

# PLANNING COMMITTEE REPORT



# ISLINGTON

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

<b>PLANNING COMMITTEE</b>	
<b>Date:</b>	13 <sup>th</sup> December 2016

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

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

## 1. RECOMMENDATION

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

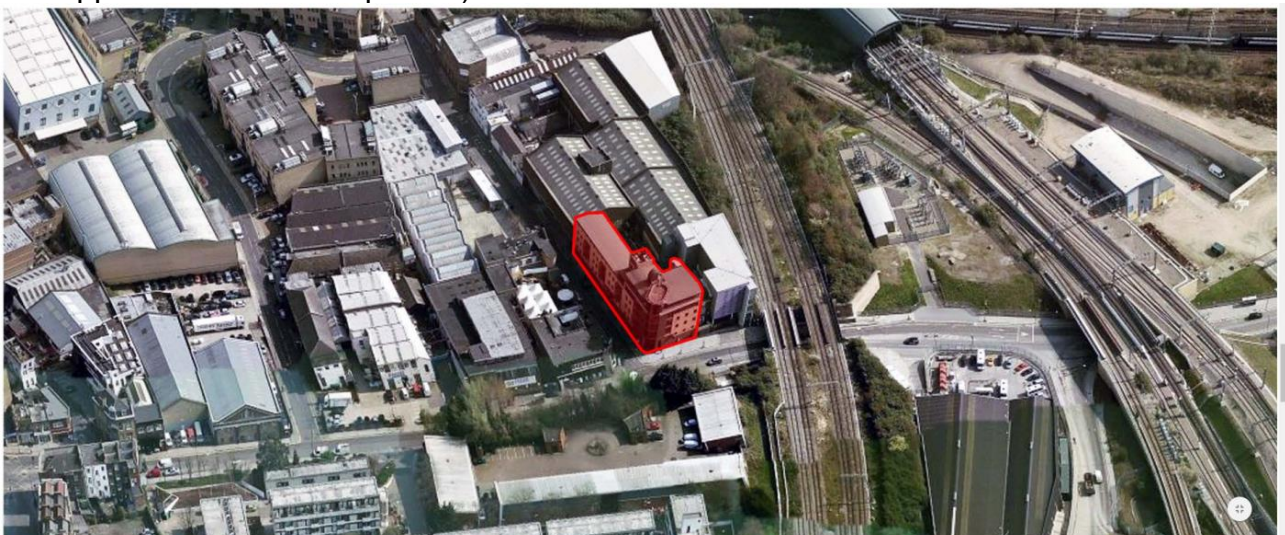
1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

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



**3. PHOTOS OF SITE/STREET**

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





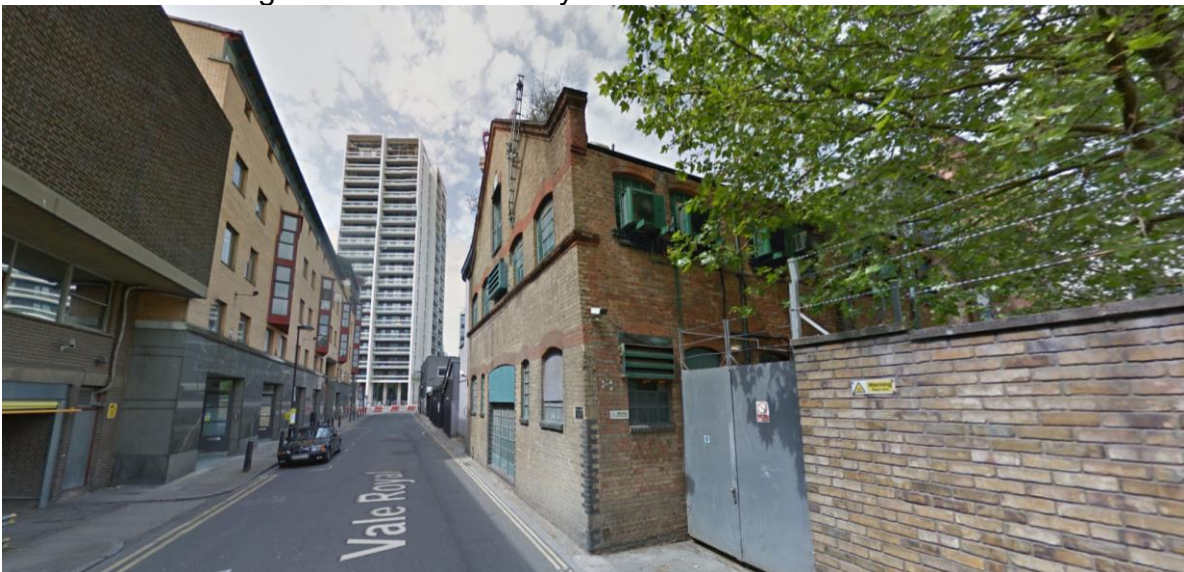
View of site looking north down York Way



View of site looking south down York Way



View of site looking west down Vale Royal



## 4. SUMMARY

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

## **5. SITE AND SURROUNDINGS**

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

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

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



### Originally submitted proposal



6.2 The amended proposal comprises a part 7, part 8, part 9 storey building to provide 6,716m<sup>2</sup> Use Class B1a (office) and flexible Use Class B1 floorspace, which represents an uplift of 4,760m<sup>2</sup> employment floorspace on the site.

### Revised proposal



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

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



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

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

## **7. RELEVANT HISTORY**

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

### **Pre-application Advice**

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

## **8. CONSULTATION**

### **Public Consultation**

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

### **Objections**

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



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

### **Applicant's Consultation**

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

### **External Consultees**

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

### **Internal Consultees**

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

### **Other Consultees**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### **Summary**

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

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

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

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

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

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

### **Development Plan**

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

### **Designations**

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

- Vale Royal / Brewery Road Locally Significant Industrial Area.

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

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

## **10. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

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

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

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

### **Land-use**

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



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

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

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

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

11.8 The supporting text at paragraph 5.22 states that:

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

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

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

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

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

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

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

### **Design & Appearance**

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

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





CGI view looking south down York Way



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

Adjacent 4 storey residential and commercial building



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

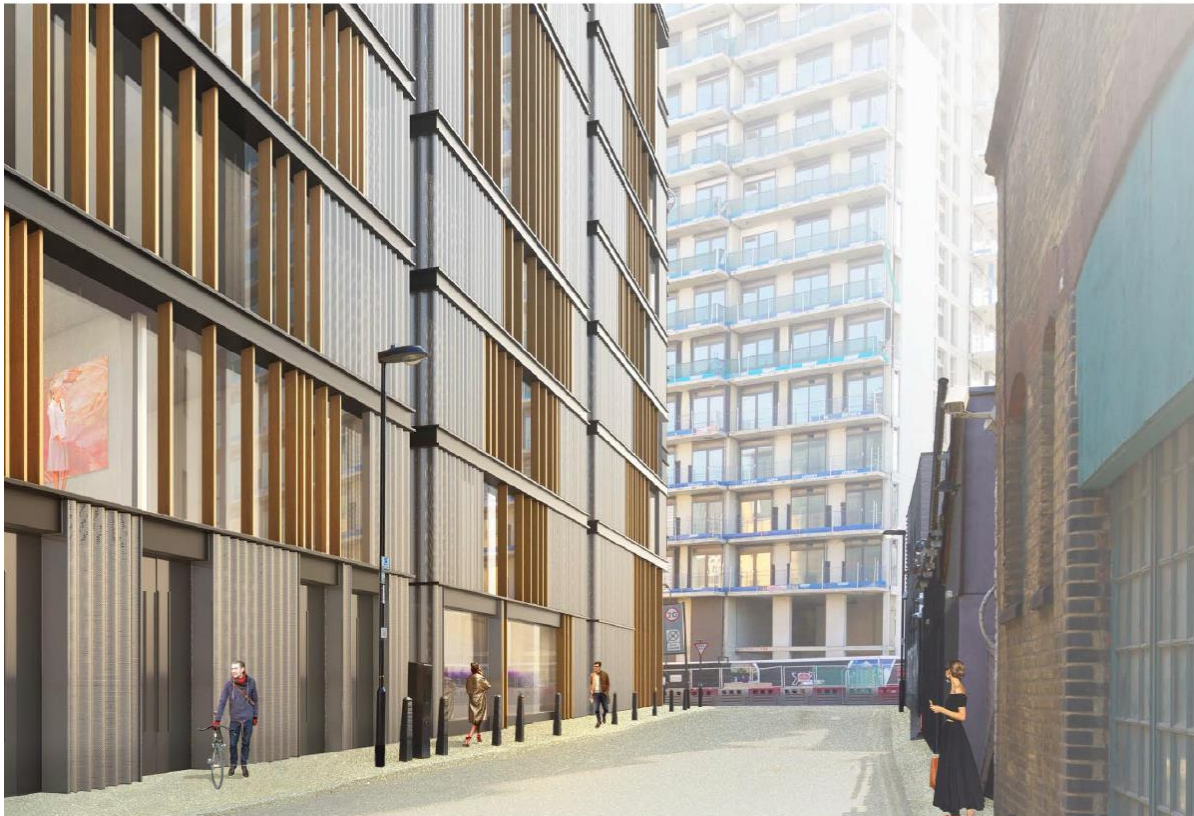
CGI view of proposed building looking down Vale Royal





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

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



CGI to indicate appearance of building at night



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

### **Accessibility**

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

### **Landscaping, Trees and Biodiversity**

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

### **Neighbouring Amenity**

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



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

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

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

- 11.31 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room, it is commonly held that losses in excess of 50% NSL are not acceptable.
- 11.32 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to *proposed* residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.
- 11.33 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of Annual Probable Sunlight Hours (APSH) during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.
- 11.34 In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.
- 11.35 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.
- 11.36 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive

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

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

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

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

#### Anthony Gormley Studios

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

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

Anthony Gormley Studios and application site



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

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

- 11.53 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean (use less energy), be clean (supply energy efficiently), be green (use renewable energy).
- 11.54 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. London Plan Policy 5.5 sets strategic targets for new

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

- 11.55 London Plan Policy 5.2 requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 11.56 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2013 of 27% where connection to a decentralised energy network is not made and 39% where connection to a decentralised energy network is possible. Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.

#### BE LEAN

##### *Energy efficiency standards*

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

#### BE CLEAN

##### *District heating*

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



### *Combined Heat and Power*

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

### BE GREEN

#### *Renewable energy technologies*

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

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

### **Highways and Transportation**

- 11.71 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent)
- 11.72 Cycle access and parking: Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Appendix 6 of the Development Management Policies document requires cycle parking to be provided at a rate of 1 space per 80m<sup>2</sup> (GIA) which equates to a requirement for 84 cycle parking spaces. 148 cycle parking spaces are proposed and this significantly exceeds the minimum requirement.
- 11.73 Servicing, deliveries and refuse collection: An on-street servicing bay on Vale Royal is proposed. A planning application was validated on 23 November 2016 for the refurbishment and extension of the Egg Nightclub opposite the application site at Nos. 5-13 Vale Royal. Should planning permission be granted, the redeveloped nightclub will also require vehicular servicing. It is anticipated that the proposed development and the nightclub could share an on-street servicing bay, subject to the approval of delivery and servicing plans to secure compatible arrangements for the servicing of the developments.
- 11.74 The location identified for an on-street servicing bay would necessitate the relocation of 3 on-street pay and display parking bays. There are presently concerns that the relocated parking bays may prejudice the access arrangements for a future development at Nos. 196-228 York Way. A scenario may therefore arise whereby the pay and display bays cannot be relocated. The applicant has therefore agreed in principle to enter into a section 106 agreement which covers alternative scenarios as follows:

The developer will either:

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

Or

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

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

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

- 11.84 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 11.85 The Section 106 agreement would include the following agreed Heads of Terms:
- Contribution of £306,918 towards offsetting projected residual CO2 emissions of the development;
  - The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required;
  - Compliance with the Code of Employment and Training;
  - Facilitation of 5 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £25,000 to be paid to LBI;
  - Compliance with the Code of Local Procurement;
  - Compliance with the Code of Construction Practice, including a monitoring fee of £7,326;
  - Provision of 12 additional accessible parking bays or a contribution of £24,000 towards provision of on-street bays or other accessible transport initiatives;
  - Submission of a Green Performance Plan and a post occupation Green Performance Plan;
  - Submission of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development;
  - Submission of a final post occupation Green Performance Plan;
  - Payment of Council's fees in preparing and monitoring the S106;
  - Future proofing in order that the development can be connected to a local energy network if a viable opportunity arises in the future;
  - Relocation of parking bays (if required) or compensation for the Council's loss of income.
- 11.86 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

## **National Planning Policy Framework**

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

## **12. SUMMARY AND CONCLUSION**

### **Summary**

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



**Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

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

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be

authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

## RECOMMENDATION B

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

### List of Conditions:

1	<p><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: 14063_C645_P_B1_001 Rev. B; 14063_C645_P_B1_001 Rev. C; 14063_C645_P_02_001 Rev. C; 14063_C645_P_08_001 Rev. C; 14063_C645_P_09_001; 14063_C645_P_RF_001 Rev. A; 14063_C645_E_NW_001 Rev. C; 14063_C645_E_SE_001 Rev. C; 14063_C645_E_NE_001 Rev. C; 14063_C645_S_AA_001 Rev C; 14063_C645_S_BB_001 Rev C; 14063_C645_S_CC_001 Rev C; Draft Construction Management Plan (May 2016); Draft Framework Travel Plan (May 2016); Draft Delivery and Servicing Plan (May 2016); Structural Method Statement (25.04.2016); Site Waste Management Plan (May 2016); Proposed Drainage and SUDS Strategy (03.05.2016); Addendum to Proposed Drainage and SUDS Strategy (04.10.2016); Flood Risk Assessment and Surface Water Drainage Strategy (April 2016); Sustainability and Energy Statement Rev. 05 (October 2016); Transport Assessment (May 2016); Transport Assessment Update (06.10.2016); Draft Green Performance Plan (October 2016); Revised Health Impact Assessment (05.10.2016); Planning Design Amendments (October 2016); Planning Statement (May 2016) as updated by letter dated 07.10.2016.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials and Samples (Compliance and Details)</b></p> <p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Timber fins, including details of treatment and routine maintenance;</li> <li>b) Metal panels;</li> <li>c) Window and doors;</li> <li>d) Green procurement plan for sourcing the proposed materials;</li> <li>e) Any other external facing materials to be used.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials</p>

	<p>for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Construction Environmental Management Plan (Details)</b></p> <p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE CEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
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>
6	<p><b>Green/Brown Biodiversity Roofs (Details)</b></p> <p>CONDITION: Notwithstanding the roof plan indicated on drawing reference C645_P_RF_001 Rev. A, details of biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <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 Remediation</b></p> <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>- a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with the PERA.</li> </ul> <p>REASON: Given the history of the site the land, remediation is necessary to safeguard the health and safety of future occupants.</p>
8	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
9	<p><b>Piling Method Statement (Details)</b></p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
10	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than an 18.5% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 18.5% onsite total</p>



	<p>C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2010. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
11	<p><b>Renewable Energy (Compliance)</b></p> <p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than 9.3% on-site regulated CO<sub>2</sub> reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than 9.3% onsite regulated CO<sub>2</sub> reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
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>Combined Heat and Power (Details)</b></p> <p>CONDITION: Details of the Combined Heat and Power facility and associated infrastructure, which shall provide for no less that 3.3% regulated CO<sub>2</sub> reduction shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

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

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

21	<p><b>Code of Construction Practice Compliance Report</b></p>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of pedestrian and highway safety and to ensure satisfactory arrangements during the demolition and construction process.</p>
22	<p><b>Strategic Fire and Emergency Evacuation Management Plan</b></p>
	<p>A Strategic Fire and Emergency Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building hereby permitted. The Plan shall detail the co-ordination of evacuation procedures amongst all occupiers of the building and shall detail arrangements for the ongoing monitoring and review of evacuation procedures.</p> <p>REASON: In order to ensure co-ordinated arrangements amongst all occupiers for fire and emergency evacuation of the building.</p>
23	<p><b>Landscaping (Details)</b></p>
	<p>CONDITION: A landscaping scheme, including details of landscaping to the roof terrace, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall seek to maximize the urban greening potential of the development and shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>b) proposed trees: their location, species and size;</li> <li>c) soft plantings including shrub and herbaceous areas;</li> <li>d) hard landscaping;</li> <li>e) measures to promote water sensitive urban design;</li> <li>f) 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</p>

	<p>landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
24	<p><b>Delivery and Servicing Plan</b></p> <p>A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>

**List of Informatives:**

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



	<p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-Commencement Conditions:  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Thames Water (Surface Water Drainage)</b></p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
5	<p><b>Thames Water (Mains Water Pressure)</b></p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	<p><b>Trade Effluent Consent</b></p> <p>A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access, etc. may be required before the Company can give its consent. Applications should be made at <a href="http://www.thameswater.co.uk/business/9993.htm">http://www.thameswater.co.uk/business/9993.htm</a> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.</p>
7	<p><b>Waste Oil and Fat</b></p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses .</p>
8	<p><b>Groundwater Discharges</b></p>

	<p>We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991 . Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:" A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@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>
9	<p><b>CIL Informative</b></p>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a></p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

### 1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

### 2 London's places

Policy 2.9 Inner London

### 3 London's people

Policy 3.2 Improving health and addressing health inequalities

### 4 London's economy

Policy 4.1 Developing London's Economy

Policy 4.2 Offices

Policy 4.12 Improving opportunities for all

### 5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

### 6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

### 7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

### 8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

## B) Islington Core Strategy 2011

### Spatial Strategy

Policy CS6 King's Cross

Policy CS8 Enhancing Islington's Character

### Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

Policy CS19 Health Impact Assessments

### **Strategic Policies**

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

Policy CS10 Sustainable Design

Policy CS11 Waste

Policy CS13 Employment Spaces

Policy CS19

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

#### Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

#### Employment

DM5.1 New business floorspace

DM5.3 Vale Royal / Brewery Road

Locally Significant Industrial Site

#### Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and  
biodiversity

DM6.6 Flood Prevention

#### Energy and Environmental Standards

DM7.1 Sustainable design and  
construction statements

DM7.2 Energy efficiency and carbon  
reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

#### Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new  
developments

#### Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

### **5. Designations**

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

- Vale Royal / Brewery Road Locally  
Significant Industrial Site

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

London Plan

- Environmental Design SPD

- Inclusive Design in Islington SPD

- Accessible London: Achieving and  
Inclusive Environment SPG

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



**APPENDIX 3: DESIGN REVIEW PANEL LETTER DATED 29.02.16**

**CONFIDENTIAL**

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

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

Dear Fiona Sibley,

**ISLINGTON DESIGN REVIEW PANEL**

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

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

**Review Process**

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

**Panel's observations**

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

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



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

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

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

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

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

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

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

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

### **Summary**

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



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

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

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

#### **Confidentiality**

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

Yours sincerely,



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

