmetrical composition might assist in providing a more balanced form and elevation.

Although panel members had no objections to the overall resulting 4 storeys, they thought that the distinct 2 storeys addition looked proportionally awkward. Therefore, the Panel had a preference for the "knitting" approach rather than the proposed addition looking like a separate volume. There was concern expressed about large areas of south facing glazing shown on some iterations, in relation to both solar gain and maintenance.

Panel members were positive about the idea of getting rid of corridors and opening onto the courtyard. However, they encouraged the design team to consider carefully the acoustic issues of having teaching spaces directly accessed off study and recreation areas. The design studies need to be developed further to ensure that the building functions effectively and has flexibility for future change.

The Panel felt that the proposal should be informed by the context and further analysis should be done of all the buildings. They should relate better to the courtyard and to each other, particularly at ground level. This analysis should inform a rationale which could be applied to Block J and then to later phases to develop a coherence and rationality

throughout the scheme. This may assist in the decision process about the approach to take with Block J and whether this should be an integrated or contrasting design.

As the upper parts of the extension would look over the courtyard, panel members suggested that this could have a more theatrical relationship with the square; it is directly opposite the performing arts building and one way to explore a common theme between buildings may be to create more overlooking of the square at parapet level.

### Tower

The Panel highlighted that in order to come up with a proposal which avoids being arbitrary or whimsical, this should be grounded in the urban design principles of the architecture of Holloway Road.

Panel members encouraged the design team to appreciate and document the character of the tower to inform the proposed design. The existing tower is a building with a distinct profile, a 'head and shoulders' which diffuses its mass when seen against the sky. There are concerns about the intentions to move away from the existing rational and 'brutalist' appearance towards a brick building which encloses the corners of the building (which are currently glazed) and plant area. This may result in a more dominant fortress-like building with a less coherent architectural language.

There were concerns that simplifying the top will make the building appear bigger. There is a deliberate sculptural quality in the way the building addresses the sky and squaring the top may lose that. The Panel reminded the design team to consider the potential impact on the wider context and asked that the impact on any heritage assets be carefully assessed.

The Panel acknowledged that there is a good opportunity to significantly improve the energy performance of the building fabric and to deal with an external skin which is dangerous and which looks tired and dirty. Whilst the Panel recognise the difficulty of overcoming the design problems they were not convinced either by the proposal to use brick as the alternative cladding option or by the idea of introducing random patterns across the face of the tower which would detract from the relative calmness of the elevations. Panel members encouraged the design team to explore other materials, including concrete, to see if they would work better with the existing architectural language.

Finally, panel members highlighted the clearly difficult relationship between the 1960's tower and the more recent adjoining "tech tower". The Panel felt that it is important to consider a solution for both towers together.

### **Summary**

Panel members were generally supportive of the design concepts and welcomed the intended improvements. They highlighted the importance of a commitment to deliver all phases of the masterplan. The proposed enhancements to the central courtyard were welcomed as were the opportunities to improve the relationship between the different buildings on site. The Panel welcomed the intention to engage a landscape architect and expect that they will contribute to developing a holistic masterplan proposal. In relation to Block J, panel members did not raise objections to the principle of adding to its height but questioned some of the design approach as detailed above. Finally, in relation to the tower, although the Panel was supportive of the opportunity to re-clad the building they were concerned that the original architecture needs to be better addressed and that improvements to the "tech tower" needs to be brought forward in tandem.

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

**Confidentiality**

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

Yours sincerely,

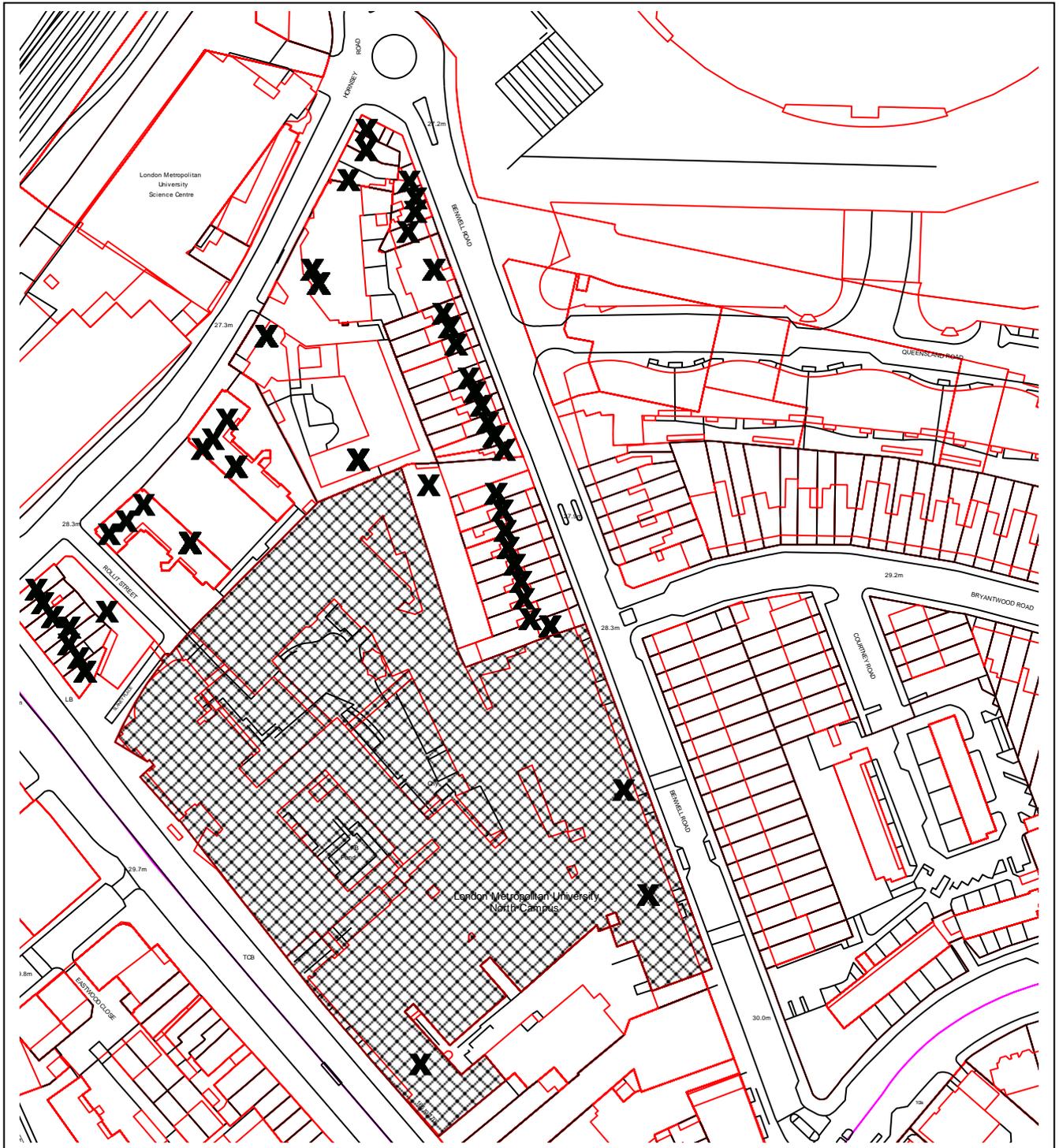


**Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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# Islington SE GIS Print Template



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P2017/1383/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 Town Hall  
 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:B5</b>
<b>Date:</b>	20 <sup>th</sup> June 2017	<b>NON-EXEMPT</b>

Application number	P2016/4841/S73
Application type	S.73 Full Planning Application
Ward	Clerkenwell Ward
Listed building	Grade II* Listed Building
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Article 4(2) Clerkenwell Green Archaeological Priority Area (Clerkenwell) Area of Special Character (Clerkenwell/Smithfields) Central London Area Central Activities Zone Employment Priority Area Rail Safeguarding Consultation Area Local View from Archway Road, Archway Bridge, Dartmouth Park Hill and Amwell Street Strategic View from Kenwood
Licensing Implications	Requires Premises License
Site Address	The Old Sessions House, 22 Clerkenwell Green, London EC1R 0NA
Proposal	Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1613/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).'  The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays.

Case Officer	Nathaniel Baker
Applicant	Satila Farringdon Ltd

## 1. RECOMMENDATION

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

1. the conditions set out in Appendix 1 (Recommendation B); 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)



### 3. PHOTOS OF SITE/STREET



Aerial image of the site

### 4. SUMMARY

- 4.1 The application seeks permission to vary Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission ref: P2016/1613/S73 to allow the use of four external areas of the site for non-licensable activities after 10:30pm and to extend the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses. The proposed hours of use do not relate to the approved Private Members Club use.
- 4.2 The four balconies proposed to be used for non-licensable activities are defined by the applicant on the submitted plans and are located on the south and west sides of the building, with two at lower ground/ground floor level, one at second floor level and one at roof level. The submitted Management Plan and Smoking Policy documents provide means by which the use of the external areas would be controlled; while the two submitted Noise Assessments detail that there would not be an unacceptable level of noise disturbance from the balcony uses.
- 4.3 The proposed terminal hours of use for the lower ground floor retail/restaurant/bar use would be 00:00 on Friday and Saturday, which would be within the Council's Licensing Policy framework guidance, albeit in a Cumulative Impact Area. The top floor bar is proposed to be open until 00:30 Friday and Saturday, which is in excess of Council's Licensing Policy framework guidance. The submitted Management Plan demonstrates that the proposal, through its level of use and management procedures would not result in unacceptable anti-social behaviour, litter, noise, disturbance and other individual and cumulative impacts of late night uses. Furthermore, two Noise Assessments have been submitted, which demonstrate that the proposed hours of use, subject to compliance with the management plan would not result in unacceptable disturbance to neighbouring occupiers.

- 4.4 The proposed earlier opening hours of the lower ground and top floor are representative of typical opening times for retail and food establishments, particularly in light of the sites' location within the Central Activities Zone and its proximity to Farringdon Station.
- 4.5 It is considered that the proposed use of the external areas after 22:30 for non-licensable activities and the extended hours of operation of the lower ground and top floor uses would not result in unacceptable disturbance to the neighbouring occupiers, subject to the controls set out in the recommended conditions and legal agreement.
- 4.6 Notwithstanding the planning considerations, the applicant would be required to apply for a Premises License for the operation of the building. Without prejudice to the consideration of any forthcoming Premises License Application, were this to be approved, the Licensing Authority would retain powers to review and revoke a licence where this is necessary.
- 4.7 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The application site forms the western edge of Clerkenwell Green and is set on a central roundabout bounded by Clerkenwell Green to the north and east, Clerkenwell Road to the south and Farringdon Lane to the west. The Old Sessions House is a part two, part three storey Grade II\* listed building and was formally the Middlesex Sessions House which was enlarged and remodelled in 1860 on all but the principal elevation and served as a Law Court until the 1920s.
- 5.2 Planning permission was granted in 1976 for the use of the building as a Masonic Lodge. The building has also operated as the Clerkenwell Conference Centre, providing private hire space for meetings and conferences, professional training courses, private events, exhibitions, wedding receptions and similar uses, with a Certificate of Lawful Existing Use granted in 2008.
- 5.3 Planning permission and listed building consent were granted in 2015 for the change of use of the building, extensive refurbishment works and extensions to the building. At the time of writing this report, works are progressing at the site.
- 5.4 The surrounding area is predominantly commercial with some residential properties. To the west the site faces over Farringdon Lane and across the railway lines running into Farringdon Station to the south west (the former Fleet River Valley).
- 5.5 The site is located within the Clerkenwell Green Conservation Area, the Central Activities Zone (CAZ), an Employment Priority Area (General) and is set within a number of Local and Strategic views of St Paul's Cathedral from various viewing points.

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

- 6.1 The application proposes to vary conditions 10 (Access to External Areas) and condition 18 (Hours of operation) of planning permission ref: P2016/1613/S73 dated 20/09/2016 for:
- 6.2 *Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).*
- 6.3 The amendments consist of the proposed use of four external areas of the site located on the south and western sides of the property (see floor plans in para 10.9) for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and

the lower ground floor retail/restaurant/bar (A1/A3/A4) uses including later terminal hours on Fridays and Saturdays.

#### **Revision 1**

- 6.4 An amended cover letter, Management Plan, Smoking Policy, Floor Plans and Noise Assessment were submitted by the applicant on 16<sup>th</sup> March 2017. The submission documents were amended following concerns raised by officers, with the previous reference to Temporary Events Notices removed and further clarification provided.
- 6.5 A revised Smoking Policy was submitted on 28<sup>th</sup> March 2017 to amend a typing error.

#### **7. RELEVANT HISTORY:**

##### **Planning Applications:**

- 7.1 **P2016/1613/S73** – Variation of Condition 2 (Approved Plans) of Planning permission P2014/3871/FUL dated 24/06/2015 for Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).'

The amendments consist of addition of gas lamps to ground floor (3 to north, 4 to east, 1 to south and 4 to west), introduction of five bollards to east elevation, relocation of roof plant to second floor terrace on south side of property (Clerkenwell Road), replacement of five first floor windows in east elevation, insertion of seven roof terrace fire places, roof extension to south side of main building providing stair overrun, installation of external staircase and platform lift to sub-basement of former prisoners yard and internal alterations – **Granted Conditional Permission subject to Legal agreement (20/09/2016).**

- 7.2 **P2016/1616/LBC** – Listed Building Consent in connection with the addition of gas lamps to ground floor (3 to north, 4 to east, 1 to south and 4 to west), introduction of 5 bollards to east elevation, relocation of roof plant to second floor terrace on south side of property (Clerkenwell Road), replacement of five first floor windows in east elevation, insertion of 7 roof terrace fire places, roof extension to south side of main building providing stair overrun, installation of external staircase and platform lift to sub-basement of former prisoners yard and internal alterations – **Granted Conditional Consent (20/09/2016).**

- 7.3 **P2014/3871/FUL** – Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard) – **Granted Conditional Planning Permission subject to a legal agreement (24/06/2015).**

- 7.4 **P2014/4040/LBC** – Listed Building Consent for erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard) to facilitate change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis) – **Granted Conditional Listed Building Consent (24/06/2015).**

## **ENFORCEMENT:**

- 7.5 **E/2014/0182** – Unauthorised works to a Listed Building – No action taken, **Case Closed** (05/02/2016)

## **PRE-APPLICATION ADVICE:**

- 7.6 None relevant.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 128 adjoining and nearby properties at Clerkenwell Road, Britton Street and Clerkenwell Green on the 15<sup>th</sup> December 2016. A site notice and press advert were displayed on 22<sup>nd</sup> December 2016. The application was re-advertised on 23<sup>rd</sup> March 2017. The public consultation on the application therefore expired on 13<sup>th</sup> April 2017. 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 132 objections and 1 letter of support have been received from the public with regard to the planning application. The points raised are summarised below:

### **Objections:**

- Object to the creation of roof terraces in close proximity to neighbouring properties (para 10.43);
- Concern raised regarding late licensing hours that will increase the level of noise from music and customers (paras 10.26 - 10.33 and 10.36);
- The applicant has not provided any justification for the request for extended hours (para 10.5);
- The justification cannot be for competitive reasons as other smaller restaurants and bars have similar opening hours to those approved (para 10.5);
- Objection raised to the increase in licensed premises within a Cumulative Impact Area (para 10.27 and 10.28);
- Concerns regarding increase in anti-social behaviour relating to the hours of use (paras 10.29 and 10.30);
- The proposed hours of use would change the character of the area (para 10.33 and 10.36);
- Concern raised regarding traffic congestion and taxis within the surrounding area (para 10.44);
- The proposal would impact upon neighbour amenity, particularly for vulnerable residents (paras 10.6 - 10.36);
- The operators are unknown (para 10.45);
- The capacity of the venue needs to be reduced and the total figures do not include the private members club (para 10.46);
- The application does not address noise from inside the premises 'leaking out' or from mechanical plant (para 10.33);
- There would be additional noise from deliveries and rubbish collection (para 10.40);
- There is no requirement for a substantial table meal with alcohol anywhere in the building (para 10.39);
- The earlier opening times would result in additional disturbance (para 10.33 and 10.34);
- The submitted Noise Assessment is based on inaccurate figures and the methodology is flawed (para 10.17);
- Concern raised regarding disturbance from the use of the roof terraces (paras 10.13 – 10.21);
- The noise assessment does not consider noise from staff leaving the premises after hours (para 10.31);
- No other terraces in the area have as late opening times (para 10.47); and
- Concerns raised regarding queues forming outside the premises (para 10.29).

Support:

- Members clubs work well and have a positive impact on a area if managed properly; and
- If managed well, it will not cause a disturbance or detrimentally affect the amenity, character and function of the area.
- 

In addition, a petition with 95 signatories has been received. This raises the following points in addition to the above concerns;

- 40% of customers would enter/exit 19m from sheltered housing (at Clerkenwell Green and Clerkenwell Close Estates) from 7;30 am to 11pm-12;30 am 365 days a year (para.10.31 and 10.32)
- Insufficient detail of how they will manage alcohol supply and consumption (para.10.40 and 10.41)
- No detail on how traffic, parking deliveries will be managed and how existing drug and anti-social behaviour problems will be addressed (para.10.37 and 10.42)
- Unacceptable disturbance and detrimental effect to the amenity, character and function of the historic conservation area. (para. 10.47)

### **Internal Consultees**

- 8.3 **Public Protection (Noise)** – With the two condition variations, the greater potential for noise impact would be from the use of the external areas. 2300 is normally accepted as the time the normal person would go to sleep and therefore there's the potential for sleep disturbance and greater sensitivity to noise after this time.

Subject to there being effective controls to restrict the maximum number of external area users to that as detailed in the Noise Report then the assessment is valid and the findings are accepted. A condition is recommended requiring details of the proposed mobile barriers to the roof top terrace to be submitted to and approved in writing by the Local Planning Authority. These should be designed to maximise screening both acoustically and visually.

- 8.4 **Licensing** – The Licensing Team do not wish to comment on the proposal but recommend that a premises license application would have to be made to accord with the hours proposed here.
- 8.5 **Design and Conservation Officer** – No objection.
- 8.6 **Access and Inclusive Design Officer** – No response received.
- 8.7 **Highways** – No response received.

### **External Consultees**

- 8.8 **London Borough of Camden** – No objection.
- 8.9 **Historic England** – No objections raised.
- 8.10 **Historic England (GLASS)** – No objections raised.
- 8.11 **London Fire and Emergency Planning Authority** – The premises have been examined and the proposals are satisfactory in relation to the fire precautionary arrangements.
- 8.12 **Crossrail (Rail Safeguarding)** – Do not wish to make comments on this application as submitted.
- 8.13 **Transport for London** – No objection.
- 8.14 **Thames Water** – No response received.
- 8.15 **London and Middlesex Archaeological Society** – No response received.
- 8.16 **Georgian Group** – No response received.
- 8.17 **The Islington Society** – No response received.
- 8.18 **Victorian Society** – No response received.
- 8.19 **Ancient Monument Society** – No response received.
- 8.20 **Society for the Protection of Ancient Buildings** – No response received.

### **Other Consultees**

- 8.21 None

## **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.

### **National Guidance**

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

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

### **Development Plan**

9.4 The Development Plan is comprised of the London Plan 2016 , Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Grade II\* Listed Building
- Clerkenwell Green Conservation Area
- Article 4(2) Clerkenwell Green
- Archaeological Priority Area (Clerkenwell)
- Area of Special Character (Clerkenwell/Smithfields)
- Central London Area
- Central Activities Zone
- Employment Priority Area
- Rail Safeguarding Consultation Area
- Local View from Archway Road, Archway Birdge, Dartmouth Park Hill and Amwell Street
- Strategic View from Kenwood

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

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

## **10. ASSESSMENT**

10.1 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

- 10.2 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs.
- 10.3 The proposed use of the building remains unaltered from the previous approval at the site and no amended physical works are proposed to the property. The application has been implemented and is currently progressing with phase 2 nearing completion. However, the applicant has stated that the existing hours of use serve as a barrier to potential operators of the building. As such, the issues raised by the proposal relate to land use and neighbour amenity. The following assessment has been divided into sections to address each of the conditions applied to be varied with a summary following this.
- 10.4 The main issues arising from this proposal relate to land use and neighbour amenity.

#### **Land-use**

- 10.5 The submitted Planning Statement details that the restricted hours of use are serving as a barrier to potential operators of the different areas of the building and that this puts the building at risk of being unable to create viable business conditions for occupiers, necessary to ensure its success. However, no details or information, such as marketing information, have been submitted to support this position and there are a number of examples of restaurants and public houses within the locality that have similar hours of use and continue to operate.

#### **Neighbour Amenity**

- 10.6 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must 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.

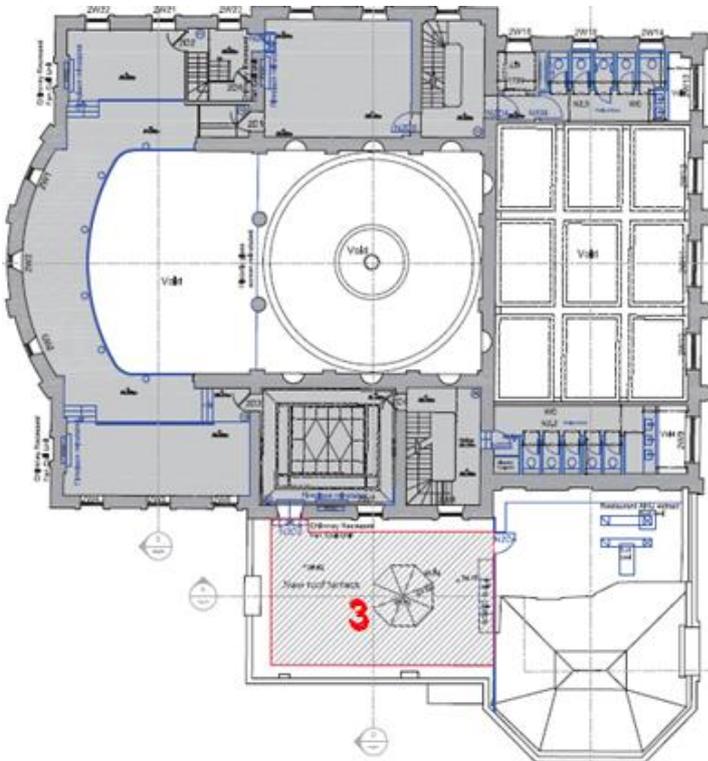
#### Use of external areas (Condition 10):

- 10.7 The applicant proposes to vary condition 10 of planning permission P2016/1613/S73 to allow the use of the external areas at the site after 22:30 for non-licensable activities within four designated areas.
- 10.8 The committee report for the original application at the site (ref: P2014/3871/FUL) set out that there were a number of representations received regarding potential disturbance from the use of the roof terraces. The report also details that officers considered that the applicant's originally proposed use of the terraces until 23:00 to be excessive, such that condition 10 was imposed to ensure that no access was given to the external areas of the property after 22:00 with these areas being cleared by 22:30 to ensure there was no undue disturbance to neighbouring occupiers.
- 10.9 Each of the areas proposed to be used after 22:30 for non-licensable activities are allocated to a particular site occupier. These areas are described below with a plan detailing their location and the specific site user in brackets:

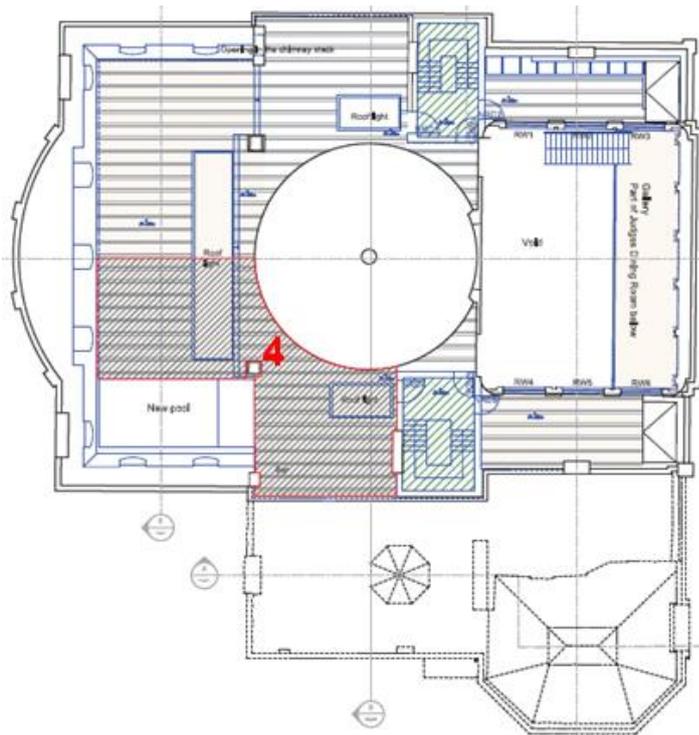
**Area 1 and 2:** Ground floor enclosed courtyard (Restaurant/Retail) and ground floor external area with balustrade (Restaurant/Retail)



**Area 3:** Second floor terrace with high stone balustrade surround (Private Members Club)



**Area 4:** Part of roof top terrace next to swimming pool (Roof top bar)



10.10 The proposed variation of condition 10 would allow the use of the defined areas after 22:30 up until the terminal hours for each specific use for activities which fall outside those defined by Part 1, Section 1 of The Licensing Act 2003, namely:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment.

10.11 The variation of the condition would therefore allow occupiers of the building to use this space subject to none of the above activities taking place. The application submission sets out that the variation is intended to allow the use of these spaces as smoking areas.

10.12 It is acknowledged that should there be no provision for smoking at the site after 22:30 that this could result in smokers using the surrounding public realm up to and after the terminal hours of use of the site. This would undoubtedly result in disturbance to neighbouring occupiers and visual impacts due to the high number of potential site users at any one time and their proliferation outside of entrances/exits.

10.13 The submitted Noise Assessment presents an assessment of the number of customers likely to smoke at any one time and the potential noise generated by those using these areas to smoke. The Noise Assessment has considered the potential noise from each of the areas using the maximum number of people within the external areas at any one time, which is based upon national average smoker levels as a percentage of the maximum occupancy of each of the relevant uses at the site. This provided figures of 23 people using Area 1, 36 people using Area 2 and 21 people using Area 4. The assessment used background noise levels across four receptor points in the locality between 22:00 and 01:00 hours on 21<sup>st</sup> to 22<sup>nd</sup> July 2016

(Thursday to Friday) and again between 22:00 and 01:00 hours on 22<sup>nd</sup> to 23<sup>rd</sup> July 2016 (Friday to Saturday). The assessment concludes that by using the approximated sound power of 'small and medium sized crowds', which is indicative of the numbers set out in the noise assessment for each external area, the proposed use of the external areas of the site would generate noise below background levels for the area and therefore would avoid any significant adverse noise impacts.

- 10.14 The Noise Report does not provide modelling for Area 3 or any figures of user numbers of this area. The applicant's Noise Assessor has detailed that this area does not require testing due to the screening attenuation that would be afforded by the inherent massing of the building limiting any noise. The Council's Public Protection (Noise) Officer considers this to be acceptable. Notwithstanding this, as secured in the original application and re-imposed here, the legal agreement requires that prior to occupation of the Private Members Club use a Management Plan, inclusive of management of smoking areas is required to be submitted to and approved by the Local Planning Authority. This would ensure that numbers of smokers and an appropriate procedure for the management of this area would be assessed.
- 10.15 The original and amended Noise Reports have been assessed by the Council's Public Protection (Noise) Officer who has noted that subject to the level of usage detailed within the report (i.e. the number of users of external areas), the methodology of the assessment is suitable and that the findings are acceptable. As such, it is considered that the use of these areas after 22:30 for non-licensable activities would not result in unacceptable levels of disturbance to neighbouring occupiers.
- 10.16 Notwithstanding this, the submission details that in addition to the assessment mobile physical barriers would be used in Area 4 to demarcate and limit the size of this area, whilst also providing visual and acoustic screening on the northern side of Area 4. The addition of acoustic screening did not form part of the noise assessment and as such its inclusion would have potential to further reduce any noise from this area. To ensure the screens are of an appropriate design, scale, height and acoustic standard a condition (22) is recommended requiring details of the screens and a plan detailing how and when the screens would be deployed and removed to be submitted to and approved in writing by the Local Planning Authority.
- 10.17 A number of representations have been received that make detailed comments on the Noise Assessment, questioning the assumptions made, the figures provided and the methodology used. The points raised regarding the Noise Assessment have been considered by the Council's Public Protection (Noise) Officer who has offered the following advice;
- In terms of methodology, the submitted assessment looks at LAMax figures of 60dB for noise predictions outside the receptor locations. The LAMax 45dB level from WHO guidance that the objector references, is an internal level and therefore assumes 15dB reduction for a partially open window which results in a 60dB level externally (reductions are likely to be greater for closed windows). LAMax is used instead of LAeq (effectively the average) as this is a more appropriate metric for people noise and the nature and duration of people shouting, laughing etc. The WHO guidelines state that "When the noise consists of a small number of discrete events, the A-weighted maximum level (LAMax) is a better indicator of the disturbance to sleep and other activities". Using an LAeq would not be an effective way of assessing people noise (and might well hide a potential problem) and is better suited to more constant sounds like building services plant noise. The LAMax target is not exceeded in the predictions.
  - Secondly, it was noted in objections that the noise surveys that accompanied the application were made in July 2014 and in July 2016. The objector has pointed out that since the time of these surveys, the Crown in Clerkenwell Green has been the subject of enforcement action from Islington Street Trading and Licensing team such that the

outdoor space has been significantly reduced and so the noise surveys were carried out at a time when a larger group of people would have been congregating and thus falsely influenced the background noise levels. In response, it is noted that two noise surveys were carried out, both at the height of summer when the weather is likely to be most attractive for patrons to use the external areas. The more recent measurements were attended i.e. with the acoustician present and they have provided observations of the sounds heard. Of the two measurements on Clerkenwell Green, the one outside No 14a is “influenced by distant traffic noise from Clerkenwell Road, local vehicle movements on Clerkenwell Green/Aylesbury Street and, when in use, the general “hubbub” of noise associated with patrons of the Crown Tavern seated within the green. The external seating areas were generally cleared by approximately 22.30 hours, after which there was intermittent noise from tables and chairs being dismantled, the green being swept and the placing of bagged waste at a collection point in the green.” The one outside No 36 were “more significantly influenced by traffic movement on Clerkenwell Road and local vehicles. Noise from patrons of the Crown Tavern was also audible until around 22.30. The seating area outside of The Green remained in use until around 23.30 hours. Pedestrian activity within the area was observed throughout.” The time of the survey covers the period after the Crown’s external area is closed and so the noise levels at the time which is being considered, has been correctly assessed. In addition, noise from the Crown is not relevant to be considered for all of the measurement positions which included points at roof level overlooking Farringdon Lane, Britton Street and Turnmill Street. It is also worth noting both the predicted levels from the external areas and how that compares with the existing sound scape in the area. The noise from the terrace is not predicted to exceed 60dB LAMax at the external façade and the existing background noise levels will mask the impact too.

- 10.18 In addition to the Noise Report assessing the potential for disturbance the applicant has submitted a ‘Management Plan for Premises License’ document and a ‘Smoking Policy’. These aim to provide management practices and assurances to mitigate any potential disturbance from the use of the external areas and operation of the premises.
- 10.19 The Management Plan and Smoking Policy detail that each of the external smoking areas would only accommodate patrons from corresponding venues within the site and that staff would both control this and limit the number of users of these areas. The use of the external areas would be limited to the times detailed in Condition 18, with the Management Plan and Smoking Policy ensuring that these are clear after these times and that any person causing nuisance or disturbance is asked to leave the premises. While these plans detail the provision of mobile physical barriers to Area 4, as set out above further details of these and how they will be deployed is required by condition.
- 10.20 Although the later opening of the roof terraces would require the later use of lights at the site, condition 11 of the permission requires details of lighting, inclusive of hours of use and luminance, to be submitted to and approved in writing by the Local Planning Authority. As such, as part of any such submission for these details the level and type of later lighting would be assessed.
- 10.21 It is considered that subject to conditions requiring the procedures and details within the Amended Noise Report, Management Plan and Smoking Policy, which limit who can use these areas, how they are used and the number of users at any one time, the proposed use of the external areas for non-licensable activities after 10:30 would be acceptable in planning terms in this case.

Hours of Operation (condition 18):

- 10.22 The proposed variation to condition 18 relates only to the lower ground floor A1/A3 uses and third floor A4 uses and proposes earlier opening hours every day of the week and later opening

hours on Fridays and Saturdays. The proposal does not include any changes to the approved hours of use of the Private Members Club.

10.23 Development Management Policies (2013), policy DM4.2 and Finsbury Local Plan (2013) policy BC8 seek to ensure that proposals do not result in an over proliferation of night time economy uses, such as bars and restaurants, that would cumulatively impact upon the amenity of residents in the area. The site is located within an area identified by Islington's Licensing Policy 2013-2017 as a Cumulative Impact Area, where there is a proliferation of late licenses and identified anti-social behaviour issues. Within Cumulative Impact Areas the Licensing Policy has a rebuttal presumption for any increase in hours of licensable activity.

10.24 In light of this, the hours of use condition on the planning permission reflected the hours in the historic premises license for the previous use of the site as a Masonic Lodge, rather than the later hours proposed in the application.

10.25 However, Policy 8 of the Islington Licensing Policy 2013-2017 document provides a guideline framework for closing hours. These are set out below:

Public Houses and Bars:	11pm - Sunday to Thursday Midnight - Friday and Saturday
Nightclubs:	1am - Sunday to Thursday 2am – Friday and Saturday
Restaurants and Cafes:	11pm - Sunday to Thursday Midnight - Friday and Saturday

10.26 The proposed variation to the terminal hours would allow the lower ground floor retail/restaurant use to operate until 00:00 Friday and Saturday, which is 30 minutes later than the planning permission, while the third floor bar use would operate until 00:30 Friday and Saturday, which is 1 hour later than the planning permission.

10.27 Although the site is within a Cumulative Impact Area and without prejudice to any subsequent licensing application the proposed terminal hours of 00:00 on Friday and Saturday for the lower ground floor A1/A3 uses would be in accordance with the Council's Licensing Policy framework guidance. Furthermore, the supporting text to Licensing Policy 2 provides examples of where some proposed uses may be considered as exceptional and this includes premises which are not alcohol-led. In this case, the lower ground floor has planning permission for A1/A3 uses and while this area does include a small bar element, it is primarily led by retail and eating establishments, which are not alcohol-led uses.

10.28 However, the proposed terminal hours of use of the third floor bar use of 00:30 Friday and Saturday would be 30 minutes in excess of the Licensing Policy guidelines. The applicant has submitted a Management Plan which seeks to demonstrate that the proposal, through its level of use and management procedures would not result in unacceptable anti-social behaviour, litter, noise, disturbance and other individual and cumulative impacts of late night uses.

10.29 The Management Plan includes procedures for access and exit controls (door staff), taxi parking management, supervision of surrounding areas, signage and notices, cleaning, security, noise controls (inclusive of noise limiting devices as necessary), waste management, safety measures and a complaints procedure. The procedures are considered to be appropriate and effective in the control and mitigation of potential disruption.

10.30 The submitted Noise Assessment considers the potential noise impact of those leaving the site in accordance with the Management Plan and concludes that the proposed measures, together with the likely number of site users would not result in significant adverse noise impacts. The Noise Assessment has been considered by the Council's Public Protection (Noise) Officer who

has considered the methodology of the assessment to be suitable and that the findings are acceptable.

- 10.31 Representations have been received which question noise from staff leaving the site. Whilst this is not addressed in the Noise Assessment, the number of staff leaving the premises would be limited.
- 10.32 While the proposal relates to the lower ground floor and top floor uses, the increase in hours needs to be considered in light of the approved use of the main part of the building as a Private Members Club. The originally approved planning permission at the site was subject to a legal agreement which secured the submission of a site wide Scheme of Management prior to the occupation of the Private Members Club. The current proposal, should it be considered acceptable, would be subject to the same requirement. Therefore the cumulative impact of the planning permission and any changes permitted as part of this or future applications would have to be considered as part of this and appropriate mitigation/procedures put in place to ensure it would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 10.33 The previous conditions relating to noise audible outside of the site and noise from mechanical plant is also recommended to be maintained to ensure that there is no unacceptable disturbance to neighbouring occupiers through the later hours of use.
- 10.34 With regard to opening hours the proposed variation would allow the lower ground floor retail/restaurant uses and third floor bar use to open at 07:30 Monday to Saturday, which is 2 hours 30 minutes earlier than the planning permission and at 10:00 on Sundays, which is 2 hours earlier than the planning permission.
- 10.35 Whilst this would result in the lower ground and top floor of the property opening earlier, these hours are representative of typical opening times for retail and food establishments, particularly in light of the sites location within the Central Activities Zone and its proximity to Farringdon Station. Notwithstanding the earlier opening hours, Condition 12 of the planning permission ensures that there would be no deliveries, collections, unloading and loading associated with the site until after 08:00, to ensure there is no disturbance from servicing. In light of this it is considered that the proposed earlier opening times would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 10.36 Taking the details set out in the Noise Assessment, the procedures detailed in the Management Plan, that the lower ground floor use is non-alcohol led and that the hours are either in accordance with or marginally in excess of the Licensing Policy 2013-2017 framework guidelines, the proposed hours of use of the site are not considered likely to detrimentally impact upon the amenity of the neighbouring occupiers or result in an over proliferation of late night entertainment uses in planning terms.

### Summary

- 10.37 It is considered that the proposed variation of condition 10 and condition 18 of the planning permission to allow the use of some of the external areas (as defined on the plans) after 22:30 for non-licensable activities, and the amendments to the hours of use of the lower ground floor and third floor would not detrimentally impact upon the amenity of the neighbouring occupiers or in planning terms result in a cumulative impact on the locality. As such, it is proposed that the application is approved subject to the controls in the legal agreement and conditions.
- 10.38 It should be noted that notwithstanding the planning considerations assessed here, the applicant would be required to apply for a Premises License for the operation of the building. Licensing Policy 6 of the Islington Licensing Policy 2013-2017 states that '*Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives*'.

10.39 Any forthcoming Premises License Application would therefore have to further consider the operation of the building and procedures to ensure there is no unacceptable impact upon neighbour amenity. Without prejudice to the consideration of any forthcoming Premises License Application, were this to be approved, the Licensing Authority would retain powers to review and revoke a licence where this is necessary. As such, in addition to the procedures and controls under any Planning Permission the site would be subject to further controls and review by the Licensing Authority.

#### **Other**

10.40 Although the proposal would increase the hours of operation of the lower ground floor A1/A3 uses and the top floor A4 use and therefore may increase the requirement for servicing and delivery at the site, details of this are required by condition (12) and a full assessment of details submitted would be undertaken at that time.

10.41 The originally submitted Planning Statement asserted that the wording of the condition did not allow for emergency works and security patrols to be carried out. The intent of the original condition, as set out in the reason for the condition is '*In the interest of protecting neighbouring residential amenity*'. Emergency works, by their very nature, are likely to be extremely limited and the use of the terraces after 22:30 for such a purpose would be highly unlikely to be inconsistent with the spirit of the condition. Security patrols would again be expected to be limited and quiet in their operation, such that they would also be highly unlikely to be inconsistent with the spirit of the condition unless they were a regular occurrence. Notwithstanding this condition 10 is proposed to be amended to include reference to emergency maintenance work.

10.42 The application as originally submitted included the later use of two additional external areas and allowances for Temporary Event Notices (TENs). These elements were removed following concern raised by officers and are not proposed as part of this application.

10.43 A representation has been received which objects to the creation of roof terraces in close proximity to neighbouring properties. The proposal does not propose any alteration to the scale of the previously approved roof terrace or the creation of any new roof terraces.

10.44 A number of representations have been received raising concern regarding traffic and parking at the site. This was addressed as part of the original application and the management plan includes procedures for taxis at the site.

10.45 It's noted that objections have been raised based on the operators of the premises not being known. Whilst an operator is required to be known in terms of licensing applications this is not a planning requirement.

10.46 Representations have been received regarding the capacity of the site and that the proposal does not include capacity of the main body of the building. The capacity of the building remains unchanged from the original permission. Furthermore, the current application relates only to the ground and top floors of the building.

10.47 The extended use of the premises and the use of the terraces are not considered to have any additional detrimental impact on the building's appearance or on the appearance and character of the conservation area.

10.48 Whilst it is noted in a number of representations that there are a number of other roof terraces in the locality with earlier closing times, each case should be considered on its own merits.

10.49 The previously approved planning application at the site was subject to a S106 Legal Agreement which secured a number of planning obligations to justify/mitigate the proposal. A Deed of Variation to this legal agreement will be secured that updates the obligations originally

secured to reflect those obligations that have already been secured and those obligations that are still required.

10.50 A number of the conditions from the previous application have either been discharged or partially discharged. As such, the schedule of conditions has been updated to reflect this and those requiring amendment as set out in the assessment above.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.5 of this report.

### **Conclusion**

11.2 It is recommended that the variation of condition application be approved subject to conditions and a s106 agreement securing the heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. The development shall henceforth not proceed other than in accordance with the approved Construction Phasing Strategy. Prior to the commencement of Phase 4 of the phasing strategy a detailed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
  - A detailed schedule of completed works within Phase 1, 2 and 3;
  - A detailed schedule of proposed works;
  - A program of site meetings with the LPA and English Heritage; and
  - Copies of build/restoration contracts for the works to be carried out. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
3. Compliance with the Code of Local Procurement.
4. Compliance with the Code of Construction Practice, including a monitoring fee of £3246 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
5. The payment of the cost of the provision of 2 on-street wheelchair accessible parking spaces (£4000).
6. Submission of a Green Performance Plan based on the draft Green Performance Plan submitted with the application for Council approval 6 months from first occupation of the development.
7. Submission of a, draft Travel Plan based on the framework Travel Plan submitted with the application for Council approval prior to first occupation of the development, and 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).
8. Payment towards employment and training for local residents of a commuted sum of £8378.
9. Where the tree to the southwest of the site is proposed to be removed following the submission and approval in writing of an Arboricultural Method Statement, the CAVAT value of this tree shall be confirmed by the Council's Arboricultural Team and provided to the Council. The works to replace this tree will be carried out by the Council's Arboricultural Team.
10. Not to occupy Phase 1 and 2 of the development, as detailed in the Construction Phasing Strategy until an interim Management Plan based on the draft Management Plan for this part of the development has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of Phase 3 and 4 of the development, as detailed in the Construction Phasing Strategy a scheme of Management based on the draft Management Plan for the whole development shall be

submitted and approved in writing by the Local Planning Authority. The scheme shall include provisions for, but not be limited to, the following:

- A full dispersal policy and procedure;
- Door policy;
- Signs to request patrons to leave in a quiet manner and not to loiter in the street outside;
- Servicing and delivery times/arrangements;
- Bottling out and waste management noise and times;
- Control of noise from any designated smoking areas;
- Control of noise from amplified music within the building;
- Close down policy with gradual lowering of music volume and increasing of lighting;
- Security and any proposed CCTV;
- Lighting (and security lighting);
- Membership policy; - Capacity (of each use);
- The separation of uses;
- Phasing of closure of uses (i.e. operating hours of individual uses within the site);
- Private hire facilities/functions;
- Roof Terrace Management;
- An enforcement strategy for dealing with any breaches of the scheme; and
- Any other relevant operation of the site functions; The development shall be carried out strictly in accordance with the Scheme of Management so approved and shall be operated as such thereafter.

11. A contribution towards Crossrail of £121 490 (less any Mayoral CIL amount also liable).

12. Council’s legal fees in preparing the S106 and officer’s fees for the preparation, monitoring and implementation of the S106

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

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

**RECOMMENDATION B**

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

**List of Conditions:**

<b>1</b>	<p><b>Commencement (Compliance)</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 24/06/2018</p> <p>Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted 24/06/2015 [LBI ref: P2014/3871/FUL]. Furthermore, 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>
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<b>2</b>	<b>Approved plans list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>005, 006, 009 Rev D, 010 Rev C, 011 Rev B, 012 Rev B, 013 Rev A, 014 Rev B, 020, 021, 022, 023, 024, 030 Rev A, 031, 032 Rev A, 033, 049 Rev I, 050 Rev I, 051 Rev K, 052 Rev K, 053 Rev I, 054 Rev E, 060 Rev B, 061 Rev C, 062 Rev C, 063 Rev B, 063-1 Rev B, 064 Rev C, 070 Rev E, 071 Rev E, 072 Rev D, 073 Rev E, 099 Rev A, 100, 101, 102, 103, 104, 200-1, 200-2, 200-3, 200-4, 201-1, 201-2, 301 Rev A, 400 Rev A, 401 Rev A, 402, 403, Planning Statement, Design and Access Statement (Rev 3 Option A), Amended - Draft Management Plan (Ref: V1.1), Conservation Plan, The Session House Screen Report, Structural Design Statement, Swimming Pool Loading/Structural details (received 11/12/2014), Archaeological Desk-based Assessment (OCL14/181), Noise Impact Assessment (ref: EPL:4334/PBG/R1 (A)), Transport Assessment (ref: KCH/VLWL/14/2216/TA01), Transport Assessment (ref: VLWL/14/2216/TAA07), Travel Plan Framework (ref: KCH/VLWL/14/2216/TP02), Sustainable Design and Construction Statement (ref: 14/111), Written details (email received 11th December 2014), HIA Screening, Photographic Survey, Architectural Paint Research, Covering Letter (dated 21/04/2016), Email (dated 16/08/2016), Basement Plan as proposed (received 16/03/2017), Second Floor Plan as proposed (received 16/03/2017), Third Floor Plan as proposed (received 16/03/2017), Roof Plan as proposed (received 16/03/2017), Covering Letter (ref: CW/so/P16-3171, dated 15 March 2017), The Old Sessions House – Management Plan for Premises License (Licensing Act 2003) Areas (Dated 16/03/2017), The Old Sessions House Smoking Policy (received 28/03/2017), Mayer Brown Revised Noise Assessment (March 2017) and Mayer Brown Noise Assessment (December 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>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: The development shall be carried out strictly in accordance with the approved details of facing materials in Approval of Details application ref: P2015/2786/AOD (dated 17/12/2015) and shall be maintained as such thereafter unless otherwise approved in writing by 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>
<b>4</b>	<b>Roof Top Plant (Details)</b>
	<p>CONDITION: Details of the roof-top structure/enclosure for the condenser units shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the relevant phase of the development pursuant to the approved Construction Phasing Strategy. The details shall include the location, height above roof level, specifications, cladding and any screening.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to conserve the significance of the heritage asset and to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>5</b>	<b>Impact Piling (Details)</b>
	CONDITION: No impact piling shall take place until a piling method statement (detailing

	<p>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 sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
<b>6</b>	<b>Archaeology (Details)</b>
	<p>CONDITION: The excavation works to create the sub-basement shall be carried out strictly in accordance with the details approved within Approval of Details application ref: P2015/2786/AOD (dated 17/12/2015) unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.</p>
<b>7</b>	<b>Plant Noise (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
<b>8</b>	<b>Noise Report (Details)</b>
	<p>CONDITION: A survey is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 7. The survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months of completion of the development and any noise mitigation measures shall be installed within 6 weeks of the approval of these details and permanently retained thereafter.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
<b>9</b>	<b>Amplified Music and Sound (Compliance)</b>
	<p>CONDITION: Between the hours of 0700 and 2300 music and amplified sound from the premises shall not cause an increase of more than 2dB in the LA90(5min)(f) when compared with the existing equivalent LA90(5min)(f) without the premises in operation.</p> <p>Additionally, between the hours of 0700 and 2300 music and amplified sound from the premises shall not cause an increase of more than 3dB, above the real time simultaneous Leq(5min)(f) 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent Leq(5min)(f) (63Hz and 125Hz) taken without the premises in operation.</p> <p>Where the premises would operate between the hours of 2300 and 0700 music and amplified sound from the premises shall not cause any increase in the LA90(5min)(f) when compared with the existing equivalent LA90(5min)(f) without the premises in operation.</p>

	<p>Additionally, where the premises would operate between the hours of 2300 and 0700 music and amplified sound from the premises shall not cause any increase in the real time simultaneous Leq(5min)(f) 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent Leq(5min)(f) (63Hz and 125Hz) taken without the premises in operation.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
<b>10</b>	<b>Use of external areas (Compliance)</b>
	<p>CONDITION: No further persons shall be given access to the external areas serving the property for licensable activities as defined under the Licensing Act 2003, including all external lower ground floor areas and the roof terraces hereby permitted after 22:30 hrs.</p> <p>After 22:30 hrs and until the terminal hours of each use detailed in Condition 18 of this permission, the four areas defined on the hereby approved plans ref: 'Basement Plan as Proposed', 'Second Floor Plan as Proposed' and 'Roof Plan as Proposed' (received 16/03/2017) shall only be available for non-licensable activities as defined under the Licensing Act 2003. Prior to the closing time of each of the site uses, the associated external area as defined on the approved plans shall be cleared of all people.</p> <p>After 22:30 hrs all entry and exit doors and windows onto the external areas shall be kept shut, except for the purposes of allowing access to and egress from the areas designated for use for non-licensable activities. Any lighting to the roof terraces must be turned off on any day when the relevant external areas are no longer in use.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
<b>11</b>	<b>Lighting (Details)</b>
	<p>CONDITION: Details of all external lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to installation.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: To ensure that all external lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
<b>12</b>	<b>Deliveries and Servicing (Details)</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the operation of the development hereby permitted, including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation each element of the development hereby approved, pursuant to the draft Construction Phasing Strategy.</p> <p>The DSP should detail that deliveries, collections, unloading and loading shall only be between 0800 and 2000 hours Monday to Saturday and not at all on Sundays and Bank Holidays.</p> <p>The development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic and to protect the amenity of</p>

	neighbouring occupiers.
<b>13</b>	<b>Sustainable Design (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement (SDCS) which shall together provide for no less than a 32% on-site CO2 reduction in regulated emission in comparison with total emissions from a building which complies with Building Regulations 2010 shall be installed and operational prior to the completion of the development and maintained as such thereafter.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted prior to the commencement of the development.</p> <p>The final agreed scheme shall be installed and operational prior to the completion of the development and maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Arboricultural Impact Assessment (Details)</b>
	<p>CONDITION: The development shall be only carried out strictly in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement submitted and approved as part of Approval of Details application ref: P2015/2786/AOD (dated 17/12/2015) unless otherwise approved in writing by the local Planning Authority.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<b>Refuse and recycling (Details)</b>
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse / recycling store(s) shall be provided prior to the first occupation of each element of the development hereby approved pursuant to the Draft Construction Phasing Strategy and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development, to ensure that responsible waste management practices are adhered to and to secure the high quality design of the structures proposed.</p>
<b>16</b>	<b>Accessibility (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of the provision of an accessible WC on the ground, first, second, third and fourth floor of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any phase of the development within which those works are proposed. The development shall be constructed strictly in accordance with the details so approved, and in accordance with the details of the lift and door openings to Farringdon Road submitted and approved as part of Approval of Details application ref: P2015/2786/AOD (dated 17/12/2015) and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities</p>
<b>17</b>	<b>Parking permits (Compliance)</b>
	<p>CONDITION: All future occupiers of the development hereby approved shall not be eligible to obtain an on street parking permits except:</p>

	<p>i) In the case of disabled persons;  ii) In the case of units designated in this planning permission as “non car free”; or  iii) In the case of the business who is an existing holder of a parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
<b>18</b>	<b>Hours of Operation (Compliance)</b>
	<p>CONDITION: The retail/restaurant (A1/A3 use class), drinking establishment (A4 use class) and Private Members Club (Sui Generis use class) shall only operate during the hours of:</p> <p>Lower Ground Floor retail/restaurant/bar (A1/A3/A4 use) shall only operate during the hours of:</p> <ul style="list-style-type: none"> <li>- 07:30 - 23:30 Monday to Thursday</li> <li>- 07:30 - 00:00 Fridays and Saturdays</li> <li>- 10:00 - 23:00 Sundays</li> </ul> <p>Private Members Club shall only operate during the hours of:</p> <ul style="list-style-type: none"> <li>- 10:00 - 23:30 Monday to Saturday</li> <li>- 12:00 - 23:00 Sundays</li> </ul> <p>Third floor bar (A4) use shall only operate during the hours of:</p> <ul style="list-style-type: none"> <li>- 07:30 - 23:30 Monday to Thursday</li> <li>- 07:30 - 00:30 Friday and Saturday</li> <li>- 10:00 - 23:00 Sunday</li> </ul> <p>Except on Good Friday: 12:00 to 23:00  Christmas Day: 12:00 to 15:30 and 19:00 to 23:00  New Year's Eve except on a Sunday: 10:00 until the time authorised on the following day  New Year's Eve on a Sunday, 12:00 until the time authorised on the following day.  If there are no permitted hours on the following day, 00:30 on the 31st December.</p> <p>Note: These closure hours are inclusive of a maximum 30 minutes drinking up time.</p> <p>REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within.</p>
<b>19</b>	<b>First Floor windows (Details)</b>
	<p>CONDITION: Prior to any works commencing on the five first floor windows in the Clerkenwell Green (east) elevation detailed on drawing ref: 7841 070 Rev E of the hereby approved plans, cross sections and technical details of the windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

<b>20</b>	<b>Balustrade details (Details)</b>
	<p>CONDITION: Prior to the first use of the roof terrace, details of the roof balustrade shall be submitted to the Local Planning Authority and a sample panel erected at the roof of the site, and approved in writing by the Local Planning Authority. The balustrade shall be installed in accordance with the details approved and maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>21</b>	<b>Management Plan (Compliance)</b>
	<p>CONDITION: The lower ground floor (A1/A3/A4 use) and third floor (A4 use) uses of the site shall only operate in accordance with the provisions of the Management Plan, Smoking Policy and Amended Noise Assessment at all times unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within.</p>
<b>22</b>	<b>Acoustic Barriers (Details)</b>
	<p>CONDITION: Prior to the first use of the top floor roof terrace and second floor roof terrace hereby approved, details of mobile and permanent acoustic barriers and a scheme of management for the installation and removal of the mobile barriers shall be submitted to and approved in writing by the Local Planning Authority. The use of the terraces shall only be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity and to ensure that the resulting appearance of the development is of a high standard.</p>

**List of Informatives:**

1	<b>Planning Obligations Agreement</b>
	You are advised that this permission has been granted subject to the completion of a S106 legal agreement to secure agreed planning obligations.
2	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
3	<b>Phasing Plan</b>
	<p>INFORMATIVE: The grant of this permission is subject to a Construction Phasing Strategy and a number of the conditions relate to each phase of the development. For the avoidance of doubt the phases consist of the following:</p> <p><b>Phase 1:</b></p> <p><u>All floors:</u> Removal of non-original partitions throughout the building and courtroom splits, modern render, rebuilt roof to attic to enable access to courtroom for structural works, screed on floor, ventilation ducts, redundant pipework, modern room under entrance bridge, modern dado, modern doors, redundant electrics and redundant pipe work.</p> <p>Stripping of paint on walls and doors, stripping of paint on glass screens, exposure and repair of shutters, repairing walls, repairing ceilings, asbestos removal and demolition of lift.</p> <p><b>Phase 2:</b></p> <p><u>Lower Ground and ground floor:</u> Formation of proposed floor plans, reinstatement of old doors, reinstatement of Lime wash, decision of paint schemes, fire proofing between floors, installation of lighting, AC installation, fit out, installation of new staircase by lift, structural preparations and installation of services.</p> <p><u>Exterior:</u> Repairing stone on façade, cleaning façade stone and render, repairing/replacing render in areas where necessary, digging and piling for new plant room and construction of screen wall.</p> <p><u>Third Floor:</u> Reinstatement of finishes, opening up of original windows, decision of paint schemes, installation of removable gallery, electrical distribution, fit out, lighting, AC installation and reinstatement of fireplaces.</p> <p><u>All Floors:</u> Installation of new lift.</p> <p><b>Phase 3:</b></p> <p><u>Ground, first and second floor:</u> removal of 20th Century floors in original court room, repair and reinstatement of historic glass screen, reinstatement of finishes, relocation of architraves to court room, decision of paint schemes, electrical distribution, fit out,</p>

	<p>lighting, AC installation, internal stonework, cleaning, repairing, formation of proposed floor plan and reinstatement of fireplaces.</p> <p><b>Phase 4:</b></p> <p><u>Third floor:</u> forming internal office space, insulating walls and ceilings, electrical distribution, fit out of office, lighting of office, AC installation and fit out.</p> <p><u>Roof:</u> new build according to drawings, forming terraces with selected materials, lighting installation, AC/Ventilation installation, plant equipment and forming of pool basin.</p> <p><u>Exterior:</u> reinstatement of stone paving around building/terraces, erection of Prisoners' courtyard wall, exterior railings, gas lights and external facade lighting.</p>
<b>4</b>	<b>Water Infrastructure</b>
	<p>INFORMATIVE: Thames Water recommend that the swimming pool be emptied overnight and in dry periods. The discharge rate should be controlled such that it does not exceed a flow rate of 5 litres per second into the public sewer network.</p> <p>Thames Water recommend that a properly maintained fat trap should be installed on all catering establishments. In line with best practise for the disposal of fats, oils and grease, the collection of waste oil should be by a contractor, particularly for recycling purposes.</p> <p>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>
<b>5</b>	<b>Crossrail</b>
	<p>INFORMATIVE: Crossrail Ltd has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea Hackney Line structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to discuss these guidelines with the Chelsea Hackney Line engineer in the course of preparing detailed design and method statements.</p>
<b>6</b>	<b>Working in a Positive and Proactive Way</b>
	<p>INFORMATIVE: To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>7</b>	<b>Noise Survey</b>
	<p>INFORMATIVE: It should be noted by the applicant that in accordance with Condition 9 the measurements are to be taken 1 metre from the facade of the nearest noise sensitive premises. Where access to the facade of non-associated noise sensitive premises is not available, then the above music noise levels 1 metre from the facade of</p>

	non-associated noise sensitive premises shall be predicted by calculation rather than measured.
<b>8</b>	<b>Network Rail</b>
	<p>INFORMTIVE: As the application site is located in close proximity to Network Rail's boundary and operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection Anglia team at <a href="mailto:AssetProtectionAnglia@networkrail.co.uk">AssetProtectionAnglia@networkrail.co.uk</a> prior to any works commencing on site and fills in a development questionnaire. More information can also be obtained from our website at <a href="http://www.networkrail.co.uk/asp/1538.aspx">www.networkrail.co.uk/asp/1538.aspx</a>.</p> <p>Any scaffold, cranes or other mechanical plant must be constructed and operated in a "fail safe" manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>Any cranes or other mechanical plant equipment involved during construction should be positioned so that their loads or jibs do not over-sail Network Rail's land.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1. National Guidance

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

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - 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 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

##### 3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 3.16 Protection and enhancement of social infrastructure

##### 4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

##### 5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

##### 6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

##### 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 7.8 Heritage assets and archaeology

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 5.10 Urban greening

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 CS8 (enhancing Islington's Character)

Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS13 (Employment Spaces)

### **Strategic Policies**

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

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

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

### **Design and Heritage**

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

### **Health and open space**

**DM6.1** Healthy development  
**DM6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **Housing**

**DM3.7** Noise and vibration (residential uses)

### **Energy and Environmental Standards**

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

### **Shops, cultures and services**

**DM4.1** Maintaining and promoting small and independent shops  
**DM4.2** Entertainment and night-time economy  
**DM4.3** Location and concentration of uses  
**DM4.7** Dispersed shops  
**DM4.12** Social and strategic infrastructure and cultural facilities

### **Transport**

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

### **Employment**

**DM5.1** New business floor space  
**DM5.4** Size and affordability of workspace

### **Infrastructure**

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

**M6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **Employment**

**DM5.1** New Business Floor space  
**DM5.4** Size and affordability of workspace

## D) Finsbury Local Plan 2013

**BC7** Historic Clerkenwell

**BC8** Achieving a balanced mix of uses

### 3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Grade II\* Listed Building
- Clerkenwell Green Conservation Area
- Article 4(2) Clerkenwell Green
- Archaeological Priority Area (Clerkenwell)
- Area of Special Character (Clerkenwell/Smithfields)
- Central London Area
- Central Activities Zone
- Employment Priority Area
- Rail Safeguarding Consultation Area
- Structure to be Retained
- Local View from Archway Road, Archway Bridge, Dartmouth Park Hill and Amwell Street
- Strategic View from Kenwood

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

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

#### **London Plan**

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

# Islington SE GIS Print Template



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P2016/4841/S73

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 Town Hall  
 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		<b>AGENDA NO:B6</b>
<b>Date:</b>	20 <sup>th</sup> June 2017	<b>NON-EXEMPT</b>

Application number	P2016/4842/S73
Application type	S.73 Full Planning Application
Ward	Clerkenwell Ward
Listed building	Grade II* Listed Building
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Article 4(2) Clerkenwell Green Archaeological Priority Area (Clerkenwell) Area of Special Character (Clerkenwell/Smithfields) Central London Area Central Activities Zone Employment Priority Area Rail Safeguarding Consultation Area Local View from Archway Road, Archway Bridge, Dartmouth Park Hill and Amwell Street Strategic View from Kenwood
Licensing Implications	Requires Premises License
Site Address	The Old Sessions House, 22 Clerkenwell Green, London EC1R 0NA
Proposal	Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1614/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).' The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays.

Case Officer	Nathaniel Baker
Applicant	Satila Farringdon Ltd
Agent	Chris Wilmshurst – Vail Williams

## 1. RECOMMENDATION

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

1. the conditions set out in Appendix 1 (Recommendation B); 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)



### 3. PHOTOS OF SITE/STREET



Aerial image of the site

### 4. SUMMARY

- 4.1 The application seeks permission to vary Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission ref: P2016/1614/S73 to allow the use of four external areas of the site for non-licensable activities after 10:30pm and to extend the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses.
- 4.2 The four balconies proposed to be used for non-licensable activities are defined by the applicant on the submitted plans and are located on the south and west sides of the building, with two at lower ground/ground floor level, one at a second floor level and one at roof level. The submitted Management Plan and Smoking Policy documents provide means by which the use of the external areas would be controlled; while the two submitted Noise Assessments detail that there would not be an unacceptable level of noise disturbance from the balcony uses.
- 4.3 The proposed terminal hours of use for the lower ground floor retail/restaurant/bar use would be 00:00 on Friday and Saturday, which would be within the Council's Licensing Policy framework guidance, albeit in a Cumulative Impact Area. The top floor bar is proposed to be open until 00:30 Friday and Saturday, which is in excess of Council's Licensing Policy framework guidance. The submitted Management Plan demonstrates that the proposal, through its level of use and management procedures would not result in unacceptable anti-social behaviour, litter, noise, disturbance and other individual and cumulative impacts of late night uses. Furthermore, two Noise Assessments have been submitted, which demonstrate that the proposed hours of use, subject to compliance with the management plan would not result in unacceptable disturbance to neighbouring occupiers.
- 4.4 The proposed earlier opening hours of the lower ground and top floor are representative of typical opening times for retail and food establishments, particularly in light of the site's location within the Central Activities Zone and its proximity to Farringdon Station.

- 4.5 It is considered that the proposed use of the external areas after 22:30 for non-licensable activities and the extended hours of operation of the lower ground floor and top floor uses would not result in unacceptable disturbance to the neighbouring occupiers, subject to the controls set out in the recommended conditions and legal agreement.
- 4.6 Notwithstanding the planning considerations, the applicant would be required to apply for a Premises License for the operation of the building. Without prejudice to the consideration of any forthcoming Premises License Application, were this to be approved, the Licensing Authority would retain powers to review and revoke a licence where this is necessary
- 4.7 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The application site forms the western edge of Clerkenwell Green and is set on a central roundabout bounded by Clerkenwell Green to the north and east, Clerkenwell Road to the south and Farringdon Lane to the west. The Old Sessions House is a part two, part three storey Grade II\* listed building and was formally the Middlesex Sessions House which was enlarged and remodelled in 1860 on all but the principal elevation and served as a Law Court until the 1920s.
- 5.2 Planning permission was granted in 1976 for the use of the building as a Masonic Lodge. The building has also operated as the Clerkenwell Conference Centre, providing private hire space for meetings and conferences, professional training courses, private events, exhibitions, wedding receptions and similar uses, with a Certificate of Lawful Existing Use granted in 2008.
- 5.3 Planning permission and listed building consent were granted in 2015 for the change of use of the building, extensive refurbishment works and extensions to the building. At the time of writing this report, works are progressing at the site.
- 5.4 The surrounding area is predominantly commercial with some residential properties. To the west the site faces over Farringdon Lane and across the railway lines running into Farringdon Station to the south west (the former Fleet River Valley).
- 5.5 The site is located within the Clerkenwell Green Conservation Area, the Central Activities Zone (CAZ), an Employment Priority Area (General) and is set within a number of Local and Strategic views of St Paul's Cathedral from various viewing points.

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

- 6.1 The application proposes to vary conditions 10 (Access to External Areas) and condition 18 (Hours of operation) of planning permission ref: P2016/1614/S73 dated 20/09/2016 for:
- 6.2 *Variation of Condition 2 (Approved Plans) of Planning Permission Ref: P2014/3878/FUL dated 24/06/2015 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).' The amendments consist of addition of gas lamps to ground floor (3 to north, 4 to east, 1 to south and 4 to west), introduction of five bollards to east elevation, relocation of roof plant to second floor terrace on south side of property (Clerkenwell Road), replacement of five first floor windows in east elevation, roof extension to south side of main building providing stair overrun, installation of external staircase and platform lift to sub-basement of former prisoners yard and internal alterations.*

- 6.3 The amendments consist of the proposed use of four external areas of the site located on the south and western sides of the property (see floor plans, para 10.9) for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant/bar (A1/A3/A4) uses including later terminal hours on Fridays and Saturdays.

#### **Revision 1**

- 6.4 An amended cover letter, Management Plan, Smoking Policy, Floor Plans and Noise Assessment were submitted by the applicant on 16<sup>th</sup> March 2017. The submission documents were amended following concerns raised by officers, with the previous reference to Temporary Events Notices removed and further clarification provided.
- 6.5 A revised Smoking Policy was submitted on 28<sup>th</sup> March 2017 to amend a typing error.

### **7. RELEVANT HISTORY:**

#### **Planning Applications:**

- 7.1 **P2016/1614/S73** – Variation of Condition 2 (Approved Plans) of Planning Permission Ref: P2014/3878/FUL dated 24/06/2015 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).'

The amendments consist of addition of gas lamps to ground floor (3 to north, 4 to east, 1 to south and 4 to west), introduction of five bollards to east elevation, relocation of roof plant to second floor terrace on south side of property (Clerkenwell Road), replacement of five first floor windows in east elevation, roof extension to south side of main building providing stair overrun, installation of external staircase and platform lift to sub-basement of former prisoners yard and internal alterations – **Granted Conditional Permission subject to Legal agreement** (20/09/2016).

- 7.2 **P2016/1615/LBC** – Listed Building Consent in connection with the addition of gas lamps to ground floor (3 to north, 4 to east, 1 to south and 4 to west), introduction of 5 bollards to east elevation, relocation of roof plant to second floor terrace on south side of property (Clerkenwell Road), replacement of five first floor windows in east elevation, roof extension to south side of main building providing stair overrun, installation of external staircase and platform lift to sub-basement of former prisoners yard and internal alterations – **Granted Conditional Consent** (20/09/2016).
- 7.3 **P2014/3878/FUL** – Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including lowering of (including excavation of sub-basement below yard). – **Granted Conditional Planning Permission subject to a legal agreement** (24/06/2015).

- 7.4 **P2014/4039/LBC** – Change of use from Masonic Lodge to a mixed use scheme comprising retail, erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including lowering of (including excavation of sub-basement below yard) to facilitate change of use of Old Sessions House from Masonic Lodge to a mixed use scheme comprising

retail, restaurant/bar, office (Sui Generis use) – **Granted Conditional Listed Building Consent** (24/06/2015).

**ENFORCEMENT:**

- 7.5 **E/2014/0182** – Unauthorised works to a Listed Building – No action taken, **Case Closed** (05/02/2016)

**PRE-APPLICATION ADVICE:**

- 7.6 None relevant.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 128 adjoining and nearby properties at Clerkenwell Road, Britton Street and Clerkenwell Green on the 15<sup>th</sup> December 2016. A site notice and press advert were displayed on 22<sup>nd</sup> December 2016. The application was re-advertised on 23<sup>rd</sup> March 2017. The public consultation on the application therefore expired on 13<sup>th</sup> April 2017. 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 132 objections and one letter of support have been received from the public with regard to the planning application. The points raised are summarised below:

**Objections:**

- Object to the creation of roof terraces in close proximity to neighbouring properties (para 10.43);
- Concern raised regarding late licensing hours that will increase the level of noise from music and customers (paras 10.27 - 10.32 and 10.36);
- The applicant has not provided any justification for the request for extended hours (para 10.5);
- The justification cannot be for competitive reasons as other smaller restaurants and bars have similar opening hours to those approved (para 10.5);
- Objection raised to the increase in licensed premises within a Cumulative Impact Area (para 10.27 and 10.28);
- Concerns regarding increase in anti-social behaviour relating to the hours of use (paras 10.29 and 10.30);
- The proposed hours of use would change the character of the area (para 10.34 and 10.36);
- Concern raised regarding traffic congestion and taxis within the surrounding area (para 10.44);
- The proposal would impact upon neighbour amenity, particularly for vulnerable residents (paras 10.6 - 10.36);
- The operators are unknown (para 10.45);
- The capacity of the venue needs to be reduced and the total figures do not include the private members club (para 10.46);
- The application does not address noise from inside the premises 'leaking out' or from mechanical plant (para 10.33);
- There would be additional noise from deliveries and rubbish collection (para 10.40);
- There is no requirement for a substantial table meal with alcohol anywhere in the building (para 10.39);
- The earlier opening times would result in additional disturbance (para 10.33 and 10.34 and 10.35);
- The submitted Noise Assessment is based on inaccurate figures and the methodology is flawed (para 10.17);
- Concern raised regarding disturbance from the use of the roof terraces (paras 10.13 – 10.21);
- The noise assessment does not consider noise from staff leaving the premises after hours (para 10.31);
- No other terraces in the area have as late opening times (para 10.47); and
- Concerns raised regarding queues forming outside the premises (para 10.29).

Support:

- Members clubs work well and have a positive impact on a area if managed properly; and
- If managed well, it will not cause a disturbance or detrimentally affect the amenity, character and function of the area.

In addition, a petition with 95 signatories has been received. This raises the following points in addition to the above concerns;

- 40% of customers would enter/exit 19m from sheltered housing (at Clerkenwell Green and Clerkenwell Close Estates) from 7:30 am to 11pm-12:30 am 365 days a year (para.10.31 and 10.32)
- Insufficient detail of how they will manage alcohol supply and consumption (para.10.40 and 10.41)
- No detail on how traffic, parking deliveries will be managed and how existing drug and anti-social behaviour problems will be addressed (para.10.37 and 10.42)
- Unacceptable disturbance and detrimental effect to the amenity, character and function of the historic conservation area. (para. 10.47)

### **Internal Consultees**

- 8.3 **Public Protection (Noise)** – With the two condition variations, the greater potential for noise impact would be from the use of the external areas. 2300 is normally accepted as the time the normal person would go to sleep and therefore there's the potential for sleep disturbance and greater sensitivity to noise after this time.

Subject to there being effective controls to restrict the maximum number of external area users to that as detailed in the Noise Report then the assessment is valid and the findings are accepted. A condition is recommended requiring details of the proposed mobile barriers to the roof top terrace to be submitted to and approved in writing by the Local Planning Authority. These should be designed to maximise screening both acoustically and visually.

- 8.4 **Licensing** – The Licensing Team do not wish to comment on the proposal but recommend that a premises license application would have to be made to accord with the hours proposed here.
- 8.5 **Design and Conservation Officer** – No objection.
- 8.6 **Access and Inclusive Design Officer** – No response received.
- 8.7 **Highways** – No response received.

### **External Consultees**

- 8.8 **London Borough of Camden** – No objection.
- 8.9 **Historic England** – No objections raised.
- 8.10 **Historic England (GLASS)** – No objections raised.
- 8.11 **London Fire and Emergency Planning Authority** – The premises have been examined and the proposals are satisfactory in relation to the fire precautionary arrangements.
- 8.12 **Crossrail (Rail Safeguarding)** – Do not wish to make comments on this application as submitted.
- 8.13 **Transport for London** – No objection.
- 8.14 **Thames Water** – No response received.
- 8.15 **London and Middlesex Archaeological Society** – No response received.
- 8.16 **Georgian Group** – No response received.
- 8.17 **The Islington Society** – No response received.
- 8.18 **Victorian Society** – No response received.
- 8.19 **Ancient Monument Society** – No response received.
- 8.20 **Society for the Protection of Ancient Buildings** – No response received.

### **Other Consultees**

- 8.21 None

## **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.

### **National Guidance**

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

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

### **Development Plan**

9.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Grade II\* Listed Building
- Clerkenwell Green Conservation Area
- Article 4(2) Clerkenwell Green
- Archaeological Priority Area (Clerkenwell)
- Area of Special Character (Clerkenwell/Smithfields)
- Central London Area
- Central Activities Zone
- Employment Priority Area
- Rail Safeguarding Consultation Area
- Local View from Archway Road, Archway Birdge, Dartmouth Park Hill and Amwell Street
- Strategic View from Kenwood

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

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

## **10. ASSESSMENT**

10.1 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

- 10.2 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs.
- 10.3 The proposed use of the building remains unaltered from the previous approval at the site and no physical works are proposed to the property. The application has been implemented and is currently progressing with phase 2 nearing completion. However, the applicant has stated that the existing hours of use serve as a barrier to potential operators of the building. As such, the issues raised by the proposal relate to land use and neighbour amenity. The following assessment has been divided into sections to address each of the conditions applied to be varied with a summary following this.
- 10.4 The main issues arising from this proposal relate to land use and neighbour amenity.

#### **Land-use**

- 10.5 The submitted Planning Statement details that the restricted hours of use are serving as a barrier to potential operators of the different areas of the building and that this puts the building at risk of being unable to create viable business conditions for occupiers necessary to ensure its success. However, no details or information, such as marketing information, have been submitted to support this position and there are a number of examples of restaurants and public houses within the locality that have similar hours of use and continue to operate.

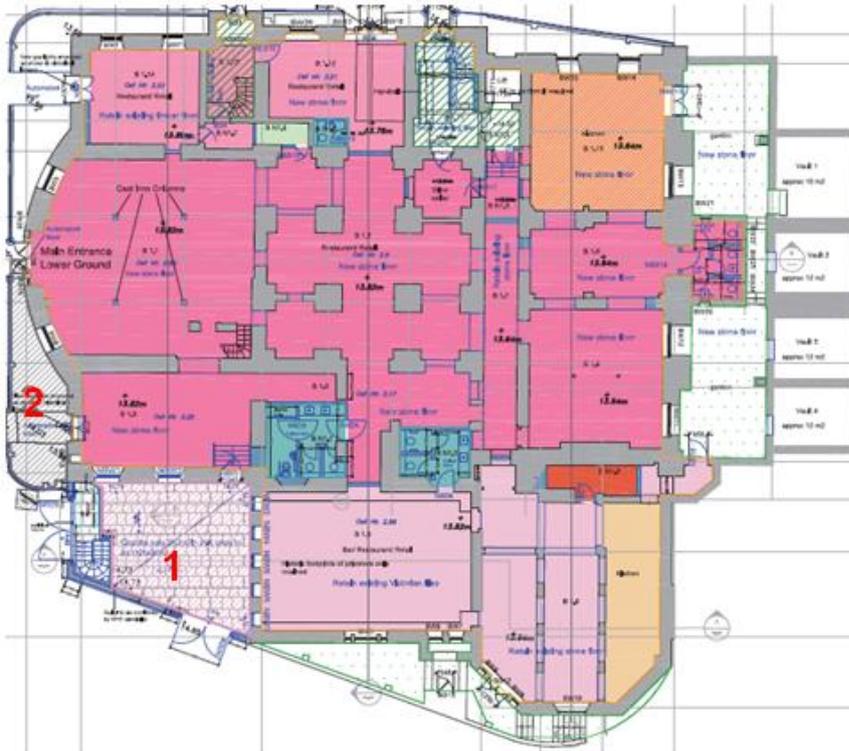
#### **Neighbour Amenity**

- 10.6 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must 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.

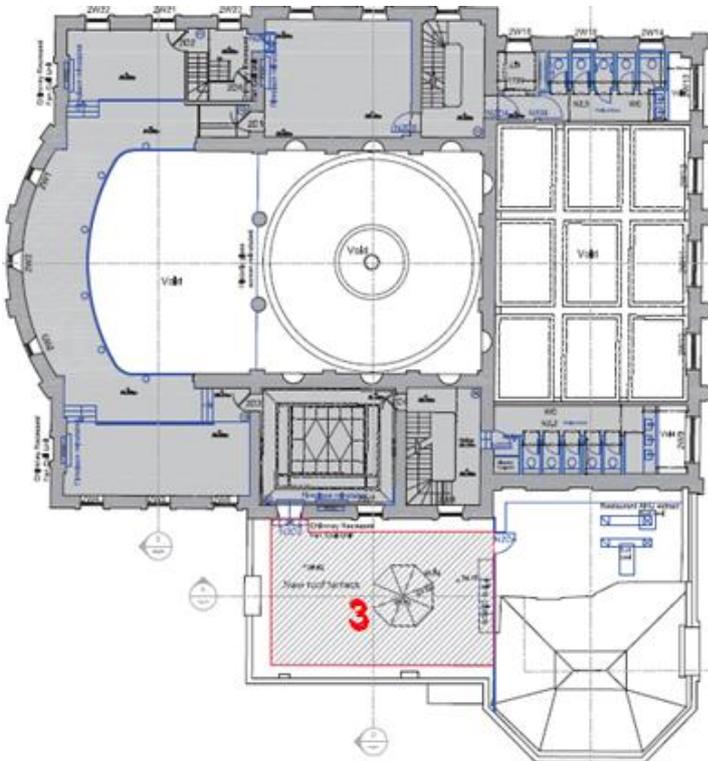
#### Use of external areas (Condition 10):

- 10.7 The applicant proposes to vary condition 10 of planning permission P2016/1613/S73 to allow the use of the external areas at the site after 22:30 for non-licensable activities within four designated areas.
- 10.8 The committee report for the original application at the site (ref: P2014/3871/FUL) set out that there were a number of representations received regarding potential disturbance from the use of the roof terraces. The report also details that officers considered that the applicant's originally proposed use of the terraces until 23:00 to be excessive, such that condition 10 was imposed to ensure that no access was given to the external areas of the property after 22:00 with these areas being cleared by 22:30 to ensure there was no undue disturbance to neighbouring occupiers.
- 10.9 Each of the areas proposed to be used after 22:30 for non-licensable activities are allocated to a particular site occupier. These areas are described below with a plan detailing their location and the specific site user in brackets:

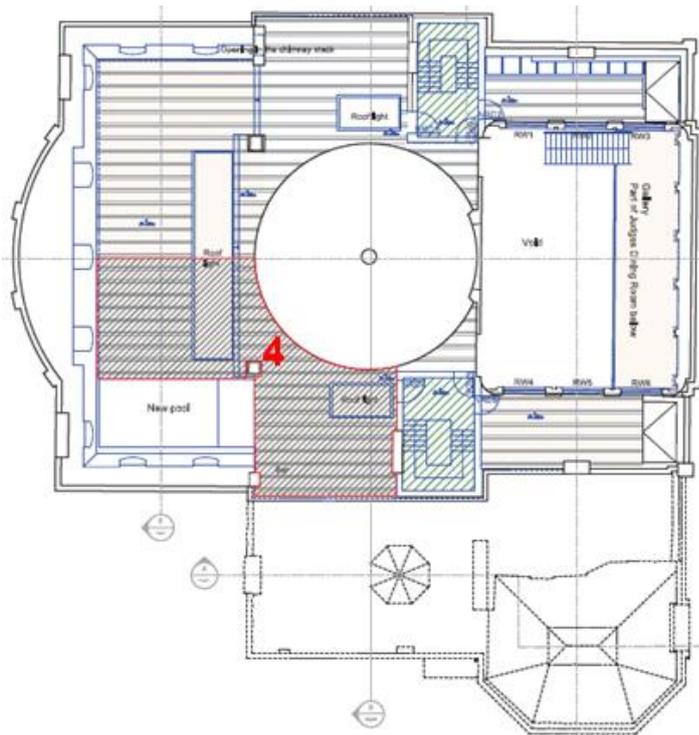
**Area 1 and 2:** Ground floor enclosed courtyard (Restaurant/Retail) and ground floor external area with balustrade (Restaurant/Retail)



**Area 3:** Second floor terrace with high stone balustrade surround (Office)



**Area 4:** Part of roof top terrace next to swimming pool (Roof top bar)



10.10 The proposed variation of condition 10 would allow the use of the defined areas after 22:30 up until the terminal hours for each specific use for activities which fall outside those defined by Part 1, Section 1 of The Licensing Act 2003, namely:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment.

10.11 The variation of the condition would therefore allow occupiers of the building to use this space subject to none of the above activities taking place. The application submission sets out that the variation is intended to allow the use of these spaces as smoking areas.

10.12 It is acknowledged that should there be no provision for smoking at the site after 22:30 that this could result in smokers using the surrounding public realm up to and after the terminal hours of use of the site. This would undoubtedly result in disturbance to neighbouring occupiers and visual impacts due to the high number of potential site users at any one time and their proliferation outside of entrances/exits.

10.13 The submitted Noise Assessment presents an assessment of the number of customers likely to smoke at any one time and the potential noise generated by those using these areas to smoke. The Noise Assessment has considered the potential noise from each of the areas using the maximum number of people within the external areas at any one time, which is based upon national average smoker levels as a percentage of the maximum occupancy of each of the relevant uses at the site. This provided figures of 23 people using Area 1, 36 people using Area 2 and 21 people using Area 4. The assessment used background noise levels across four receptor points in the locality between 22:00 and 01:00 hours on 21<sup>st</sup> to 22<sup>nd</sup> July 2016 (Thursday to Friday) and again between 22:00 and 01:00 hours on 22<sup>nd</sup> to 23<sup>rd</sup> July 2016 (Friday to Saturday). The assessment concludes that by using the approximated sound power of 'small and medium sized crowds', which is indicative of the numbers set out in the noise assessment

for each external area, the proposed use of the external areas of the site would generate noise below background levels for the area and therefore would avoid any significant adverse noise impacts.

- 10.14 The Noise Report does not provide modelling for Area 3 or any figures of user numbers of this area. The applicant's Noise Assessor has detailed that this area does not require testing due to the screening attenuation that would be afforded by the inherent massing of the building limiting any noise. The Council's Public Protection (Noise) Officer considers this to be acceptable. Notwithstanding this, as secured in the original application and re-imposed here the legal agreement requires that prior to occupation of phases 1 and 2 of the development a Management Plan, inclusive of management of smoking areas is required to be submitted to and approved by the Local Planning Authority. This would ensure that numbers of smokers and an appropriate procedure for the management of this area would be assessed.
- 10.15 The original and amended Noise Reports have been assessed by the Council's Public Protection (Noise) Officer who has noted that subject to the level of usage detailed within the report (i.e. the number of users of external areas), the methodology of the assessment is suitable and that the findings are acceptable. As such, it is considered that the use of these areas after 22:30 for non-licensable activities would not result in unacceptable levels of disturbance to neighbouring occupiers.
- 10.16 Notwithstanding this, the submission details that in addition to the assessment mobile physical barriers would be used in Area 4 to demarcate and limit the size of this area, whilst also providing visual and acoustic screening on the northern side of Area 4. The addition of acoustic screening did not form part of the noise assessment and as such its inclusion would have potential to further reduce any noise from this area. To ensure the screens are of an appropriate design, scale, height and acoustic standard a condition (22) is recommended requiring details of the screens and a plan detailing how and when the screens would be deployed and removed to be submitted to and approved in writing by the Local Planning Authority.
- 10.17 A number of representations have been received that make detailed comments on the Noise Assessment, questioning the assumptions made, the figures provided and the methodology used. The points raised regarding the Noise Assessment have been considered by the Council's Public Protection (Noise) Officer who has offered the following advice;
- In terms of methodology, the submitted assessment looks at LAMax figures of 60dB for noise predictions outside the receptor locations. The LAMax 45dB level from WHO guidance that the objector references, is an internal level and therefore assumes 15dB reduction for a partially open window which results in a 60dB level externally (reductions are likely to be greater for closed windows). LAMax is used instead of LAeq (effectively the average) as this is a more appropriate metric for people noise and the nature and duration of people shouting, laughing etc. The WHO guidelines state that "When the noise consists of a small number of discrete events, the A-weighted maximum level (LAMax) is a better indicator of the disturbance to sleep and other activities". Using an LAeq would not be an effective way of assessing people noise (and might well hide a potential problem) and is better suited to more constant sounds like building services plant noise. The LAMax target is not exceeded in the predictions.
  - Secondly, it was noted in objections that the noise surveys that accompanied the application were made in July 2014 and in July 2016. The objector has pointed out that since the time of these surveys, the Crown in Clerkenwell Green has been the subject of enforcement action from Islington Street Trading and Licensing team such that the outdoor space has been significantly reduced and so the noise surveys were carried out at a time when a larger group of people would have been congregating and thus falsely influenced the background noise levels. In response, it is noted that two noise surveys were carried out, both at the height of summer when the weather is likely to be most attractive for patrons to use the external areas. The more recent measurements were

attended i.e. with the acoustician present and they have provided observations of the sounds heard. Of the two measurements on Clerkenwell Green, the one outside No 14a is “influenced by distant traffic noise from Clerkenwell Road, local vehicle movements on Clerkenwell Green/Aylesbury Street and, when in use, the general “hubbub” of noise associated with patrons of the Crown Tavern seated within the green. The external seating areas were generally cleared by approximately 22.30 hours, after which there was intermittent noise from tables and chairs being dismantled, the green being swept and the placing of bagged waste at a collection point in the green.” The one outside No 36 were “more significantly influenced by traffic movement on Clerkenwell Road and local vehicles. Noise from patrons of the Crown Tavern was also audible until around 22.30. The seating area outside of The Green remained in use until around 23.30 hours. Pedestrian activity within the area was observed throughout.” The time of the survey covers the period after the Crown’s external area is closed and so the noise levels at the time which is being considered, has been correctly assessed. In addition, noise from the Crown is not relevant to be considered for all of the measurement positions which included points at roof level overlooking Farringdon Lane, Britton Street and Turnmill Street. It is also worth noting both the predicted levels from the external areas and how that compares with the existing sound scape in the area. The noise from the terrace is not predicted to exceed 60dB LAMax at the external façade and the existing background noise levels will mask the impact too.

- 10.18 In addition to the Noise Report assessing the potential for disturbance the applicant has submitted a ‘Management Plan for Premises License’ document and a ‘Smoking Policy’. These aim to provide management practices and assurances to mitigate any potential disturbance from the use of the external areas and operation of the premises.
- 10.19 The Management Plan and Smoking Policy detail that each of the external smoking areas would only accommodate patrons from corresponding venues within the site and that staff would both control this and limit the number of users of these areas. The use of the external areas would be limited to the times detailed in Condition 18, with the Management Plan and Smoking Policy ensuring that these are clear after these times and that any person causing nuisance or disturbance is asked to leave the premises. While these plans detail the provision of mobile physical barriers to Area 4, as set out above further details of these and how they will be deployed is required by condition.
- 10.20 Although the later opening of the roof terraces would require the later use of lights at the site, condition 11 of the permission requires details of lighting, inclusive of hours of use and luminance, to be submitted to and approved in writing by the Local Planning Authority. As such, as part of any such submission for these details the level and type of later lighting would be assessed.
- 10.21 It is considered that subject to conditions requiring the procedures and details within the Amended Noise Report, Management Plan and Smoking Policy, which limit who can use these areas, how they are used and the number of users at any one time, the proposed use of the external areas for non-licensable activities after 10:30 would be acceptable in planning terms in this case.

Hours of Operation (condition 18):

- 10.22 The proposed variation to condition 18 relates only to the lower ground floor A1/A3 uses and third floor A4 uses and proposes earlier opening hours every day of the week and later opening hours on Fridays and Saturdays.
- 10.23 Development Management Policies (2013), policy DM4.2 and Finsbury Local Plan (2013) policy BC8 seek to ensure that proposals do not result in an over proliferation of night time economy uses, such as bars and restaurants, that would cumulatively impact upon the amenity of residents in the area. The site is located within an area identified by Islington’s Licensing Policy

2013-2017 as a Cumulative Impact Area, where there is a proliferation of late licenses and identified anti-social behaviour issues. Within Cumulative Impact Areas the Licensing Policy has a rebuttal presumption for any increase in hours of licensable activity.

10.24 In light of this, the hours of use condition on the planning permission reflected the hours in the historic premises license for the previous use of the site as a Masonic Lodge, rather than the later hours proposed in the application.

10.25 However, Policy 8 of the Islington Licensing Policy 2013-2017 document provides a guideline framework for closing hours. These are set out below:

Public Houses and Bars:	11pm - Sunday to Thursday Midnight - Friday and Saturday
Nightclubs:	1am - Sunday to Thursday 2am – Friday and Saturday
Restaurants and Cafes:	11pm - Sunday to Thursday Midnight - Friday and Saturday

10.26 The proposed variation to the terminal hours would allow the lower ground floor retail/restaurant use to operate until 00:00 Friday and Saturday, which is 30 minutes later than the planning permission, while the third floor bar use would operate until 00:30 Friday and Saturday, which is 1 hour later than the planning permission.

10.27 Although the site is within a Cumulative Impact Area and without prejudice to any subsequent licensing application the proposed terminal hours of 00:00 on Friday and Saturday for the lower ground floor A1/A3 uses would be in accordance with the Council's Licensing Policy framework guidance. Furthermore, the supporting text to Licensing Policy 2 provides examples of where some proposed uses may be considered as exceptional and this includes premises which are not alcohol-led. In this case, the lower ground floor has planning permission for A1/A3 uses and while this area does include a small bar element, it is primarily led by retail and eating establishments, which are not alcohol-led uses.

10.28 However, the proposed terminal hours of use of the third floor bar use of 00:30 Friday and Saturday would be 30 minutes in excess of the Licensing Policy guidelines. The applicant has submitted a Management Plan which seeks to demonstrate that the proposal, through its level of use and management procedures would not result in unacceptable anti-social behaviour, litter, noise, disturbance and other individual and cumulative impacts of late night uses.

10.29 The Management Plan includes procedures for access and exit controls (door staff), taxi parking management, supervision of surrounding areas, signage and notices, cleaning, security, noise controls (inclusive of noise limiting devices as necessary), waste management, safety measures and a complaints procedure. The procedures are considered to be appropriate and effective in the control and mitigation of potential disruption.

10.30 The submitted Noise Assessment considers the potential noise impact of those leaving the site in accordance with the Management Plan and concludes that the proposed measures, together with the likely number of site users would not result in significant adverse noise impacts. The Noise Assessment has been considered by the Council's Public Protection (Noise) Officer who has considered the methodology of the assessment to be suitable and that the findings are acceptable.

10.31 Representations have been received which question noise from staff leaving the site. Whilst this is not addressed in the Noise Assessment, the number of staff leaving the premises would be limited.

- 10.32 While the proposal relates to the lower ground floor and top floor uses, the increase in hours needs to be considered in light of the approved use of the main part of the building as an office. The originally approved planning permission at the site was subject to a legal agreement which secured the submission of a site wide Scheme of Management prior to the occupation of phase 1 and 2 of the development. The current proposal, should it be considered acceptable, would be subject to the same requirement. Therefore the cumulative impact of the planning permission and any changes permitted as part of this or future applications would have to be considered as part of this and appropriate mitigation/procedures put in place to ensure it would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 10.33 The previous conditions relating to noise audible outside of the site and noise from mechanical plant is also recommended to be maintained to ensure that there is no unacceptable disturbance to neighbouring occupiers through the later hours of use.
- 10.34 With regard to opening hours the proposed variation would allow the lower ground floor retail/restaurant uses and third floor bar use to open at 07:30 Monday to Saturday, which is 2 hours 30 minutes earlier than the planning permission and at 10:00 on Sundays, which is 2 hours earlier than the planning permission.
- 10.35 Whilst this would result in the lower ground and top floor of the property opening earlier, these hours are representative of typical opening times for retail and food establishments, particularly in light of the sites location within the Central Activities Zone and its proximity to Farringdon Station. Notwithstanding the earlier opening hours, Condition 12 of the planning permission ensures that there would be no deliveries, collections, unloading and loading associated with the site until after 08:00, to ensure there is no disturbance from servicing. In light of this it is considered that the proposed earlier opening times would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 10.36 Taking the details set out in the Noise Assessment, the procedures detailed in the Management Plan, that the lower ground floor use is non-alcohol led and that the hours are either in accordance with or marginally in excess of the Licensing Policy 2013-2017 framework guidelines, the proposed hours of use of the site are not considered likely to detrimentally impact upon the amenity of the neighbouring occupiers or result in an over proliferation of late night entertainment uses in planning terms.

### Summary

- 10.37 It is considered that the proposed variation of condition 10 and condition 18 of the planning permission to allow the use of some of the external areas (as defined on the plans) after 22:30 for non-licensable activities and the amendments to the hours of use of the lower ground floor and third floor would not detrimentally impact upon the amenity of the neighbouring occupiers or in planning terms result in a cumulative impact on the locality. As such, it is proposed that the application is approved subject to the controls in the legal agreement and conditions.
- 10.38 It should be noted that notwithstanding the planning considerations assessed here, the applicant would be required to apply for a Premises License for the operation of the building. Licensing Policy 6 of the Islington Licensing Policy 2013-2017 states that '*Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives*'.
- 10.39 Any forthcoming Premises License Application would therefore have to further consider the operation of the building and procedures to ensure there is no unacceptable impact upon neighbour amenity. Without prejudice to the consideration of any forthcoming Premises License Application, were this to be approved, the Licensing Authority would retain powers to review and revoke a licence where this is necessary. As such, in addition to the procedures and controls

under any Planning Permission the site would be subject to further controls and review by the Licensing Authority.

### **Other**

- 10.40 Although the proposal would increase the hours of operation of the lower ground floor A1/A3 uses and the top floor A4 use and therefore may increase the requirement for servicing and delivery at the site, details of this are required by condition (12) and a full assessment of details submitted would be undertaken at that time.
- 10.41 The originally submitted Planning Statement asserted that the wording of the condition did not allow for emergency works and security patrols to be carried out. The intent of the original condition, as set out in the reason for the condition is '*In the interest of protecting neighbouring residential amenity*'. Emergency works, by their very nature, are likely to be extremely limited and the use of the terraces after 22:30 for such a purpose would be highly unlikely to be inconsistent with the spirit of the condition. Security patrols would again be expected to be limited and quiet in their operation, such that they would also be highly unlikely to be inconsistent with the spirit of the condition unless they were a regular occurrence. Notwithstanding this condition 10 is proposed to be amended to include reference to emergency maintenance work.
- 10.42 The application as originally submitted included the later use of two additional external areas and allowances for Temporary Event Notices (TENs). These elements were removed following concern raised by officers and are not proposed as part of this application.
- 10.43 A representation has been received which objects to the creation of roof terraces in close proximity to neighbouring properties. The proposal does not propose any alteration to the scale of the previously approved roof terrace or the creation of any new roof terraces.
- 10.44 A number of representations have been received raising concern regarding traffic and parking at the site. This was addressed as part of the original application and the management plan includes procedures for taxis at the site.
- 10.45 It's noted that objections have been raised based on the operators of the premises not being known. Whilst an operator is required to be known in terms of Licensing applications this is not a planning requirement.
- 10.46 Representations have been received regarding the capacity of the site and that the proposal does not include capacity of the main body of the building. The capacity of the building remains unchanged from the original permission. Furthermore, the current application relates only to the ground and top floors of the building.
- 10.47 The extended use of the premises and the use of the terraces are not considered to have any additional detrimental impact on the building's appearance or on the appearance and character of the conservation area.
- 10.48 Whilst it is noted in a number of representations that there are a number of other roof terraces in the locality with earlier closing times, each case should be considered on its own merits.
- 10.49 The previously approved planning application at the site was subject to a S106 Legal Agreement which secured a number of planning obligations to justify/mitigate the proposal. A Deed of Variation to this legal agreement will be secured that updates the obligations originally secured to reflect those obligations that have already been secured and those obligations that are still required.

10.50 A number of the conditions from the previous application have either been discharged or partially discharged. As such, the schedule of conditions has been updated to reflect this and those requiring amendment as set out in the assessment above.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.5 of this report.

### **Conclusion**

11.2 It is recommended that the variation of condition application be approved subject to conditions and a s106 agreement securing the heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That planning permission and listed building consent 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. A contribution towards provision of off-site housing of £171 600.
2. The development shall henceforth not proceed other than in accordance with the approved Construction Phasing Strategy. Prior to the commencement of Phase 4 of the phasing strategy a detailed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
  - A detailed schedule of completed works within Phase 1, 2 and 3;
  - A detailed schedule of proposed works; - A program of site meetings with the LPA and English Heritage; and
  - Copies of build/restoration contracts for the works to be carried out. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Compliance with the Code of Local Procurement.
5. Compliance with the Code of Construction Practice, including a monitoring fee of £3246 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
6. The payment of the cost of the provision of 6 on-street wheelchair accessible parking spaces (£12 000)
7. Submission of a Green Performance Plan based on the draft Green Performance Plan submitted with the application for Council approval 6 months from first occupation of the development.
8. Submission of a, draft Travel Plan based on the framework Travel Plan submitted with the application for Council approval prior to first occupation of the development, and 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).
9. Payment towards employment and training for local residents of a commuted sum of £28 610.
10. Where the tree to the southwest of the site is proposed to be removed following the submission and approval in writing of an Arboricultural Method Statement, the CAVAT value of this tree shall be confirmed by the Council's Arboricultural Team and provided to the Council. The works to replace this tree will be carried out by the Council's Arboricultural Team.
11. Not to occupy Phase 1 and 2 of the development, as detailed in the Construction Phasing Strategy until a Scheme of Management based on the draft Management Plan for this part of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the Scheme of Management so approved and shall be operated as such thereafter. The scheme shall include provisions for, but not be limited to, the following:
  - A full dispersal policy and procedure;
  - Door policy;
  - Signs to request patrons to leave in a quiet manner and not to loiter in the street outside;
  - Servicing and delivery times/arrangements;
  - Bottling out and waste management noise and times;

- Control of noise from any designated smoking areas;
- Control of noise from amplified music within the building;
- Close down policy with gradual lowering of music volume and increasing of lighting;
- Security and any proposed CCTV;
- Lighting (and security lighting);
- Membership policy;
- Capacity (of each use);
- The separation of uses;
- Phasing of closure of uses (i.e. operating hours of individual uses within the site);
- Private hire facilities/functions;
- Roof Terrace Management;
- An enforcement strategy for dealing with any breaches of the scheme; and
- Any other relevant operation of the site functions; The development shall be carried out strictly in accordance with the Scheme of Management so approved and shall be operated as such thereafter.

12. A contribution towards Crossrail of £399 390 (less any Mayoral CIL amount also liable).

13. Council’s legal fees in preparing the S106 and officer’s fees for the preparation, monitoring and implementation of the S106.

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

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

**RECOMMENDATION B**

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

**List of Conditions:**

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 24/06/2018.</p> <p>Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted 24/06/2015 [LBI ref: P2014/3871/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>005, 006, 009 Rev D, 010 Rev C, 011 Rev B, 012 Rev B, 013 Rev A, 014 Rev A, 020, 021, 022, 023, 024, 030 Rev A, 031, 032 Rev A, 033, 049 Rev I, 050 Rev I, 051 Rev K, 052 Rev K, 053 Rev I, 054 Rev E, 060 Rev B, 061 Rev C, 062 Rev C, 063 Rev B, 063-1</p>

	<p>Rev B, 064 Rev C, 070 Rev E, 071 Rev C, 072 Rev B, 073 Rev E, 099 Rev A, 100, 101, 102, 103, 104, 200-1, 200-2, 200-3, 200-4, 201-1, 201-2, 301 Rev A, 400 Rev A, 401 Rev A, 402, 403, Planning Statement, Design and Access Statement (Rev 3 Option A), Amended - Draft Management Plan (Ref: V1.1), Conservation Plan, The Session House Screen Report, Structural Design Statement, Swimming Pool Loading/Structural details (received 11/12/2014), Archaeological Desk-based Assessment (OCL14/181), Noise Impact Assessment (ref: EPL:4334/PBG/R1 (A)), Transport Assessment (ref: KCH/VLWL/14/2216/TA01), Transport Assessment (ref: VLWL/14/2216/TAA07), Travel Plan Framework (ref: KCH/VLWL/14/2216/TP02), Sustainable Design and Construction Statement (ref: 14/111), Written details (email received 11th December 2014), HIA Screening, Photographic Survey, Architectural Paint Research, Covering Letter (dated 21/04/2016), Email (dated 16/08/2016), Basement Plan as proposed (received 16/03/2017), Second Floor Plan as proposed (received 16/03/2017), Third Floor Plan as proposed (received 16/03/2017), Roof Plan as proposed (received 16/03/2017), Covering Letter (ref: CW/so/P16-3171, dated 15 March 2017), The Old Sessions House – Management Plan for Premises License (Licensing Act 2003) Areas (Dated 16/03/2017), The Old Sessions House Smoking Policy (received 28/03/2017), Mayer Brown Revised Noise Assessment (March 2017) and Mayer Brown Noise Assessment (December 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>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: The development shall be carried out strictly in accordance with the approved details of facing materials in Approval of Details application ref: P2015/2785/AOD (dated 17/12/2015) and shall be maintained as such thereafter unless otherwise approved in writing by 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>
<b>4</b>	<b>Roof Top Plant (Details)</b>
	<p>CONDITION: Details of the roof-top structure/enclosure for the condenser units shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the relevant phase of the development pursuant to the approved Construction Phasing Strategy. The details shall include the location, height above roof level, specifications, cladding and any screening.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to conserve the significance of the heritage asset and to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>5</b>	<b>Impact Piling (Details)</b>
	<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 sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
<b>6</b>	<p><b>Archaeology (Details)</b></p> <p>CONDITION: The excavation works to create the sub-basement shall be carried out strictly in accordance with the details approved within Approval of Details application ref: P2015/2786/AOD (dated 17/12/2015) unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.</p>
<b>7</b>	<p><b>Plant Noise (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
<b>8</b>	<p><b>Noise Report (Details)</b></p> <p>CONDITION: A survey is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 7. The survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months of completion of the development and any noise mitigation measures shall be installed within 6 weeks of the approval of these details and permanently retained thereafter.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>
<b>9</b>	<p><b>Amplified Music and Sound (Compliance)</b></p> <p>CONDITION: Between the hours of 0700 and 2300 music and amplified sound from the premises shall not cause an increase of more than 2dB in the LA90(5min)(f) when compared with the existing equivalent LA90(5min)(f) without the premises in operation.</p> <p>Additionally, between the hours of 0700 and 2300 music and amplified sound from the premises shall not cause an increase of more than 3dB, above the real time simultaneous Leq(5min)(f) 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent Leq(5min)(f) (63Hz and 125Hz) taken without the premises in operation.</p> <p>Where the premises would operate between the hours of 2300 and 0700 music and amplified sound from the premises shall not cause any increase in the LA90(5min)(f) when compared with the existing equivalent LA90(5min)(f) without the premises in operation.</p> <p>Additionally, where the premises would operate between the hours of 2300 and 0700 music and amplified sound from the premises shall not cause any increase in the real time simultaneous Leq(5min)(f) 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent Leq(5min)(f) (63Hz and 125Hz) taken without the premises in operation.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>

<b>10</b>	<b>Use of external areas (Compliance)</b>
	<p>CONDITION: No further persons shall be given access to the external areas serving the property for licensable activities as defined under the Licensing Act 2003, including all external lower ground floor areas and the roof terraces hereby permitted after 22:30 hrs.</p> <p>After 22:30 hrs and until the terminal hours of each use detailed in Condition 18 of this permission, the four areas defined on the hereby approved plans ref: 'Basement Plan as Proposed', 'Second Floor Plan as Proposed' and 'Roof Plan as Proposed' (received 16/03/2017) shall only be available for non-licensable activities as defined under the Licensing Act 2003. Prior to the closing time of each of the site uses, the associated external area as defined on the approved plans shall be cleared of all people.</p> <p>After 22:30 hrs all entry and exit doors and windows onto the external areas shall be kept shut, except for the purposes of allowing access to and egress from the areas designated for use for non-licensable activities. Any lighting to the roof terraces must be turned off on any day when the relevant external areas are no longer in use.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
<b>11</b>	<b>Lighting (Details)</b>
	<p>CONDITION: Details of all external lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to installation.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: To ensure that all external lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
<b>12</b>	<b>Deliveries and Servicing (Details)</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the operation of the development hereby permitted, including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation each element of the development hereby approved, pursuant to the draft Construction Phasing Strategy.</p> <p>The DSP should detail that deliveries, collections, unloading and loading shall only be between 0800 and 2000 hours Monday to Saturday and not at all on Sundays and Bank Holidays.</p> <p>The development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic and to protect the amenity of neighbouring occupiers.</p>
<b>13</b>	<b>Sustainable Design (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement (SDCS) which shall together provide for no less than a 32% on-site CO2 reduction in regulated emission in comparison with total emissions from a building which complies with Building Regulations 2010 shall be</p>

	<p>installed and operational prior to the completion of the development and maintained as such thereafter.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted prior to the commencement of the development.</p> <p>The final agreed scheme shall be installed and operational prior to the completion of the development and maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Arboricultural Impact Assessment (Details)</b>
	<p>CONDITION: The development shall be only carried out strictly in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement submitted and approved as part of Approval of Details application ref: P2015/2785/AOD (dated 17/12/2015) unless otherwise approved in writing by the local Planning Authority.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<b>Refuse and recycling (Details)</b>
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse / recycling store(s) shall be provided prior to the first occupation of each element of the development hereby approved pursuant to the Draft Construction Phasing Strategy and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development, to ensure that responsible waste management practices are adhered to and to secure the high quality design of the structures proposed.</p>
<b>16</b>	<b>Accessibility (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of the provision of an accessible WC on the ground, first, second, third and fourth floor of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any phase of the development within which those works are proposed. The development shall be constructed strictly in accordance with the details so approved, and in accordance with the details of the lift and door openings to Farringdon Road submitted and approved as part of Approval of Details application ref: P2015/2785/AOD (dated 17/12/2015) and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities</p>
<b>17</b>	<b>Parking permits (Compliance)</b>
	<p>CONDITION: All future occupiers of the development hereby approved shall not be eligible to obtain an on street parking permits except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as “non car free”; or</li> <li>iii) In the case of the business who is an existing holder of a parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul>

	REASON: To ensure that the development remains car free.
<b>18</b>	<b>Hours of Operation (Compliance)</b>
	<p>CONDITION: The retail/restaurant (A1/A3 use class) and drinking establishment (A4 use class) shall only operate during the hours of:</p> <p>Lower Ground Floor retail/restaurant/bar (A1/A3/A4 use) shall only operate during the hours of:</p> <ul style="list-style-type: none"> <li>- 07:30 - 23:30 Monday to Thursday</li> <li>- 07:30 - 00:00 Fridays and Saturdays</li> <li>- 10:00 - 23:00 Sundays</li> </ul> <p>Third floor bar (A4) use shall only operate during the hours of:</p> <ul style="list-style-type: none"> <li>- 07:30 - 23:30 Monday to Thursday</li> <li>- 07:30 - 00:30 Friday and Saturday</li> <li>- 10:00 - 23:00 Sunday</li> </ul> <p>Except on Good Friday: 12:00 to 23:00  Christmas Day: 12:00 to 15:30 and 19:00 to 23:00  New Year's Eve except on a Sunday: 10:00 until the time authorised on the following day  New Year's Eve on a Sunday, 12:00 until the time authorised on the following day.  If there are no permitted hours on the following day, 00:30 on the 31st December.</p> <p>Note: These closure hours are inclusive of a maximum 30 minutes drinking up time.</p> <p>REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within.</p>
<b>19</b>	<b>First Floor windows (Details)</b>
	<p>CONDITION: Prior to any works commencing on the five first floor windows in the Clerkenwell Green (east) elevation detailed on drawing ref: 7841 070 Rev E of the hereby approved plans, cross sections and technical details of the windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>20</b>	<b>Balustrade details (Details)</b>
	<p>CONDITION: Prior to the first use of the roof terrace, details of the roof balustrade shall be submitted to the Local Planning Authority and a sample panel erected at the roof of the site, and approved in writing by the Local Planning Authority. The balustrade shall be installed in accordance with the details approved and maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>21</b>	<b>Management Plan (Compliance)</b>
	<p>CONDITION: The lower ground floor (A1/A3/A4 use) and third floor (A4 use) uses of the site shall only operate in accordance with the provisions of the Management Plan, Smoking Policy and Amended Noise Assessment at all times unless otherwise approved in writing by the Local Planning Authority.</p>

	REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within.
<b>22</b>	<b>Acoustic Barriers (Details)</b>
	<p>CONDITION: Prior to the first use of the top floor roof terrace and second floor roof terrace hereby approved, details of mobile and permanent acoustic barriers and a scheme of management for the installation and removal of the mobile barriers shall be submitted to and approved in writing by the Local Planning Authority. The use of the terraces shall only be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity and to ensure that the resulting appearance of the development is of a high standard.</p>

**List of Informatives:**

1	<b>Planning Obligations Agreement</b>
	You are advised that this permission has been granted subject to the completion of a S106 legal agreement to secure agreed planning obligations.
2	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
3	<b>Phasing Plan</b>
	<p>INFORMATIVE: The grant of this permission is subject to a Construction Phasing Strategy and a number of the conditions relate to each phase of the development. For the avoidance of doubt the phases consist of the following:</p> <p><b>Phase 1:</b></p> <p><u>All floors:</u> Removal of non-original partitions throughout the building and courtroom splits, modern render, rebuilt roof to attic to enable access to courtroom for structural works, screed on floor, ventilation ducts, redundant pipework, modern room under entrance bridge, modern dado, modern doors, redundant electrics and redundant pipe work.</p> <p>Stripping of paint on walls and doors, stripping of paint on glass screens, exposure and repair of shutters, repairing walls, repairing ceilings, asbestos removal and demolition of lift.</p> <p><b>Phase 2:</b></p> <p><u>Lower Ground and ground floor:</u> Formation of proposed floor plans, reinstatement of old doors, reinstatement of Lime wash, decision of paint schemes, fire proofing between floors, installation of lighting, AC installation, fit out, installation of new staircase by lift, structural preparations and installation of services.</p> <p><u>Exterior:</u> Repairing stone on façade, cleaning façade stone and render, repairing/replacing render in areas where necessary, digging and piling for new plant room and construction of screen wall.</p> <p><u>Third Floor:</u> Reinstatement of finishes, opening up of original windows, decision of paint schemes, installation of removable gallery, electrical distribution, fit out, lighting, AC installation and reinstatement of fireplaces.</p> <p><u>All Floors:</u> Installation of new lift.</p> <p><b>Phase 3:</b></p> <p><u>Ground, first and second floor:</u> removal of 20th Century floors in original court room, repair and reinstatement of historic glass screen, reinstatement of finishes, relocation of architraves to court room, decision of paint schemes, electrical distribution, fit out,</p>

	<p>lighting, AC installation, internal stonework, cleaning, repairing, formation of proposed floor plan and reinstatement of fireplaces.</p> <p><b>Phase 4:</b></p> <p><u>Third floor:</u> forming internal office space, insulating walls and ceilings, electrical distribution, fit out of office, lighting of office, AC installation and fit out.</p> <p><u>Roof:</u> new build according to drawings, forming terraces with selected materials, lighting installation, AC/Ventilation installation, plant equipment and forming of pool basin.</p> <p><u>Exterior:</u> reinstatement of stone paving around building/terraces, erection of Prisoners' courtyard wall, exterior railings, gas lights and external facade lighting.</p>
<b>4</b>	<b>Water Infrastructure</b>
	<p>INFORMATIVE: Thames Water recommend that the swimming pool be emptied overnight and in dry periods. The discharge rate should be controlled such that it does not exceed a flow rate of 5 litres per second into the public sewer network.</p> <p>Thames Water recommend that a properly maintained fat trap should be installed on all catering establishments. In line with best practise for the disposal of fats, oils and grease, the collection of waste oil should be by a contractor, particularly for recycling purposes.</p> <p>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>
<b>5</b>	<b>Crossrail</b>
	<p>INFORMATIVE: Crossrail Ltd has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea Hackney Line structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to discuss these guidelines with the Chelsea Hackney Line engineer in the course of preparing detailed design and method statements.</p>
<b>6</b>	<b>Working in a Positive and Proactive Way</b>
	<p>INFORMATIVE: To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>7</b>	<b>Noise Survey</b>
	<p>INFORMATIVE: It should be noted by the applicant that in accordance with Condition 9 the measurements are to be taken 1 metre from the facade of the nearest noise sensitive premises. Where access to the facade of non-associated noise sensitive premises is not available, then the above music noise levels 1 metre from the facade of</p>

	non-associated noise sensitive premises shall be predicted by calculation rather than measured.
<b>8</b>	<b>Network Rail</b>
	<p>INFORMTIVE: As the application site is located in close proximity to Network Rail's boundary and operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection Anglia team at <a href="mailto:AssetProtectionAnglia@networkrail.co.uk">AssetProtectionAnglia@networkrail.co.uk</a> prior to any works commencing on site and fills in a development questionnaire. More information can also be obtained from our website at <a href="http://www.networkrail.co.uk/asp/1538.aspx">www.networkrail.co.uk/asp/1538.aspx</a>.</p> <p>Any scaffold, cranes or other mechanical plant must be constructed and operated in a "fail safe" manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>Any cranes or other mechanical plant equipment involved during construction should be positioned so that their loads or jibs do not over-sail Network Rail's land.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1. National Guidance

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

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - 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 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

##### 3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 3.16 Protection and enhancement of social infrastructure

##### 4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

##### 5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

##### 6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

##### 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 7.8 Heritage assets and archaeology

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 5.10 Urban greening

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 CS8 (enhancing Islington's Character)

Policy CS10 (Sustainable Design)  
 Policy CS11 (Waste)  
 Policy CS13 (Employment Spaces)

### **Strategic Policies**

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

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)  
 Policy CS19 (Health Impact Assessments)

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

### **Design and Heritage**

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

### **Health and open space**

**DM6.1** Healthy development  
**DM6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **Housing**

**DM3.7** Noise and vibration (residential uses)

### **Energy and Environmental Standards**

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

### **Shops, cultures and services**

**DM4.1** Maintaining and promoting small and independent shops  
**DM4.2** Entertainment and night-time economy  
**DM4.3** Location and concentration of uses  
**DM4.7** Dispersed shops  
**DM4.12** Social and strategic infrastructure and cultural facilities

### **Transport**

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

### **Employment**

**DM5.1** New business floor space  
**DM5.4** Size and affordability of workspace

### **Infrastructure**

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

**M6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **Employment**

**DM5.1** New Business Floor space  
**DM5.4** Size and affordability of workspace

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

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

### 3. Designations

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

- Grade II\* Listed Building
- Clerkenwell Green Conservation Area
- Article 4(2) Clerkenwell Green
- Archaeological Priority Area (Clerkenwell)
- Area of Special Character (Clerkenwell/Smithfields)
- Central London Area
- Central Activities Zone
- Employment Priority Area
- Rail Safeguarding Consultation Area
- Structure to be Retained
- Local View from Archway Road, Archway Bridge, Dartmouth Park Hill and Amwell Street
- Strategic View from Kenwood

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

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

#### **London Plan**

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

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# Islington SE GIS Print Template



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