



## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B3</b>
<b>Date:</b>	9 October 2017	<b>NON-EXEMPT</b>

Application number	P2017/1103/FUL
Application type	Full Planning Permission
Ward	Bunhill
Listed building	N/A
Conservation area	Adjoins Hat & Feathers Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Bunhill and Clerkenwell Core Strategy Key Area</li> <li>- Finsbury Local Plan (FLP) Area</li> <li>- Great Sutton Street Employment Priority Area (General)</li> <li>- Central Activities Zone</li> <li>- Adjoins Hat and Feathers Conservation Area</li> <li>- Within vicinity of Heritage Sites in Historic Clerkenwell at Nos. 73-77, 83 and 89 Goswell Road.</li> </ul>
Licensing Implications	Not applicable
Site Address	Laser House, 132-140 Goswell Road, London, EC1V 7DY.
Proposal	Partial demolition of rooftop structures and retention of the existing building along with the construction of a three-storey extension to the existing building and new three-storey infill building to the corner of Goswell Rd and Pear Tree Street resulting in a part 3, part 4, part 5, part 6-storey building including internal reconfiguration and refurbishment of the existing facades to provide for 8,465 square metres (GIA) of office floorspace (Use Class B1(a)), 84 square metres (GIA) of flexible gallery/exhibition/office floorspace (Use Class B1/D1) on the first floor of the new three-storey infill building,

	and 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) along with associated access arrangements, cycle parking, refuse storage and ancillary works.
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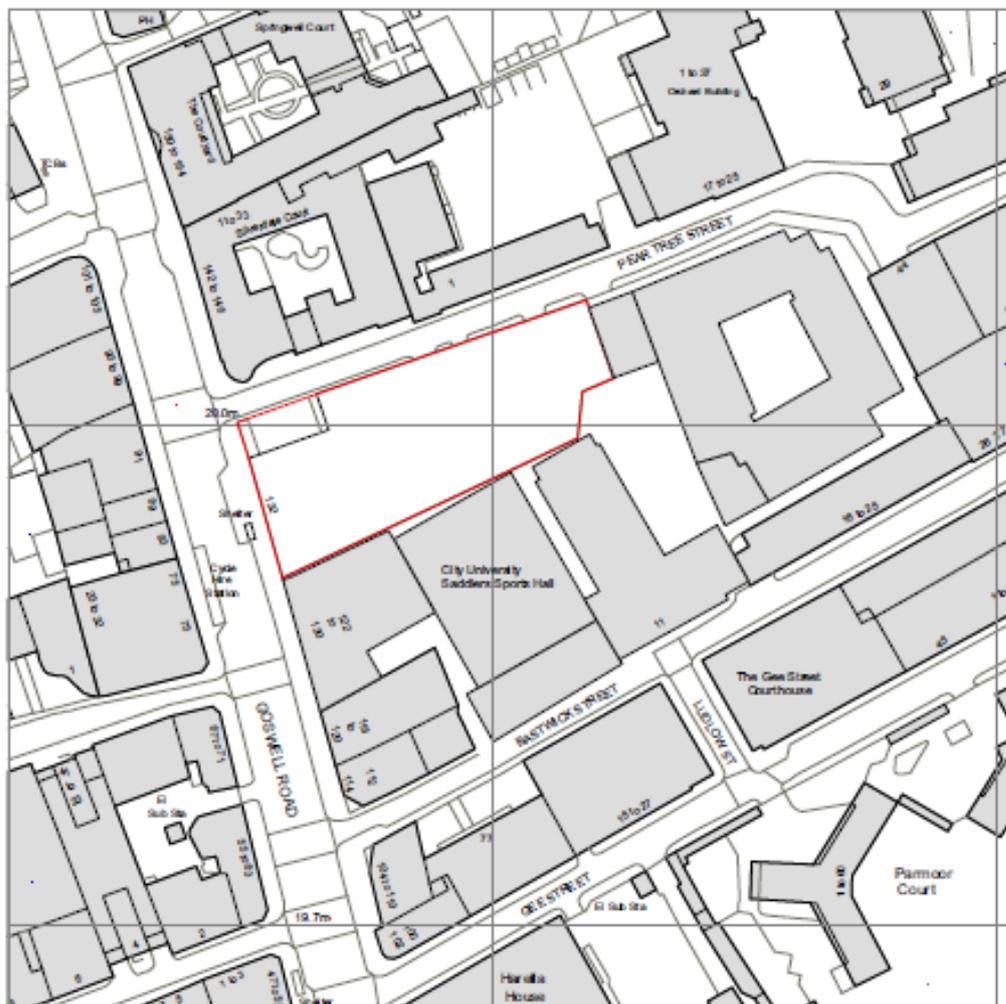
Case Officer	John Kaimakamis
Applicant	Northern & Midland Holdings
Agent	PowerHaus Consultancy

## 1. RECOMMENDATION

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

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

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



3. PHOTOS OF SITE/STREET





## SUMMARY

- 3.1 Subject to a contribution towards securing offsite housing provision the development of a mixed use Class A1 retail and Class B1 office scheme on this highly accessible site in an Employment Priority Area in the CAZ is considered to be acceptable in land use terms. The provision of high quality Class B1 office accommodation would be consistent with the aims of the development plan.

- 3.2 The proposed refurbishment and extensions to the existing building would respect the heights of buildings in the immediate context and would result in a successful townscape in this location. Further, the high quality design would be sensitive to surrounding heritage assets and complementary to local identity. No part of the proposed development would block, detract from or have an adverse effect on any significant strategic or local protected views.
- 3.3 The design of the extensions and new build elements including their height, scale, appearance and relationship to the street scene is acceptable, subject to appropriately worded conditions to secure aspects of the detailed design of its external appearance and materials to be of a high quality. The scheme maximises the efficient use of the site and in this location with an excellent public transport accessibility rating.
- 3.4 The revised proposals have limited the extent of loss of sunlight and daylight to the properties to the north along Pear Tree Street, which are in excess of the BRE guidelines. The proposed works opposite these properties in Pear Tree Street are appropriate in townscape terms and when balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is accepted.
- 3.5 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.6 No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.7 In addition to the Mayoral and Islington Community Infrastructure Levy, the application is supported by a comprehensive s106 planning agreement and contributions related to and mitigating impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is acceptable subject to conditions, informatives and the s106 legal agreement.

#### **4. SITE AND SURROUNDING**

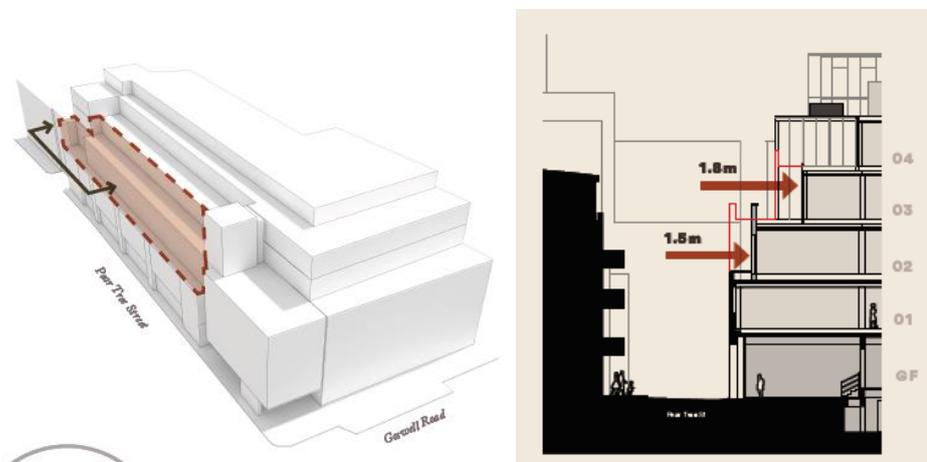
- 4.1 The application site comprises of a part 2, part 3, part 4-storey brick-built building from the 1960s at the junction of Goswell Road and Pear Tree Street, and is known as Laser House. The building's 3-storey frontage onto Goswell Road has a setback fourth floor, a strong horizontal emphasis and well-proportioned fenestration and modest window reveals, cornicing and detailing. While the original main entrance is on Goswell Road, the building has a further main entrance considerably set back from the Goswell Road frontage, leaving a generous space in front, which is occupied by a number of car parking spaces and planters. At ground floor level, the Pear Tree Street frontage is characterised by servicing areas and undercroft car parking. The building along Pear Tree Street is two-storeys in height with a setback third storey.

- 4.2 The site is not in a conservation area but surrounding buildings (to the north and on the opposite side of Goswell Road) are located within the Hat and Feathers Conservation Area, which is characterised predominantly by 19th and 20th century commercial buildings with a varied mix of design, materials and architectural features. The site is bounded by a number of recent developments to the north and east along Pear Tree Street, as well as the recent student accommodation development to the south along Goswell Road.
- 4.3 The site has a high PTAL rating of 6a with a number of bus stops located within walking distance. The building is currently used as business floorspace (Use Class B1) and has an existing servicing yard/car parking provision off Pear Tree Street.

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

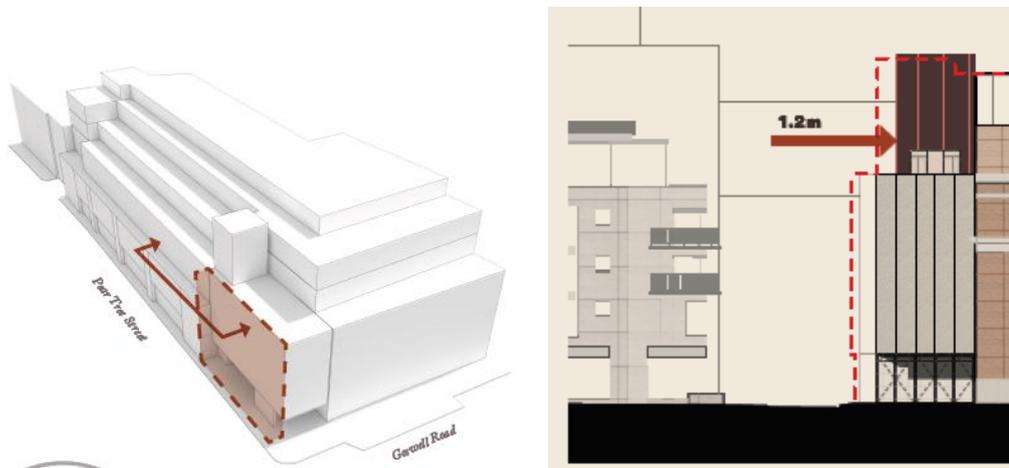
- 5.1 The proposals as originally submitted sought planning permission for part single, part two storey extension at roof level to existing buildings fronting Goswell Road and Pear Tree Street (with plant enclosure above), and refurbishment of existing buildings including alterations to the facades, windows, doors and the provision of cycle storage, updated access arrangements and ancillary works, along with a new three storey building to the corner of Goswell Road and Pear Tree Street to provide a new entrance to office accommodation and lifts, plus 144sqm of gallery/event space (Use Class D1/D2), the change of use of part of the lower ground and ground floors of Laser House to provide 729sqm of retail/restaurant/office floorspace (Use Class A1/A3/B1), and the provision of 7,679sqm of Office (Use Class B1(a)) floorspace.
- 5.2 In built form terms, the proposal sought a three-storey extension to the existing building (including roof plant level extension). The existing Goswell Road frontage consists of a three-storey building along the frontage with a fourth storey setback. The proposals as they fronted Goswell Road included a fifth storey extension on top of the existing fourth storey so that the resultant building would be a part 3, part 5-storey building, with a six storey roof plant extension set further back from the part 5-storey extension.
- 5.3 The existing Pear Tree Street frontage consists of a two-storey building along the frontage with a third storey setback and some small roof extension above. The proposals as they front Pear Tree Street included a front extension to the existing third storey so that it would result in a three-storey building along the frontage. Further, the proposals sought a fourth storey and fifth storey extension along this elevation stepping back from the main frontage, and a sixth level roof plant extension set even further back. The resultant building along Pear Tree Street would be a Part 3, part 4, part 5, part 6-storey building. Additionally, the proposals included a new-build infill extension to the corner of Pear Tree Street and Goswell Road, where currently no building currently exists. This new build extension was proposed at three storeys in height along with an external lift shaft at five storeys in height to provide lift access to all floor areas of the refurbished extended buildings.

- 5.4 In land use terms, a flexible retail/restaurant/office floorspace (Use Class A1/A3/B1) was proposed at ground and basement floor level along Goswell Road, along with 4 units of office floorspace at basement level suitable for occupation by micro and small enterprises by virtue of their size and design.
- 5.5 The refurbished existing buildings at first to fourth floor levels (2<sup>nd</sup> to 5<sup>th</sup> storey) would provide for 7,679sqm of Office (Use Class B1(a)) floorspace. The new build infill extension at the corner of Pear Tree Street and Goswell Road would form the entrance and foyer for the upper floor levels of office accommodation and would also be used for gallery and event space for Use Class D1 and D2 purposes. The new build three-storey extension would consist of two floor levels with a double height first floor level.
- 5.6 Conservation/design and planning officers expressed concerns in relation to the proposal with regard to the overall built form and impact on the amenity of surrounding properties and as a result the applicant amended the application to reduce the volume and massing of the proposed building. Additionally, officers expressed concerns on the constraints of the three-storey new build element being able to provide self-contained community uses given it also formed the entrance/foyer of the newly refurbished buildings.
- 5.7 Along Pear Tree Street, the amendments consisted of a revision to the second floor extension along Pear Tree Street so that it doesn't project beyond the second floor elevation wall of the neighbouring property to the east along Pear Tree Street. This was setback 1.5 metres from the frontage to align with the neighbouring property at third storey level.
- 5.8 Additionally, the setback of the extension at third floor level fronting Pear Tree Street (fourth storey) was further increased by 1.8 metres to sit 3.3 metres back from the frontage. The east core at the eastern end of the building was setback 3.1 metres from the frontage at third storey level.
- 5.9

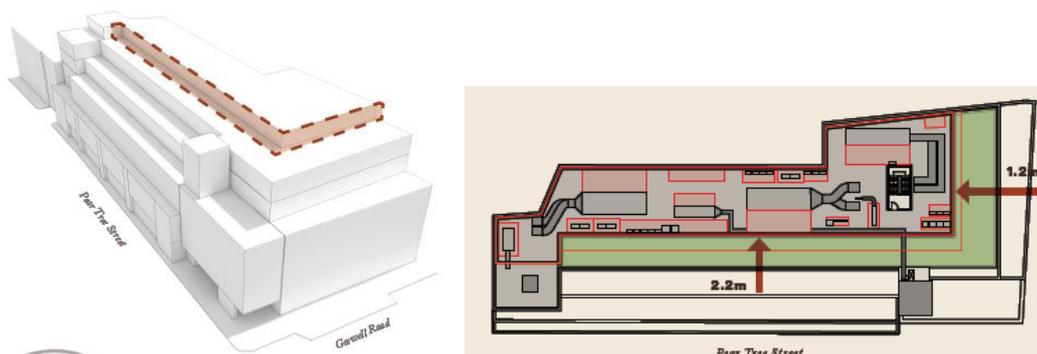


- 5.10 The external lift core shaft was setback a further 1.2m so that it would sit 2.7 metres from the frontage. The new build 3-storey infill building was also

setback 1.5 metres in line with the proposed second floor extension, which is in line with the neighbouring property to the east along Pear Tree Street. The roof plant extension at sixth storey level was setback an additional 2.2 metres from Pear Tree Street and 1.2 metres from Goswell Road with an overall reduction in size. Further, the new build three-storey extension would form the entrance and foyer to the business accommodation above, whilst the double height first floor space would also be able to be used for a gallery or exhibition space.



- 5.11 All terrace areas along the Pear Tree Street extensions on all floors including the terrace on the top of the new build element have been removed. The only open terrace proposed would front Goswell Road in the existing location of the building at fourth floor level.
- 5.12 Finally, the proposed sixth-storey roof plant extension was also reduced in scale and size.



- 5.13 Therefore, as amended, the application seeks partial demolition of rooftop structures and retention of the existing building along with the construction of a three-storey extension to the existing building and new three-storey infill building to the corner of Goswell Road and Pear Tree Street resulting in a part 3, part 4, part 5, part 6-storey building including internal reconfiguration and refurbishment of the existing facades to provide for 8,465 square metres (GIA) of office floorspace (Use Class B1(a)), 84 square metres (GIA) of flexible

gallery/exhibition/office floorspace (Use Class B1/D1) on the first floor of the new three-storey infill building, and 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) along with associated access arrangements, cycle parking, refuse storage and ancillary works.

## **6. RELEVANT HISTORY**

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

### **Planning Applications:**

6.2 P2016/2485/FUL: Demolition of the existing building and construction of a part six, seven and eight storey building (plus lower ground and basement), comprising 13,100 square metres office (B1(a)) floorspace, 90 square metres ground floor cafe (A1/A3), ancillary works and landscaping to the corner of Goswell Road and Pear Tree Street. This application was withdrawn on 13 March 2017.

6.3 P031840: Attaching of telecoms dishes and antennae to walls of plant roof/lift motor room on roof of four storey section fronting onto Goswell Road and installation of equipment cabin by south side of skylight on roof of three storey rear wing. This application was granted consent on 17 December 2003.

6.4 A number of other planning applications have been submitted for telecommunications equipment at roof level, but these were all withdrawn.

### **Enforcement:**

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

## **7. CONSULTATION**

### **Public Consultation**

7.1 Letters were sent to the occupants of 1111 adjoining and nearby properties including Fore Street, Bastwick Street, Gee Street, Pear Tree Street, Goswell Road, Seward Street, Northburgh Street, Darlington Street, Dance Square and Compton Street. Site notices and a press advert were displayed on 28/03/2017. The first period of public consultation closed on 18/04/2017.

7.2 The revised proposals were also subject to a re-consultation period. The same occupants of 1111 adjoining and nearby properties along with all those who had submitted representations were consulted, which began on 31/08/2017 and ended on 21/09/2017. A site notice and press advert were also displayed on this date. It is the Council's practice to continue to consider representations made up until the date of a decision and a number of objections submitted after the 21/09/2017 have been taken into consideration.

7.3 In response to both consultation periods, a total of 29 objections were submitted against the proposal. Seven (7) letters of support were also submitted.

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

- Proposal will have an impact on the daylight and sunlight surrounding properties receive. Further, the revisions do not fully address the impact on sunlight and daylight;

*[The modelling for sunlight/daylight assessment provided by the submitted study considers all residential properties around the site. It concludes that the properties opposite the site at Nos. 142-148 Goswell Road and No. 1 Pear Tree Street would be impacted upon in terms of daylight distribution, whilst to a lesser extent the properties at No. 25 Pear Tree Street would have some limited transgressions. Any development at the application site would affect daylight levels to these properties. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has minimised the levels of daylight and sunlight transgressions. Any redesign of the application proposals would potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site. In recognition of the atypical design of the existing building, the densely developed urban context and the attempts to minimise transgressions from the BRE guidance as much as possible, the development would not result in a degree of harm that would warrant refusing planning permission and in view of the planning policy presumption that sites should be developed in such a way as to maximise their potential is considered to be acceptable in this regard].*

- The proposal would overlook neighbouring properties;

*[In terms of Pear Tree Street it is not considered that there would be an unacceptable impact on the amenity of these properties, as the Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. It should also be noted that overlooking from office use to residential use is not similar to a habitable room overlooking a habitable room.*

*Furthermore, the open terrace areas/balconies along Pear Tree Street have been removed from the proposal under the revisions, and a condition would be imposed to prevent these open areas for being used as terraces.]*

- Noise and disturbance from the D1/D2 use and the potential A3 use;

*[The revised plans have withdrawn the potential for an A3 use from the Goswell Road flexible unit. With regard to the D1 use, this is limited to the*

*first floor of the new build three-storey element and is limited to 84 square metres. This limited floor area would be to allow for the use of the double height room as a gallery or exhibition space. Further, the revisions have removed the open terrace above this new build and the ground floor will only act as an entrance to the first floor area. It is not considered in this limited size of space that has no open areas, that there would be a detrimental impact on the amenity of neighbouring properties. Further, Policy BC8 of the Finsbury Plan states that proposals in Priority Employment Areas should not be unfettered business floorspace and an element galleries and exhibition space would be appropriate.]*

- Noise and disturbance from the increased use of the site as a result of the additional floorspace;

*[The site is located within a Priority Employment Area (general), which seeks to maximise office use and some retail uses at ground level to provide for active frontages. Additionally, this is reinforced by the site's allocation within the Finsbury Local Plan. These retail use has also been condition in terms of their hours of operations to ensure they do not have a detrimental impact on neighbouring residential properties].*

- Light pollution will come from the development, particularly the glazed extensions.

*[Concern has been expressed that light emanating from the proposed development would adversely affect neighbour amenity. Normal office hours are unlikely to require internal lighting of the proposed development late into the evenings, however – to enable flexible use of the proposed office floorspace – it is not recommended that the hours of occupation of the office floorspace be restricted. This raises the possibility of late night light pollution occurring, should office staff need to work outside normal office hours. It is considered that a condition be imposed seeking details of what measures have been taken by the applicant, such as the use of use of daylight and occupancy sensors for the development's internal lighting in order to reduce the extent of light being used within the building in order to minimise any impact on neighbouring properties.]*

- The height, scale and bulk of the proposal is inappropriate and would result in a canyon effect. The building will be taller than all surrounding Clerkenwell properties;

*[The proposal would result in a part 3, part 4, part 5, part 6-storey building. This is not out of place with the prevailing scale of development within the locality, where to the north of the site sit buildings generally of a part 4, part 5-storey nature, with higher buildings to the south in excess of 6-storeys. It is not considered that the scale and massing of the proposal is inappropriate. The proposed extensions have been designed in a manner to complement the existing building and setback from the street frontage so as to minimise the impact on neighbouring properties. Further, the extensions and new build three-storey corner element would assist in providing a coherent continuous street frontage and some breathing*

*space to the properties on the north side of Pear Tree Street. Additionally, the proposed new build three-storey extension on the corner would reinforce the building form and bring about a continuous street frontage to Goswell Street and its junction with Pear Tree Street. It is not considered that the proposal would create a canyon effect as it has been designed in a manner to respect the existing established building frontage along Goswell Road and Pear Tree Street.]*

- Design of the proposals are inappropriate to the local character of the area;

*[The proposed extension to the second floor along Pear Tree Street would be in brick to match the existing building and the two additional floors of office accommodation setback from the frontage would consist of lightweight glazing to blend in with the existing building. The proposed new three-storey corner element would be in high quality materials and designed in a contemporary form. Council's Design and Conservation officers have reviewed the proposals and advised that the new contemporary element would respect the existing significant characteristics of the site in terms of plot widths and the treatment of the elevations. They have advised that it would not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings].*

- The level of plant on the roof could be reduced or accommodated within the development;

*[The proposed plant to the proposal has been located at roof level to allow the use of the basement to be used for the proposed uses, which includes units for small and medium enterprises and additional floorspace for the Goswell Road flexible units. Nonetheless, any enclosures at roof level should be minimised so as not to lead to unnecessary bulk and massing that is publicly visible. In this instance, the extent of roof enclosure to accommodate this has been reduced under the revisions. Notwithstanding the reduction, a condition has been imposed seeking justification for the extent roof plant level based on the plant required and should the proposed plant be able to be accommodated in a smaller enclosure, then further reductions will be made via the condition.]*

- Density of the office accommodation;

*As previously stated, the site is located within a Priority Employment Area (general), which seeks to maximise office use and some retail uses at ground level to provide for active frontages. Additionally, this is reinforced by the site's allocation within the Finsbury Local Plan*

- Proposals would lead to traffic congestion, pollution and dangerous site and servicing;

*[The application has been referred to the Council's Highways Department, who have not raised objections with regard to whether the site can*

*accommodate the proposed uses, and have recommended conditions in order to ensure that there is no impact on the highways].*

- Disruption during the course of construction;

*[Conditions have been recommended by the Council's Noise Pollution team in order to minimise disruption during the construction phase]*

## 7.5 **External Consultees**

7.6 **Lead Local Flood Authority** raised no objection subject to the proposed recycling system to be secured by condition. It was recommended that a further condition be imposed to secure a maintenance plan for the management of the sustainable drainage system for the lifetime of the development in accordance with the new national requirements.

7.7 **Thames Water** stated that the developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. They have recommended a condition requiring details of impact piling method statement, as impact studies of the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. They have also recommended informatives relating to minimum pressure in the design of the development and a Groundwater Risk Management Permit from Thames Water will also be required for discharging groundwater into a public sewer.

7.8 **Transport for London (TfL)** have stated that the proposal includes London Plan compliant cycle parking spaces according to a different set of floorspace data than that provided in the proposal description. It has recommended a condition seeking compliant provision of cycle parking spaces. Further, they have stated that the bus stop, opposite the site, must not be disrupted by any means during the development. Additionally, all cycle parking spaces should follow the standards in the London Cycling Design Standards, and be located in suitable accessible areas within the development. TfL welcomes the provided Travel Plan (TP), and encourages occupiers of the office spaces to make use of the Cycling for Workplaces TfL tool.

7.9 **London Fire and Emergency Planning Authority (LFEPA)** have stated that they would be satisfied subject to the application meeting the requirements of Approved Document BS of the Building Regulations.

## 7.10 **Internal Consultees**

7.11 **Policy Officer** advised that the proposal would comply with land use policies subject to appropriate provision of floorspace for micro and small enterprises by virtue of their size and design or affordable workspace.

7.12 **Design and Conservation Officer** stated that the principle of the refurbishment and extension of the existing building is generally considered to be acceptable. While the building is not listed, nor in a conservation area it is considered that the existing frontage facing Goswell Road does make a

generally positive contribution to the street-scene. The parapet line of the proposed building is in line with that of the adjacent building to the south. A recessed additional storey that is visible from Goswell Road is considered to be acceptable as it does not harm the visual balance of the building or the street frontages along Goswell road or Pear Tree Street. The additional storeys to the rear would be minimally visible from long views along Goswell Road recessed from street level from the adjacent tight knit streets. Subject to amenity considerations regarding daylight/sunlight, the Conservation and Design Team have no objections to the proposed glazed roof extensions. However, the proposed plant area is considered to be excessively large, and whilst there will be very limited views from the public realm, there will be views from various surrounding buildings and this accounts to a degree of public visibility. Roof plant level should be reduced.

- 7.13 **Access Officer** requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Whilst further information was provided that clarifies these matters, a condition is recommended requesting details to be provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met.
- 7.14 **Energy Conservation Officer** has recommended a condition to state they will target at least 13.6% reduction in total CO2 but investigate further options to improve on this given it falls short of the Council's target of 27% and provide evidence that they have maximised all opportunities. Have also recommended appropriate S106 clauses for a Shared Heat Network (if viable). The proposed energy strategy is generally acceptable and the site should be futureproofed for connection to an energy network should it become viable in the future.
- 7.15 **Public Protection Division (Noise Team)** have recommended conditions with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable works and construction proposed in order for the methods and mitigation to be carefully considered. Finally, conditions are recommended to limit the hours of use and maximum number of persons on the Goswell Road terrace at any given time to mitigate against the impact of noise that may arise from the use of this area.
- 7.16 **Spatial Planning and Transport (Transport Officer)** support the fact that the development is car free, however have requested further details with regard to cycle parking numbers that can be provided on site to meet policy standards along with servicing and delivery plan in accordance with the requirements of local policies. Have stated that given proposal seeks on-street loading along Goswell Street, this would require changes to on-street parking and loading restrictions on Goswell Road and neighbouring streets. This would require traffic orders and these changes are to be secured via the S106 Agreement and a S278 Agreement with Highways.
- 7.17 **Street Environment Division** have requested further details with regard to refuse and recycling (*Condition 26*).

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

### **Other Consultees**

- 7.19 Members' Pre-Application Forum – 21 March 2016 (previous withdrawn scheme)

### **Design Review Panel**

- 7.20 Islington's Design Review Panel considered the proposed development at application stage on 11 April 2017. The panel's written comments (issued on 28 April 2017) are summarised below and their response in full is attached under Appendix 3:

*The Panel found much to commend about the scheme and recognized that the rejuvenation of the building would be highly beneficial to the street as a whole. Panel members welcomed the activation of the dead frontages along Pear Tree Street with entrances to B1 space for SMEs. Raising the height of the building along this street was also seen to bring many benefits.*

**Officer's Comments:** The revised proposal maintains the activation of the ground floor frontages and maintains the design approach of the new build corner element of the originally submitted proposals. The two alterations under the revised proposals have further setback the external lift core and the pear Tree Street frontage so that it aligns with the neighbouring property to the east along Pear Tree Street. The result of these alterations have assisted in minimising the impact on the residential properties opposite with regards to sunlight and daylight yet maintained the benefits to the street character and rejuvenation of the building.

*The proposed new 'Art House' was also welcomed by the Panel as was the overall conceptual design for this corner site. However, the Panel raised various concerns about the detailing of the design and the identity of the public space that is being created. Some Panel members considered that the corner block should be bolder, particularly when viewing it as part of the front elevation where it almost appears as if it is just a change in wall finish owing to the continuation of the same parapet level. Questions were therefore asked as to whether it should be aligned with the existing building, so it is relationship to it is clearer; i.e. whether the gallery is an extension or an object in itself.*

**Officer's Comments:** The revised proposals do not include the use of the new corner element as a public space. It forms the foyer and entrance to the refurbished building with some floorspace at first floor level (84 square metres) for use as a gallery and exhibitions space. Conservation and Design officers reviewed the above comments and advised that the new build corner element had been designed in a manner that was viewed as a separate object

to the existing two buildings on the site, but had been designed in a manner to respect the existing forms and parapet lines so as to integrate harmoniously into the streetscene and help in bringing about a continuous frontage across both Goswell Road and Pear Tree Street.

*The polished finish was also queried, with some panel members suggesting that if it felt heavier it would add to the intended effect of a heavy object precariously balancing or floating. The Panel also emphasized that the finish of the jointing would be as important as the cladding material – so that they are read as distinct panels. Some Panel members felt that the external lift core was somewhat an anomaly in that it is a tall, dominant feature in terms of its volume, but in terms of its positioning it is very recessive.*

Officer's Comments: The proposals as submitted refined the proposal to use precast polished concrete panels for the corner element and ceramic ribbed tiles for the external core shaft. Conservation and Design officers reviewed the proposals in light of the DRP comments and advised that the proposed high quality materials are welcomed; in particular, turning the lift core into a key aesthetic element with the use of the ceramic ribbed tiles rather than simply having it as a utilitarian volume is considered to be appropriate. The proposed concrete cladding to the double heighted volume on the corner is also considered to be of a high quality. It should also be noted that the revised proposals have introduced a further setback to the external lift core making this feature of the design even more recessive in terms of its positioning when compared to the scheme before the DRP.

*The Panel recommended that the idea of cutting out or punching through a motif to the supporting pier at ground floor level should be re-visited. Some signage would be required to draw members of the public into the building and a strong motif would help to address this by giving the space more of an apparent identity.*

Officer's Comments: Conservation and Design officers reviewed the above comments and were not convinced that a motif being punched into the ground floor pier being the only way to address an identity. Nevertheless, the corner element is not proposed as a public building under the revisions, as it would serve as the entrance and foyer into the refurbished buildings.

*The Panel generally responded very positively to the scheme, commending the overall approach, particularly in comparison to the previous proposals that the Panel saw for the same site. The creation of activate frontages along Pear Tree Street, reinforcing the corner of the building in the streetscape by connecting two blocks with a community space and the overall synergy of the building and its separate uses are all very strong positives that appear to meet a considerable number of strategic policies.*

Officer's Comments: The main design themes of the scheme have been maintained by activating the existing dead ground floor frontages of the site and reinforcing the corner of the building to connect the existing two streetscapes with an appropriately designed contemporary extension. This

extension, including the external lift core, have also been revised further in their setback from the Pear Tree Street frontage so as to minimise the impact on the amenity of neighbouring properties and also better to reflect the existing building lines on the south side of Pear Tree Street.

## **8. 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**

- 8.1 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.
- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.3 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**

- 8.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 8.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Bunhill and Clerkenwell Core Strategy Key Area
  - Finsbury Local Plan (FLP) Area
  - Great Sutton Street Employment Priority Area (General)
  - Central Activities Zone
  - Adjoins Hat and Feathers Conservation Area
  - Within vicinity of Heritage Sites in Historic Clerkenwell at Nos. 73-77, 83 and 89 Goswell Road.

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

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

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

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

### Land-use

9.2 The existing building on the site provides for 6,475 square metres (GIA) of Use Class B1 business floorspace, which consists of a combination of Light Industrial (Use Class B1(c)) at the lower and ground levels and Office (Use Class B1(a)) at the upper three levels of the existing building.

9.3 The revised application seeks permission for the redevelopment of the site to provide for 8,465 square metres (GIA) of office floorspace (Use Class B1(a)), 84 square metres (GIA) of flexible gallery/exhibition/office floorspace (Use Class B1(a)/D1) on the first floor of the new three-storey infill building, and 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) on a site located within the London Central Activities Zone (CAZ).

9.4 No planning permission would be required for a change of use from Use Class B1(c) to Use Class B1(a). Therefore, the planning application seeks to increase the provision of B1 business floorspace on the site from 6,475 square metres (GIA) to 8,465 square metres (GIA), whilst the flexible ground floor units fronting Goswell Road could result in a further provision of 677 square metres (GIA).

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

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

9.7 Islington Core Strategy Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is greatest. Furthermore, it seeks to safeguard

existing business spaces throughout the borough by protecting the change of use to non-business uses, particularly in the CAZ. Additionally, development which improves the quality and quantity of existing provision will be encouraged.

- 9.8 The site is located in the Bunhill and Clerkenwell Core Strategy Key area and the provisions of the Finsbury Local Plan are applicable. Policy BC8 of the Finsbury Local Plan supports the provision of a mix of employment uses, (the definition includes offices, industry, warehousing, studios, workshops, showrooms, retail, entertainment and private educational, health and leisure uses). In general terms it encourages office development (i.e. B1 (a) uses) throughout the designated area and the provision of a range of smaller floorplate, flexible and adaptable workspaces, alongside complementary uses. In addition, as the site also lies within the Employment Priority Area General (as designated in the Finsbury Local Plan) the policy aims to sustain the existing level of business floorspace to support existing clusters of economic activity.
- 9.9 The proposal represents an uplift in business floorspace in accordance with the above development plan policies, which is welcomed. Therefore, the proposed development complies with the above policies in so far as providing office floorspace on all floor levels above the ground level within the massing of the building that is appropriate in design terms, while retail areas would be located at ground floor level to provide for active frontages along Goswell Street.
- 9.10 Policy BC8 also stipulates that within the Employment Priority Area (General), the employment floorspace component of a development or change of use proposal should not be “*unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
  - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
  - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.”*
- 9.11 The incorporation of 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) would be consistent with policies 4.7 and 4.8 of the London Plan which seek to support a vibrant, diverse retail sector. The site is designated as a Priority Employment Area in the Finsbury Local Plan and the proposals would be consistent with Policy BC8 which seeks to provide a range of employment uses, particularly office uses with retail and leisure uses at street level to create vibrancy and interest on Goswell Road. The proposed ground floor flexible retail/office has been designed as one unit separate to the other parts of the building and subject to a condition prohibiting obscuring the shopfront glass would provide natural surveillance and an active frontage to this elevation of the building. Additionally, the proposal seeks to remove the existing loading bays and car parking to the

building along Pear Tree Street and replace with new office accommodation, which would improve the ground floor frontage along this elevation.

- 9.12 The proposal includes a new three-storey infill building at the junction of Goswell Road and Pear Tree Street. This ground floor area of the infill extension building provides the entrance and foyer area of the redeveloped office accommodation. The first floor of this extension contains a double height floor level to accommodate 84 square metres (GIA) of flexible gallery/exhibition/office floorspace (Use Class B1(a)/D1), which would comply with the provisions of Part (i) of Policy BC8.
- 9.13 Part (ii) of Policy BC8 states that the employment floorspace component of a development should not be unfettered commercial office (B1a) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside office (B1a) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management.
- 9.14 The proposal includes the provision of 477 square metres (GIA) of office floorspace at basement level that would be suitable for occupation by micro and small enterprises by virtue of its size and design. This specific floorspace allocated for micro and small enterprises would have a separate entrance accessed off Pear Tree Street. This accommodation equates to 5.17% of the total floorspace and a condition is recommended requiring that the units at this level cannot be amalgamated so that the units remain no larger than 90 square metres (GIA) in size.
- 9.15 London Plan Policy 4.3 B (b) states that local planning authorities should “develop local approaches to mixed use development and offices provision taking into account the contribution that ‘land use swaps’, ‘housing credits’ and off-site contributions can make, especially to sustain strategically important clusters of commercial activities such as those in the City of London....”
- 9.16 Finsbury Local Plan Policy BC8 Part D states that “throughout the area, major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.”
- 9.17 The site is located in the Central Activities Zone with no housing provided as part of the proposal. Therefore, the proposal would be subject to a financial contribution towards offsite housing provision than would otherwise be required on the site itself. This contribution of £318,240 is to be secured via an obligation in the section 106 Agreement.
- 9.18 It is considered that the development is acceptable in land use terms with regard to the development plan and the cascade of policies from the London Plan, Islington Core Strategy, Development Management Policies, Finsbury Local Plan Action Area and accompanying site allocation, and as such would

make an efficient use of this brownfield site. Its delivery would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

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

- 9.19 The existing building, known as Laser House, is a part 2, part 3, part 4-storey brick-built building from the 1960s with its main frontage onto Goswell Road. The building's 3-storey frontage onto Goswell Road has a set back fourth floor, a strong horizontal emphasis and well-proportioned fenestration and modest window reveals, cornicing and detailing. While the original main entrance is on Goswell Road, the building has a further main entrance set back from the Goswell Road frontage, leaving a space in front, which is occupied by a number of car parking spaces and planters. At ground floor level, the Pear Tree Street frontage is characterised by servicing areas and undercroft car parking.
- 9.20 The site itself is not located within any heritage designations, but it does adjoin the Hat and Feathers Conservation Areas and within the vicinity of properties noted as 'Heritage Sites in Historic Clerkenwell' at Nos. 73-77, 83 and 89 Goswell Road, located on the opposite side of Goswell Road.
- 9.21 Development Plan policies seek to secure sustainable development that is of high quality and contributes towards local character, legibility, permeability and accessibility of the neighbourhood. Developments should contribute to people's sense of place, safety and security. Development should have regard to the pattern and grain of spaces and streets in orientation, scale, proportion and mass and be human in scale with street level activity.
- 9.22 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).
- 9.23 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.
- 9.24 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and

determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.

- 9.25 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.
- 9.26 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).
- 9.27 The proposed scheme as originally submitted included a 3-storey extension to the existing building, which accommodated 2 floors of office accommodation and a level for roof plant. The existing second floor of the building along Pear Tree Street was also extended towards the frontage in line with the existing ground and first floor frontage along Pear Tree Street. The proposal also included a new 3-storey infill building at the junction of Goswell Road and Pear Tree Street along with an external lift core.
- 9.28 Planning and Design officers expressed concerns in relation to the scale and bulk of the extensions and additions with regard to the overall built form and the impact on the amenity of surrounding neighbouring properties. Consequently, there have been amendments to the scheme since its submission, as outlined above in Section 3 of the Report.
- 9.29 The most notable amendments to the proposed scheme included a revision to the second floor extension along Pear Tree Street so that it doesn't project beyond the second floor of the neighbouring property to the east along Pear Tree Street, the setback of the extension at third floor level fronting Pear Tree Street was further increased, the external lift core shaft was further setback 1.2 metres from the frontage, while the new 3-storey infill building was also setback in line with the proposed second floor extension, which is in line with the neighbouring property to the east along Pear Tree Street. Finally, the roof plant extension at sixth storey level was setback an additional 2 metres from Pear Tree Street and 1 metre from Goswell Road with an overall reduction in size of 135 square metres.
- 9.30 The assessment below in terms of design is based on the revised drawings.
- 9.31 The site is located on the eastern side of Goswell Road at the junction with Pear Tree Street and its relationship with the existing townscape is articulated

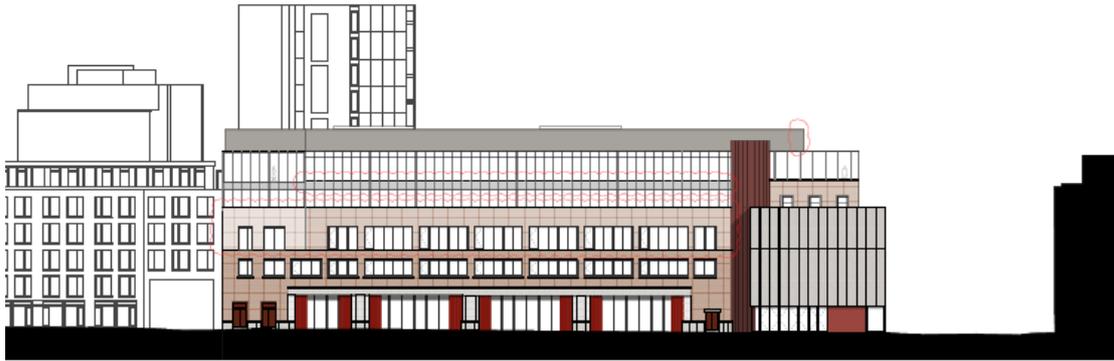
by its two street frontages. Opposite the site to the north is a part 4, part 5-storey building at Nos. 142-148 Goswell Road. Further to the northeast along Pear Tree Street is another part 4, part 5-storey building at No. 1 Pear Tree Street known as the Comice Apartments. To the east adjoining the application site on Pear Tree Street is a part 5, part 6, part 7-storey building. To the south of the site along Goswell Street the application site adjoins a part 4, part 5, part 6-storey building, which forms part of the wider City University development. Therefore, the site is located along Goswell Road where it represents a transition between the higher density developments to the south and the part 4, part 5-storey buildings to the north. On the opposite side of Goswell Road, the built form is characterised by buildings ranging between 4 and 6 storeys.

- 9.32 The application site is bounded by the Hat and Feathers Conservation Areas to the north and west, however the site itself is not within it.
- 9.33 In light of the townscape surrounding the site as set out above, the proposed scheme has adopted a design approach to respond to the two different frontages and proposes a new build 3-storey extension at the junction of Pear Tree Street and Goswell Road.
- 9.34 From a townscape impact, the proposal involves 6 main additions/changes:
- 1) A new element on the corner of Goswell Road and Pear Tree Street which would house a reception and art gallery space on the ground floor and double height volume at first floor;
  - 2) The insertion of a visible, 'sculptural' lift core;
  - 3) An extension to the building on Pear Tree Street, comprising a brick section and a lightweight set back section;
  - 4) Roof level additions to the entire site;
  - 5) A plant enclosure at roof level;
  - 6) Lowering window cills at ground floor level to the existing building fronting Goswell Road.
- 9.35 The proposed new build three-storey extension on the corner would reinforce the building form and bring about a continuous street frontage to Goswell Street and its junction with Pear Tree Street. It is considered that the relationship with the parapet heights of the existing structures would help knit the proposals together. Setting back this corner element so that it aligns with the new front extension to the building along Pear Tree Street and the adjoining property to the east provides a coherent continuous street frontage and some breathing space to the properties on the north side of Pear Tree Street. The further setbacks introduced to the external lift core under the revised proposals ensure this element of the scheme remains recessive and has limited impact on the amenity of properties on the opposite side of the road. The new build extension would provide for an active ground floor and it is considered that there is an interesting relationship between the volumes which would result in an interesting composition. Also, the proposed terrazzo cladding is articulated by quite refined joints/rhythm of panels, which is supported.

- 9.36 The proposed high quality materials are welcomed; in particular, turning the lift core into a key aesthetic element with the use of the ceramic ribbed tiles rather than simply having it as a utilitarian volume is considered to be appropriate. The proposed concrete cladding to the double heighted volume on the corner is also considered to be of a high quality. The creation of an active frontage along Pear Tree Street to replace the existing dead frontage reinforces the corner of the building in the streetscape by connecting the two existing buildings on the site with a new entrance/foyer to the building for the refurbished and new business floorspace.
- 9.37 With regard to the extension along Goswell Road, the parapet line of the proposed building is in line with that of the adjacent building to the south. A recessed additional storey that is visible from Goswell Road has been added to the proposals and is considered to be acceptable as it does not harm the visual balance of the building or the street frontages along Goswell Road or Pear Tree Street.



- 9.38 The additional storeys and extension along Pear Tree Street would be minimally visible from long views along Goswell Road and recessed from street level from the adjacent tight knit streets. The setback of the second storey along Pear Tree Street in line with the adjacent property to the east is appropriate and the levels above have been setback appropriately to minimise the impact on the amenity of neighbouring properties in terms of sunlight and daylight.



- 9.39 The proposals would be in the form of a contemporary design with regard to the new build elements and it is considered that the proposal has been designed in a manner to ensure that it would sit comfortably and harmoniously integrate with the existing buildings and within the streetscene and not detract from the streetscene character of adjoining or nearby buildings. The proposed contemporary design would respect the existing significant characteristics of the site in terms of its plot widths and the treatment of the elevations has been developed to assist in breaking the mass with the use of different materials.
- 9.40 The proposed massing and bulk has been articulated to respond to the grain of the area and it is considered that this interpretative design approach using contemporary architecture and innovative design is an important part of the new built form because it adds to the existing diversity and layering of styles through time. It is considered that the contemporary approach employed would not have a detrimental impact on the character and appearance of the neighbouring Conservation Areas.
- 9.41 Due to the nature of the use of the building as office accommodation and the constraints and parameters it brings with it, use of varied materials and articulation of the elevations has assisted in bringing a degree of interest to the appearance of the proposed scheme. However, its acceptability and appropriateness relies on the quality of materials used and detailing. Therefore, it is recommended that conditions be imposed to ensure the delivery of an appropriate scheme of high quality, appropriate materials along with details of reveals, window panels and frames shall be secured.
- 9.42 A part of the proposal which requires further details is the resolution of the roof extension at sixth floor level. It is considered that the proposed plant area is excessively large despite the recent reductions to the extent and size of the plant extension. Whilst there would be very limited views from the public realm, there would still be views from various surrounding buildings and this accounts to a degree of public visibility. Therefore, the location of any plant on the roof needs to be properly justified and it should be reduced to a minimum size to accommodate the proposed plant. Further details will be requested via condition to justify why the roof level extension must require the proposed height across all of the floor and the floor space proposed. Justification regarding why services areas to the plant need to be enclosed at such a

height will be required, in addition to why all plant and extracts across the sixth floor require to be enclosed in a 2.7 metre high enclosure. Finally, the resultant roof plant extension will require appropriate and suitable materials that do not detract from the proposed building.

- 9.43 Subject to the above conditions, it is considered that the proposal would be in the form of a contemporary design and would sit comfortably and harmoniously integrate with the site and streetscene and not detract from or compete with the character of the streetscene or adjoining or nearby buildings.

### **Accessibility**

- 9.44 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances. Such requirements are also required by Islington Core Strategy CS12. Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.

- 9.45 The provision of level access throughout the building is considered to be fundamental to the fulfilment of this policy. The provision of wheelchair accessible lifts and accessible toilets on all floors would ensure the building offers highly accessible accommodation. Council's Access officers requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Therefore, a condition is recommended requesting details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met.

- 9.46 As it is not possible to provide all the required disabled parking spaces on site as required by policy, a financial contribution towards the provision of a number of a disabled drop-off bays and on-street accessible parking bays (proportionate to the scale and nature of the use) in the vicinity of the site is considered to be acceptable. Where it might not be possible to implement the accessible parking bays on the street (e.g. as a result of opposition to amending the traffic management order), the contribution would be used towards accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.

### **Neighbouring Amenity**

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

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

#### Daylight and Sunlight

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

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

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

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

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

a. Nos. 67-71 Goswell Road, Nos. 73-81 Goswell Road, No. 83 Goswell Road, No. 89 Goswell Road, No. 99 Goswell Road.

b. Silverdale Court, Nos. 142-148 Goswell Road

c. Comice Apartments, No. 1 Pear Tree Street

d. Orchard Building, No. 25 Pear Tree Street

e. Pear Tree Court (Student Accommodation)

f. Other Properties

*Nos. 67-71 Goswell Road, Nos. 73-81 Goswell Road, No. 83 Goswell Road, No. 89 Goswell Road, No. 99 Goswell Road.*

9.54 The above properties are all located on the west side of Goswell Road opposite the application site. The submitted and daylight report concludes that none of the windows to these properties as a result of the development would have reductions further than 20% of their former value with regard to the Vertical Sky Component (VSC) test as set out in the BRE guidance.

9.55 Further, the No Sky Line (NSL) test demonstrates that all of the above affected windows (serving habitable rooms) would retain a good level of daylight distribution with no reductions further than 20% of their former value.

9.56 Additionally, all windows on this floor would meet the recommended BRE thresholds for annual and winter probable sunlight hours.

*Silverdale Court, Nos. 142-148 Goswell Road*

9.57 The submitted and daylight report assessed 36 windows at Nos. 142-148 Goswell Road. Given the corner location of the site, many of the windows are located on the south side of Pear Tree Street opposite the site.

9.58 The results with regard to VSC and Daylight Distribution are presented in the following table:

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
Ground – W10	Bedroom	10.62	8.14	<b>0.77</b>	36.74	29.53	0.80
Ground – W11		8.61	6.39	<b>0.74</b>			
First – W1	Living Room	18.12	17.44	0.96	90.36	88.87	0.98
First – W2		18.57	16.76	0.90			
First – W3		18.26	15.28	0.84			
First – W4		17.65	13.17	<b>0.75</b>			
First – W5	Bedroom	21.31	16.35	<b>0.77</b>	70.98	41.71	<b>0.59</b>
First – W6	Living Room	16.09	11.11	<b>0.69</b>	66.69	40.39	<b>0.60</b>
First – W7	Living Room	15.69	11.05	<b>0.70</b>	51.46	36.07	<b>0.70</b>
First – W8	Bedroom	21.82	17.16	<b>0.79</b>	60.15	42.68	<b>0.71</b>
First – W10	Bedroom	21.80	17.63	0.81	58.54	40.48	<b>0.69</b>

First – W13	Living Room	12.77	9.42	<b>0.74</b>	49.89	30.88	<b>0.62</b>
Second – W1	Living Room	21.46	21.22	0.99	100	99.99	0.99
Second – W2		21.60	20.78	0.96			
Second – W3		21.97	19.97	0.91			
Second – W4		21.51	17.92	0.83			
Second – W5		21.13	16.23	<b>0.77</b>			
Second – W6		21.90	16.15	<b>0.74</b>			
Second – W7	Bedroom	25.62	20.48	0.80	85.18	58.47	<b>0.69</b>
Second – W8	Living Room	20.13	14.69	<b>0.73</b>	87.55	50.77	<b>0.58</b>
Second – W9	Living Room	25.77	19.86	<b>0.77</b>	91.09	49.86	<b>0.55</b>
Second – W10	Bedroom	26.87	20.70	<b>0.77</b>	98.40	55.63	<b>0.56</b>
Second – W12	Bedroom	26.88	21.10	<b>0.79</b>	97.84	53.17	<b>0.54</b>
Second – W15	Living Room	17.69	12.59	<b>0.71</b>	92.77	45.00	<b>0.48</b>
Third – W1	Living Room	29.49	29.34	0.99	100	100	1.00
Third – W2		30.35	29.74	0.98			
Third – W3		30.94	29.35	0.95			
Third – W4		30.89	28.03	0.91			
Third – W5		30.46	26.39	0.87			
Third – W6		30.06	25.11	0.83			
Third – W7	Bedroom	30.32	25.56	0.84	94.34	84.62	0.90
Third – W8	Living Room	30.70	25.17	0.82	96.54	78.29	0.81
Third – W11	Living Room	30.05	23.77	<b>0.79</b>	100.0	87.89	0.88
Third – W12	Bedroom	30.69	23.95	<b>0.78</b>	100.0	98.80	0.99
Third – W14	Bedroom	30.85	24.37	<b>0.79</b>	100.0	80.83	0.81
Third – W10	Bedroom	26.31	20.18	<b>0.77</b>	99.60	56.24	<b>0.57</b>

- 9.59 It concludes that 19 of the 36 windows assessed at Nos. 142-148 Goswell Road would have losses over 20% of their former values and these are limited to between 21% and 31%.
- 9.60 With respect to the No Sky Line (NSL) test, the study demonstrates that 13 of the 22 rooms assessed would have reductions of greater than 20% of their former value. These transgressions range between 30 ~ 52 %. The remaining 9 affected rooms would not have transgressions greater than 20% of their former value.
- 9.61 With regard to annual and winter probable sunlight hours, the following results are presented in the table below.

Floor – window	Room use	Annual Probable Sunlight Hours (APSH)			Winter Sunlight (WPSH)		Probable Hours
		Existing (%)	Proposed (%) 25% threshold	Factor of former value (target: 0.8)	Existing (%)	Proposed (%) 5% threshold	
Ground – W10	Bedroom	42	36	n/a	2	1	<b>0.50</b>
Ground – W11		26	22	0.85	1	1	n/a
First – W1	Living Room	36	35	n/a	11	11	n/a
First – W2		39	35	n/a	10	9	n/a
First – W3		45	37	n/a	10	8	n/a
First – W4		54	41	n/a	11	8	n/a
First – W5	Bedroom	47	37	n/a	8	4	<b>0.79</b>
First – W6	Living Room	49	38	n/a	9	4	<b>0.78</b>
First – W7	Living Room	51	40	n/a	7	3	<b>0.78</b>
First – W8	Bedroom	59	49	n/a	7	3	0.83
First – W10	Bedroom	59	40	n/a	9	2	0.83
First – W13	Living Room	43	35	n/a	6	2	0.81
Second – W1	Living Room	36	34	n/a	15	13	n/a
Second – W2		45	40	n/a	15	11	n/a
Second – W3		50	43	n/a	14	11	n/a
Second – W4		60	49	n/a	14	10	n/a
Second – W5		61	50	n/a	13	10	n/a
Second – W6		55	43	n/a	14	9	n/a
Second – W7	Bedroom	53	43	n/a	14	7	n/a
Second – W8	Living Room	56	47	n/a	15	8	n/a
Second – W9	Living Room	66	55	n/a	13	5	n/a
Second – W10	Bedroom	70	59	n/a	15	6	n/a
Second – W12	Bedroom	68	56	n/a	15	5	n/a
Second – W15	Living Room	50	42	n/a	13	5	n/a
Third – W1	Living Room	55	54	n/a	18	17	n/a
Third – W2		62	59	n/a	19	16	n/a
Third – W3		70	64	n/a	20	16	n/a
Third – W4		75	69	n/a	20	17	n/a
Third – W5		75	69	n/a	20	17	n/a
Third – W6		71	64	n/a	19	15	n/a
Third – W7	Bedroom	66	60	n/a	18	13	n/a
Third – W8	Living Room	72	65	n/a	20	14	n/a
Third – W11	Living Room	73	61	n/a	21	9	n/a
Third – W12	Bedroom	77	65	n/a	22	10	n/a
Third – W14	Bedroom	79	67	n/a	24	12	n/a
Third – W10	Bedroom	64	53	n/a	22	11	n/a

9.62 With regard to annual probable sunlight hours, all the 22 rooms to Nos. 142-148 Goswell Road would have at least one window to receive at least 25% of annual probable sunlight hours.

9.63 With regard to winter probable sunlight hours, of the 22 rooms to Nos. 142-148 Goswell Road, 18 would have at least one window to receive at least 5% of winter probable sunlight hours. Three (3) of these rooms would have figures below the recommended 5% and in excess of the 20% threshold in the BRE guidelines of its former value (21%, 22% and 22% respectively). One room at ground floor level that receives very limited winter probable sunlight hours would be affected with one of the two windows serving this room affected by 50%.

*Comice Apartments, No. 1 Pear Tree Street*

9.64 The submitted and daylight report assessed 62 windows at No. 1 Pear Tree Street. The site is located on the south side of Pear Tree Street opposite the application proposal.

9.65 The results with regard to VSC and Daylight Distribution are presented in the following table:

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
Second – W1	Bedroom	5.26	1.08	<b>0.20</b>	54.50	14.14	<b>0.26</b>
Second – W24		1.42	1.42	1.00			
Second – W2	Bedroom	6.35	4.03	<b>0.63</b>	97.61	61.60	<b>0.63</b>
Second – W3		24.73	19.67	0.80			
Second – W4		24.61	19.50	<b>0.79</b>			
Second – W5		24.48	19.41	<b>0.79</b>			
Second – W6	Bedroom	24.33	19.16	<b>0.79</b>	98.44	57.35	<b>0.58</b>
Second – W7		23.57	18.29	<b>0.78</b>			
Second – W8	Living Room/Kitchen Dining	1.98	0.00	<b>0.00</b>	77.03	31.78	<b>0.41</b>
Second – W9		4.18	2.42	<b>0.58</b>			
Second – W10		23.14	18.03	<b>0.78</b>			
Second – W11	Bedroom	22.32	17.68	<b>0.79</b>	100.0	67.18	<b>0.67</b>
Second – W12		21.93	17.54	0.80			
Second – W13	Bedroom	21.36	17.23	0.81	76.43	51.49	<b>0.67</b>
Second – W14		20.38	16.46	0.81			
Second – W15	Bedroom	20.04	16.32	0.81	91.20	69.50	<b>0.76</b>
Second – W16		20.02	16.63	0.83			
Second – W17	Bedroom	19.35	16.38	0.85	73.04	55.54	<b>0.76</b>
Second – W18		18.96	16.29	0.86			
Second – W19		18.26	16.08	0.88			

Second – W20		2.53	2.53	1.00			
Second – W21	Living/Kitchen/Dining	0.39	0.00	<b>0.00</b>	28.16	20.62	<b>0.73</b>
Second – W22		3.94	3.94	1.00			
Second – W23		2.47	2.47	1.00			
Second – W25		4.27	4.27	1.00			
Third – W1	Living/Kitchen/Dining	8.55	3.72	<b>0.43</b>	100.0	29.25	<b>0.29</b>
Third – W25		2.79	2.79	1.00			
Third – W2	Bedroom	7.98	5.46	<b>0.68</b>	99.15	85.32	0.86
Third – W3		29.62	23.62	0.80			
Third – W4		29.43	23.46	0.80			
Third – W5		29.21	23.34	0.80			
Third – W6	Bedroom	28.96	23.09	0.80	99.29	77.54	<b>0.78</b>
Third – W7		28.13	22.18	<b>0.79</b>			
Third – W8	Living/Kitchen/Dining	3.48	1.00	<b>0.29</b>	99.00	46.74	<b>0.47</b>
Third – W9		5.46	3.50	<b>0.64</b>			
Third – W10		27.76	21.95	<b>0.79</b>			
Third – W11	Bedroom	26.79	21.63	0.81	100.0	87.49	0.87
Third – W12		26.40	21.57	0.82			
Third – W13	Bedroom	25.87	21.43	0.83	97.58	71.94	<b>0.74</b>
Third – W14		24.86	20.77	0.83			
Third – W15	Bedroom	24.49	20.77	0.85	100.0	97.76	0.98
Third – W16		24.35	21.19	0.87			
Third – W17	Bedroom	23.55	21.00	0.89	92.24	87.16	0.94
Third – W18		23.14	20.91	0.90			
Third – W19		22.41	20.63	0.92			
Third – W20		3.98	3.98	1.00			
Third – W21	Living/Kitchen/Dining	1.77	1.08	0.61	81.25	78.96	0.97
Third – W22		10.29	10.29	1.00			
Third – W23		8.14	8.14	1.00			
Third – W24		10.38	10.38	1.00			
Fourth – W1	Living/Kitchen/Dining	32.63	28.48	0.87	99.82	99.34	0.99
Fourth – W14		5.38	5.38	1.00			
Fourth – W2	Bedroom	32.54	29.03	0.89	98.87	98.87	1.0
Fourth – W3		32.01	28.11	0.88			
Fourth – W5	Bedroom	31.30	27.61	0.88	91.06	91.06	1.0
Fourth – W7	Bedroom	30.04	27.22	0.91	99.70	99.70	1.0
Fourth – W8	Bedroom	29.43	27.26	0.93	99.66	99.66	1.0
Fourth – W9	Bedroom	29.01	27.27	0.94	97.08	97.08	1.0
Fourth – W10	Living/Kitchen/Dining	27.89	26.86	0.96	100.0	100.0	1.0
Fourth – W11		26.34	26.34	1.00			
Fourth – W12		25.91	25.91	1.00			
Fourth – W13		19.18	19.18	1.00			

9.66 It concludes that 17 of the 62 windows assessed at No. 1 Pear Tree Street would have losses over 20% of their former values. Eight (8) of these windows would have transgressions between 21% ~ 22%. Five (5) of these windows would have transgressions between 35%~55%, while four (4) of them would have higher transgressions. It should be noted that the nine (9)

windows with transgressions above 22% are windows that serves as supplementary windows to rooms with other windows not equally affected. The limited existing daylight to these windows are results in very low figures and any alterations shows a marked percentage increase in its impact.

- 9.67 With respect to the No Sky Line (NSL) test, the study demonstrates that 13 of the 25 rooms assessed would have reductions of 20% of their former value. These transgressions range between 22 ~ 59 %. The remaining 12 affected rooms would not have transgressions greater than 20% of their former value.
- 9.68 With regard to annual and winter probable sunlight hours, the following results are presented in the table below.

Floor – window	Room use	Annual Probable Sunlight Hours (APSH)			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%) 25% threshold	Factor of former value (target: 0.8)	Existing (%)	Proposed (%) 5% threshold	Factor of former value (target: 0.8)
Second – W1	Bedroom	9	2	<b>0.22</b>	8	2	<b>0.25</b>
Second – W24		0	0	-	0	0	-
Second – W2	Bedroom	19	13	n/a	12	6	n/a
Second – W3		65	54	n/a	12	5	n/a
Second – W4		64	54	n/a	12	5	n/a
Second – W5		64	54	n/a	12	5	n/a
Second – W6	Bedroom	64	53	n/a	12	5	n/a
Second – W7		59	48	n/a	11	5	n/a
Second – W8	Living Room/Kitchen Dining	4	0	n/a	4	0	n/a
Second – W9		11	6	n/a	8	3	n/a
Second – W10		61	52	n/a	10	5	n/a
Second – W11	Bedroom	59	49	n/a	10	5	n/a
Second – W12		59	49	n/a	10	5	n/a
Second – W13	Bedroom	58	49	n/a	9	5	n/a
Second – W14		53	46	n/a	9	5	n/a
Second – W15	Bedroom	49	42	n/a	9	5	n/a
Second – W16		53	47	n/a	7	4	n/a
Second – W17	Bedroom	53	48	n/a	7	4	<b>0.57</b>
Second – W18		51	47	n/a	6	4	<b>0.67</b>
Second – W19		51	48	n/a	6	4	<b>0.67</b>
Second – W20		12	12	n/a	0	0	-
Second – W21	Living/Kitchen/Dining	1	0	<b>0.00</b>	1	0	<b>0.00</b>
Second – W22		0	0	-	0	0	-
Second – W23		0	0	-	0	0	-
Second – W25		1	1	1.00	0	0	1.0
Third – W1	Living/Kitchen/Dining	13	6	<b>0.46</b>	12	5	n/a
Third – W25		0	0	-	0	0	n/a
Third – W2	Bedroom	25	17	n/a	18	10	n/a

Third – W3		74	65	n/a	20	11	n/a
Third – W4		73	64	n/a	19	10	n/a
Third – W5		73	64	n/a	19	10	n/a
Third – W6	Bedroom	75	64	n/a	21	11	n/a
Third – W7		69	60	n/a	19	11	n/a
Third – W8	Living/Kitchen/Dining	6	2	n/a	6	2	n/a
Third – W9		15	10	n/a	12	7	n/a
Third – W10		71	60	n/a	17	8	n/a
Third – W11	Bedroom	69	58	n/a	17	8	n/a
Third – W12		66	58	n/a	14	8	n/a
Third – W13	Bedroom	67	60	n/a	15	9	n/a
Third – W14		63	57	n/a	15	9	n/a
Third – W15	Bedroom	59	54	n/a	13	8	n/a
Third – W16		64	60	n/a	12	8	n/a
Third – W17	Bedroom	63	58	n/a	11	6	n/a
Third – W18		62	58	n/a	10	6	n/a
Third – W19		61	58	n/a	10	7	n/a
Third – W20		18	18	n/a	1	1	n/a
Third – W21	Living/Kitchen/Dining	3	2	<b>0.67</b>	3	2	<b>0.67</b>
Third – W22		0	0	-	0	0	-
Third – W23		0	0	-	0	0	-
Third – W24		2	2	1.00	0	0	-
Fourth – W1	Living/Kitchen/Dining	77	71	n/a	22	16	n/a
Fourth – W14		0	0	n/a	0	0	n/a
Fourth – W2	Bedroom	77	73	n/a	22	18	n/a
Fourth – W3		78	72	n/a	23	17	n/a
Fourth – W5	Bedroom	76	70	n/a	21	15	n/a
Fourth – W7	Bedroom	76	70	n/a	21	15	n/a
Fourth – W8	Bedroom	73	68	n/a	18	13	n/a
Fourth – W9	Bedroom	73	69	n/a	18	14	n/a
Fourth – W10	Living/Kitchen/Dining	72	70	n/a	16	14	n/a
Fourth – W11		0	0	n/a	0	0	n/a
Fourth – W12		6	6	n/a	0	0	n/a
Fourth – W13		5	5	n/a	0	0	n/a

9.69 With regard to annual probable sunlight hours, four (4) of the 25 rooms to No. 1 Pear Tree Street would not have at least one window to receive at least 25% of annual probable sunlight hours and the reductions are in excess of the 20% threshold in the BRE guidelines of its former value. However, these four rooms (living/kitchen/dining) do not have windows on the frontage of the building and are recessed considerably within the building and have very low existing values due to their location within the building given they sit behind an existing internal terrace area.

9.70 With regard to winter probable sunlight hours, of the 25 rooms to No. 1 Pear Tree Street, 21 would have at least one window to receive at least 5% of winter probable sunlight hours. Four (4) of these rooms would have figures below the recommended 5% and in excess of the 20% threshold in the BRE

guidelines of its former value for the reasons outlined in the above paragraph relating to annual probable sunlight hours.

*Overall Summary for Silverdale Court, Nos. 142-148 Goswell Road, and Comice Apartments, No. 1 Pear Tree Street*

- 9.71 When looking at all of the above sunlight/daylight assessments with regard to Nos. 142-148 Goswell Road and No. 1 Pear Tree Street, the most affected windows are at the lower levels of the building and the impact lessens further up the building. Whilst the daylight (VSC) losses to these properties are greater than 20% of the existing levels, the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The proposed development is not significantly taller or out of character along Pear Tree Street and at the corner of the site with Goswell Road compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 9.72 Further, the proposed extensions at higher levels than existing along Pear Tree Street and the new build three-storey element to the corner of the site have been set back from the adjacent properties. Further, the existing built form conditions of both the application site and Nos. 142-148 Goswell Road result in a situation whereby the neighbouring occupiers currently enjoy a largely uninterrupted amount of sky above the application site, due to the application site not making best use of its central location. The existing daylight and sunlight levels experienced at present are therefore particularly high for a location such as this.
- 9.73 With regard to the above sunlight/daylight assessments to Nos. 142-148 Goswell Road, it is considered that the transgressions with regard to VSC and sunlight are relatively minor, however there would be harm with regard to daylight distribution. It is considered that all three tests should be considered when assessing the impact of the development on these properties. The application site is located in a dense inner urban context and the existing built form along Pear Tree Street and the junction with Goswell Road is atypical of the patterns of development in this wider location.
- 9.74 Furthermore, design and planning officers have considered the extent of built form proposed and ensured that this has been reduced as much as reasonably possibly. This is reflected in the significantly reduced volumes of the proposal to the rear in the revised proposals after concerns were raised by officers with the original proposal as submitted.
- 9.75 However, given the reduction in the number of transgressions from the originally submitted proposals, and in the context of surrounding neighbours, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new office floorspace including the provision for small and medium enterprises, it is considered that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of these properties.

### *Orchard Building, No. 25 Pear Tree Street*

- 9.76 The submitted sunlight and daylight report assessed 71 windows and 36 rooms with regard to the above daylight/sunlight tests in accordance with the BRE guidelines at No. 25 Pear Tree Street. This building is located on the south side of Pear Tree Street but to the east of the application site and not directly opposite the proposal. Only 4 windows and 4 rooms of the total assessed had transgressions in excess of the 20% threshold in the BRE guidelines of its former value with regard to VSC and daylight distribution.
- 9.77 It should be noted that these windows and rooms serve living/kitchen/dining areas and do not have windows on the frontage of the building. The windows are recessed considerably within the building and have very low existing values due to their location within the building given they sit behind an existing internal terrace area. It is considered that these deep recesses differ from overhead balconies and therefore should be taken into consideration. The limited existing daylight to these windows and rooms are the result of very low existing figures and any alterations show a marked percentage increase in its impact.
- 9.78 Additionally, it should be noted, that the properties on the south side of Pear Tree Street have a four-storey frontage with a fifth storey setback. The application proposal along Pear Tree Street would have a three-storey frontage and additional floor set back. As previously noted, in the context of surrounding neighbours, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, with an appropriately designed building against the degree of daylight loss and resulting harm to the amenity of these properties.

### *Pear Tree Court (Student Accommodation)*

- 9.79 This site contains a student accommodation building that stands between 4 and 10-storeys tall. It is located to the south of the site. In terms of assessment of impacts to the amenity of student accommodation, it is generally accepted that given the non-permanent/shorter period of occupation of these buildings, a less restrictive application of the BRE guidelines is appropriate.
- 9.80 The submitted daylight and sunlight report assessed 132 student rooms. Nineteen (19) of these windows would have transgressions above 20% of their former value with regard to VSC, and 17 would have transgressions above 20% of their former value with regard to daylight distribution. Given this is student accommodation which would have a transient population and is not family accommodation, it is considered that the effect on Pear Tree Court would not be unacceptable.

### *Other Properties*

- 9.81 The submitted daylight and sunlight report also assessed other properties that are not directly opposite the application site. These include Nos. 25-27 Bastwick Street, Nos. 45-55 Gee Street and Dance Square. None of the

windows to these properties as a result of the development would have reductions further than 20% of their former value with regard to the Vertical Sky Component (VSC) test as set out in the BRE guidance. Further, the No Sky Line (NSL) test demonstrates that all of the above rooms would retain a good level of daylight distribution. Finally, all windows on this floor would meet the recommended BRE thresholds for annual and winter probable sunlight hours.

### Overlooking

- 9.82 Objections have been received mainly from the surrounding occupiers stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, and number of windows.
- 9.83 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Therefore, with regard to the properties along Pear Tree Street and Goswell Road, it is not considered that there would be an unacceptable impact on the amenity of these properties. The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London. It should also be noted that overlooking from office use to residential use is not similar to a habitable room overlooking a habitable room.
- 9.84 Furthermore, the open terrace areas/balconies along Pear Tree Street have been removed from the proposal under the revisions, and a condition would be imposed to prevent these open areas for being used as terraces.]
- 9.85 With regard to the rear of the site, at the student accommodation development, it is not considered that unreasonable overlooking to these properties would occur given the limited extent of windows and glazing to the rear of the site. Further, given the transient nature of student accommodation, it is not considered that any limited overlooking to student rooms would warrant refusal.
- 9.86 Noise Mitigation
- 9.87 Conditions are recommended to ensure that plant equipment operates below background noise levels to protect nearby residential amenity. The development will involve substantial structural alterations and then a considerable construction period with the inevitable impact upon the nearby residential and commercial occupants. To mitigate these impacts, it is recommended that a Construction and Environmental Plan is conditioned. A code of construction response document is to be secured by legal agreement.
- 9.88 Finally, Council's Noise Pollution team have advised that the proposed Use Class A1 space have its hours of operation conditioned. This should be

limited to 11pm - Sunday to Thursday & Midnight - Friday and Saturday and Off Licences 11pm – Monday to Sundays.

- 9.89 The proposal also incorporates an open terrace area at fourth floor level fronting Goswell Road. The development as submitted proposes no limit to the number of people that would use the terrace or the management of the terrace proposed. Given the size of the terrace it could potentially lead to complaints and significant impacts on amenity. No noise assessment has been carried out to demonstrate what likely impact may arise. As such, it is recommended that conditions be imposed limiting use of the external area to between 8am and 7pm and requesting the submission of a Noise Management Plan detailing how the terrace areas will be managed to limit the number of persons at any one time so as to avoid any potential impact on the neighbouring amenity. Given the increased intensity of the building for business use as a result in the increase in business floorspace, it is considered that the above conditions are justified so as to minimise any harm on the amenity of neighbouring properties.

### **Sustainability**

- 9.90 London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.91 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 9.92 The BREEAM pre-assessments submitted demonstrate that the office and retail parts of the development are likely of achieving a BREEAM 'Very Good' rating against the BREEAM New Construction and BREEAM Non-Domestic Refurbishment and Fit-Out 2014. Development Management Policy DM7.4 requires all major non-residential developments to achieve an "Excellent" rating and make reasonable endeavours to achieve "Outstanding". Constraints imposed by the existing site and building have been cited by the applicant, however it is not considered that the justification put forward to achieve a "Very Good" rating is adequate and acceptable in this instance. Therefore, conditions are recommended to be imposed requiring the business and retail floorspace to achieve an "Excellent" rating.
- 9.93 The proposal includes rainwater attenuation in order to reduce water use and more efficient use of water re-use. These aspects of the proposal are supported and these details are to be sought and secured via the imposition of a condition.

- 9.94 London Plan policy 5.3 and Core Strategy Policy CS10 require developments to embody the principles of sustainable design and construction. As part of this proposal consideration has been given to the use of sustainably sourced, low impact and recycled materials. The commitment to target a high number of materials BREEAM credits is supported and policy compliant. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided. These details are to be sought via condition seeking a Site Waste Management Plan (SWMP) setting out how these targets will be achieved. The above SWMP should include a brief assessment of the feasibility of reusing or recycling demolition waste on and/or off site.
- 9.95 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. The existing site is of no biodiversity or ecology value and although the proposed buildings would occupy 100% of the site, thereby precluding any potential for mature tree planting, proposals to incorporate ecology and green infrastructure would represent an improvement over the existing situation. Part of the sixth floor level containing plant would incorporate a sedum roof, however these areas in comparison to the total roof area on all floors are limited. Additionally, the revised scheme reduced the extent of terrace areas across the various floor levels and as such there is further opportunity to incorporate green infrastructure on these parts of the roof. In summary, the scheme has put forward some areas for green/brown roofs however and no justification has been put forward as to why the resultant roof areas have maximised all opportunities. Furthermore, the roof should also be biodiversity based green roof with a varied substrate depth of 80-150mm and no justification has been submitted why green roofs have not been incorporated. A condition shall be imposed for details of the proposed green/brown roofs along with further details demonstrating that green/brown roofs have been maximised across the site. Further, the provision of bird and bat boxes across the site will be sought via condition.
- 9.96 Planning proposals are required to prioritise sustainable drainage solutions before relying on hard engineered solutions such as that which is proposed. Green/brown roofs are one SUDS option amongst others that should be fully explored as part of any justification for not being able to meet DM Policy 6.6 or London Plan Policy 5.13. It is acknowledged that the site has constraints given its 100% site coverage, however as noted above, there are ample further opportunities at the various roof levels for potential green/brown roofs to accommodate additional attenuation. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given the extent of roof areas proposed, there are areas to provide further opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A revised drainage strategy will be sought via condition in order for the quantity and quality standards of DM Policy 6.6 to be met.

- 9.97 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation. The submitted draft does not include clear indicators to be monitored and provisions to monitor that monitoring.

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

- 9.98 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 9.99 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building regulations 2013.
- 9.100 The application submission material present the base line (2013 Regs.) regulated carbon emissions and the reduction equates to a 24.3% reduction in relation to London Plan policy, which falls short of the target of 35%. With regard to Islington Core Strategy Policy, the reduction in total carbon emissions (regulated and unregulated) equates to a 13.6% reduction, which is short of the council's target for 27%. Therefore, a condition is to be included to state that a target of at least 13.6% reduction in total CO2 will be achieved but further investigation into options to improve on this to be exhausted with evidence and justification that all opportunities have been maximised.
- 9.101 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 9.102 In this instance, a contribution of £388,792 is secured towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).

- 9.103 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:

#### BE LEAN

##### *Energy efficiency standards*

- 9.104 Council policy DM 7.1 (A) states "Development proposals are required to integrate best practice sustainable design standards (as set out in the *Environmental Design SPD*), during design, construction and operation of the development." The energy strategy proposes a number of energy efficiency measures for the new build which would result in an overall reduction in total carbon emissions from energy efficiency measures equating to 13.6%. The energy reduction measures consist of low energy and LED luminaires with occupancy, daylight dimming and timer control systems are proposed, which are supported. Additionally, the proposed U-values for the new build element and refurbishment element are generally good and consistent with the Council's guidance.

#### BE CLEAN

##### *Energy (Heating and Cooling) Supply Strategy*

- 9.105 It is proposed that heating and cooling to the development will be provided via air source heat pumps, and distributed via the mechanical ventilation system. Based on further investigations by the applicant, it is not technically feasible to install a hybrid wet/VRF system for heating and cooling to the development. Therefore, Council's Energy officer has accepted that a VRF system can be installed. Further, the hot water system design has now been amended and the areas previously served by point of use electric heaters will now be served by the main / centralised hot water system.

##### *District Heating Connection*

- 9.106 The applicant has considered connection to the Bunhill heat network, which is around 100m from the development. However, connection has been ruled out. The reason given for not connecting is that an on-site heat-pump solution would provide a greater carbon benefit compared to a DEN connection, and so this has been preferred.
- 9.107 The initial feasibility assessment regarding connection to the Bunhill network, was followed up by further investigations as well as follow-up discussions with the Council. One element of the applicant's investigation focused on potential use of a hybrid water/refrigerant VRF cooling system. The investigation raised a possible issue here, in that the proposed system is not currently compatible with the hybrid systems available.
- 9.108 The applicant has also amended their original proposals, to increase the proportion of domestic hot water served by the gas-fired boiler system – which is more immediately suitable for a network connection. Overall, several technical issues have been raised. These stem from the applicant's

investigations - but also from the Council's perspective, some challenges relating to bringing a Bunhill connection of appropriate capacity for the Laser House heat load to the site via Pear Tree Street.

- 9.109 Based on the above, the Council's Energy officer accepts that the most pragmatic approach is likely to involve ensuring the development is future-proofed for connection as far as possible, but that it is not technically feasible to connect at this stage.

#### *Combined Heat and Power*

- 9.110 An on-site gas-fired CHP system has been ruled out due to insufficient heat loads (in particular hot water / baseload) at the development.

#### *Shared Energy Network*

- 9.111 The Energy Report does not consider any opportunities for shared heating with other local sites. The site is located in close proximity to recently approved development and it is recommended that the applicant review opportunities for supplying or importing low carbon heat to neighbouring sites, such as the approved development at No. 44 Pear Tree Street (Ref: P2017/0865/FUL). This shall include investigating the viability of being supplied with heat from another CHP energy centre rather than creating a new energy centre, in accordance with council policy DM Policy 7.3. This is to be secured via the section 106 agreement.

#### *Shared Futureproof District Heating Connection*

- 9.112 The suggested amendments to the domestic hot water system will allow more of the development's heat load to be future-proofed for connection to the Bunhill network. The hot water system accounts for the greater part of the development's heat load and, being a wet system, is relatively straightforward to future-proof.
- 9.113 The legal agreement shall include an obligation to require a commitment to ensuring that the development is designed to allow future connection to a district heating network should it become feasible at a later date, in accordance with the Development Plan.

### BE GREEN

#### *Renewable energy technologies*

- 9.114 Air source heat pumps are proposed as a renewable technology for the development. Solar PV was also considered for the development. However, this has been ruled out due to a lack of suitable roof area, as the roof area is already reserved for plant, and there is a likelihood that this would overshadow any panels installed on the remaining roof area.
- 9.115 In addition to the above energy hierarchy, London Plan Policy 5.9 and Islington Core Strategy Policy 10 require proposals to reduce potential for

overheating to occur and reduce reliance on air conditioning. Local planning policy and guidance states:

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

- 9.116 Results from thermal modelling of the building have been provided by the applicant. Council’s Energy officers have recommended that the applicant also provide similar results for the building as modelled without artificial cooling, in order to demonstrate a requirement for cooling. Therefore, a condition shall be imposed for the non-installation of artificial cooling until the need has been demonstrated with further information on thermal modelling as outlined above.
- 9.117 In summary it is considered that the preferred option of connecting to a shared network is not feasible at this point in time and that subject to future proofing the proposed energy strategy and conditions to seek to secure additional energy measures to achieve a Council target of 27% under a revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

### **Highways and Transportation**

- 9.118 The site is located at the corner of Goswell Road and Pear Tree Street. Goswell Road is a principal borough road. The site has a high PTAL rating of 6a with a number of bus stops located within walking distance. The building is currently used as business floorspace (Use Class B1) and has an existing servicing yard/car parking provision off Pear Tree Street.
- 9.119 The proposal would remove the existing car parking/servicing area with an entrance pavilion. The main pedestrian entrance to the building would be off Goswell Road with a secondary entrance along Pear Tree Street. The proposed flexible commercial/retail unit fronting Goswell Road would also be directly accessed from this road.

### *Pedestrian Access*

- 9.120 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. Furthermore, in line with Development Management Policy DM2.1 (Design), Part A and DM2.2 (Inclusive design), new developments should be safe for pedestrians.
- 9.121 The PTAL of the site to bus and train services maximises the opportunity for visitors and employees to walk all or part of their trips to the site. The proposal would create an active frontage along Pear Tree Street and this is likely to result in a more intensified use of Pear Tree Street. Pear Tree Street is a narrow street with narrow footways that will need improvements to cope with the proposed application and other developments in the area. The applicant

should pay a reasonable and proportionate cost towards improving the footways in Pear Tree Street. Improvements to Pear Street already form part of the local area's Ward Improvement Plan (Bunhill Ward Improvement Plan). A contribution for public realm improvements is captured through Islington's Community Infrastructure Levy (CIL) and as such no separate s106 obligation is necessary.

9.122 *Cycle access and parking*

9.123 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. The level of cycle parking proposed for the office use equate to 70 spaces for the first to fourth floors, with 6 additional spaces for the SME units in the basements. It is proposed that the ground floor office unit and flexible unit along Goswell Road are to make provisions within their own units. The above levels of cycling would not meet the required number in line with the Council's Development Management policy. A total of 115 cycle spaces would be required (1 per 80 square metres) and as such an increase in cycle parking is required for the proposed B1 office accommodation proposed. This is to be secured via the imposition of a condition.

9.124 Development Management Policy DM8.4 (Walking and cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Additionally, Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. Conditions will be imposed to ensure cycle arrangements are in line with CS10 and DM 8.4 with regard to the above.

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

*Vehicle parking*

9.126 For non-residential developments, Development Management Policy DM8.5 (Vehicle parking), Part B (Non-residential parking) states that parking will only be permitted where this is essential for operational requirements and integral to the nature of the business/service (such as a car hire or storage/distribution use). Normal staff parking will not be permitted. The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development.

9.127 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). Given the site's constraints to provide for on-site wheelchair parking, a contribution of £10,000 towards parking bays or other accessible transport initiatives given 5 accessible parking bays cannot be provided on site or on street. As such, the development would be car-free and consistent with policy CS10 of the Core Strategy.

*Physical impacts on the on-street network*

- 9.128 Given the proposal seeks on-street loading along Goswell Street, this would require changes to on-street parking and loading restrictions on Goswell Road and neighbouring streets. This would require traffic orders and these changes are to be secured via the S106 Agreement and a S278 Agreement with Highways.

*Refuse and Recycling*

- 9.129 Storage is appropriately located within the development for all uses. However, an uplift in the number of bins and type of bins would be required for the extent of floorspace being proposed. These details regarding the number and type of bins are to be secured by condition.

*Servicing and Deliveries*

- 9.130 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The proposals for delivery and servicing do not accord with this policy.

- 9.131 However, on-site servicing was considered at pre-application stage and it was not considered practical for this site from a design perspective and it would conflict with the 3 key design objectives:

a) Frontages should be positioned along the site boundary and be active frontages. The length of the frontage is limited and use of the existing parking areas would conflict with design principles and be at the expense of creating active ground floor frontages. Furthermore, it would impact on optimising the development potential of the site;

b) The need to respect the established building lines along Pear Tree Street and Goswell Road; and

c) Provision of servicing on site would be at the expense of maximising the employment floorspace on the site and the benefits associated with the provision of a school on the site.

- 9.132 Therefore, it is considered that sufficient justification has been provided to demonstrate the benefits of not providing on-site servicing.

- 9.133 The applicant has identified a proposed loading bay on Goswell Road, which takes into account the Barclays Bike Stand and the bus stop. This would result in the loss of shared use parking on Goswell Road to provide an on-street loading. As such, it is considered that the applicant would need to pay

for the cost of moving such bays elsewhere and this is to be secured via the s106 and s278 legal agreements.

9.134 Further, a delivery and servicing plan is to be secured by condition to ensure that the development has no adverse impact on the highway. This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies SPD.

9.135 In addition to the above conditions and section 106 obligations the following has also been secured as part of the planning application

- Submission of a final Travel Plan
- The repair and re-instatement of the footways and highways adjoining the development. Cost to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

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

Planning Obligations

9.137 The officer recommendation of approval is also subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.

9.138 It is considered that these contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals and would comply with the Community Infrastructure Levy Regulations.

9.139 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

9.140 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.

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

#### CIL

- 9.144 Additionally, the Mayor's Community Infrastructure Levy CIL (currently £50 per square metres) is applicable to the application. An appropriately worded informative is recommended to draw the agent's attention to the CIL liability. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application in the case of it being granted planning permission. In the event that the application is approved, CIL would be payable to the London Borough of Islington after the planning consent has been implemented and will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).
- 9.145 Developments in the Central Activities Zone (CAZ) must also make a separate contribution towards Crossrail in the section 106 agreement. However, Mayoral CIL will be treated as a credit towards the section 106 Crossrail liability and this is to be reflected in the wording of the section 106 agreement.
- 9.146 The CIL contributions are calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The redevelopment of this site to provide a mix of Class A1 retail and Class B1 office accommodation in the CAZ would be entirely appropriate in this highly accessible location and would generate sustainable employment opportunities. The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of surrounding listed buildings or the character or appearance of surrounding conservation areas.
- 10.2 The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of surrounding listed buildings or the character or appearance of surrounding conservation areas.
- 10.3 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing.
- 10.4 The revised proposals have limited the extent of loss of sunlight and daylight. When balancing the townscape and other benefits against the sunlight and daylight losses to these properties in this central London location, the harm to these properties is on-balance accepted. Further, the proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of sense of enclosure or privacy.
- 10.5 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. The relocation of any existing on-street parking bays to accommodate the proposed servicing/loading bay. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
3. Compliance with the Code of Employment and Training.
4. Facilitation, during the construction phase of the development, of 2 work placements: Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/'15). If these placements are not provided, LBI will request a fee of £10,000.
5. Compliance with the Code of Local Procurement.
6. Compliance with the Code of Construction Practice, including a monitoring fee of £2,750 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
7. The provision of an additional number of accessible parking bays (5) or a contribution towards bays or other accessible transport initiatives of £10,000.
8. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £388,792 (£292,560 tCO2 X £920) – based on information submitted in Energy Strategy.

9. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
10. Submission of a Green Performance Plan.
11. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
12. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
13. Payment towards employment and training for local residents of a commuted sum of £26,483.
14. For proposals with an increase in office floorspace in the Central Activities Zone, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £318,240.
15. Crossrail contribution of £339,390 minus any Mayoral CIL credit.
16. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

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

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos.: 992_S-00 Rev P1; 992_EX-B1 Rev P1; 992_EX-00 Rev P1; 992_EX-01 Rev P1; 992_EX-02 Rev P1; 992_EX-03 Rev P1; 992_EE-00 Rev P1; 992_EE-01 Rev P1; 992_EE-02 Rev P1; 992_ES-AA Rev P1; 992_ES-BB Rev P1; 992_ES-DD Rev P1; 992_ES-EE Rev P1; 992_ES-FF Rev P1; 992_GA-B1 Rev P1; 992_GA-00 Rev P2; 992_GA-01 Rev P2; 992_GA-02 Rev P2; 992_GA-03 Rev P2; 992_GA-04 Rev P2; 992_GA-RF Rev P2; 992_GE-01 Rev P2; 992_GE-02 Rev P2; 992_GE-03 Rev P2; 992_GE-04 Rev P2; 992_GS-AA Rev P2; 992_GS-BB Rev P2; 992_GS-EE Rev P2; 992_GS-FF Rev P2.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials – Further Details Required</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"><li>a) Red concrete column;</li><li>b) Precast polished concrete panels;</li><li>c) Ceramic ribbed tiles;</li><li>d) window treatment (including sections and reveals);</li><li>e) balustrading treatment (including sections);</li><li>f) detailed drawings showing the principal entrance and service entrances</li><li>g) glass samples</li><li>h) any other materials to be used.</li></ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>Design Detail – Roof Plant Extension</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, full details of the detailed design of the sixth storey roof extension including the type of cladding shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>5</b>	<p><b>Inclusive Design</b></p> <p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington’s Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
<b>6</b>	<p><b>Micro and small enterprises (Details)</b></p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development’s business floorspace. The details shall confirm that no less than 5% of the development’s business floorspace shall be suitable for occupation by micro and small enterprises.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<b>7</b>	<p><b>Use Class A1 – Restrictions on Use</b></p> <p>CONDITION: The proposed retail units (A1) shall not operate outside the following times:  Sunday to Thursday – 07:00 to 23:00  Friday to Saturday – 07:00 to midnight.</p> <p>REASON: To ensure that the operation of the above uses do not have a detrimental impact on residential amenity.</p>

<b>8</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
<b>9</b>	<b>Construction Environmental Management Plan</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>10</b>	<b>Noise Management Plan</b>
	<p>CONDITION: A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace area fronting Goswell Road shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The NMP shall identify measures to reduce the impact of the noise on the community. The NMP shall be submitted to and approved prior to the commencement of the use to which this consent relates. The NMP shall be fully implemented and operated at all times in accordance with the approved details.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
<b>11</b>	<b>BREEAM</b>
	<p>CONDITION: Evidence confirming that the development achieves a BREEAM rating (2008) of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <p>a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to</p>

	<p>b) commencement of superstructure works on site; and  a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation.</p> <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>12</b>	<b>Rainwater recycling (Details)</b>
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>13</b>	<b>Green Procurement Plan (Site Waste Management Plan)</b>
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
<b>14</b>	<b>Sustainable Urban Drainage System (SUDS)</b>
	<p>CONDITION: No development shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS</p>

	<p>Standards. The submitted details shall:</p> <ol style="list-style-type: none"> <li>i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>ii. include a timetable for its implementation; and</li> <li>iii. provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.</li> </ol> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>15</b>	<b>Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>16</b>	<b>Green/Brown Biodiversity Roofs</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p>

	<p>a) biodiversity based with extensive substrate base (depth 80-150mm);  b) laid out in accordance with plans hereby approved; and  c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>Renewable Energy</b>
	<p>CONDITION: A revised Energy Strategy, which shall provide the energy measures contained within the submitted (updated) Energy Strategy for no less than a 13.6% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013, and investigating additional energy efficiency measures to reduce regulated and unregulated carbon emissions each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>18</b>	<b>Thermal modelling</b>
	<p>CONDITION: Details of passive design and other measures incorporated within the to ensure adaptation to higher temperatures (taking climate change projections into account) should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be operational prior to the first occupation of the development hereby approved. These details shall include the results of thermal modelling (under the higher future temperatures projected as a result of climate change) for non air conditioned internal spaces to demonstrate that the likelihood of internal overheating has been minimised. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of adapting to climate change and to secure sustainable development.</p>

<b>19</b>	<b>Cycle Parking Provision</b>
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than the amount of cycle spaces required for all proposed uses in accordance with Islington DM Policy standards.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
<b>20</b>	<b>Cycle Facilities</b>
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
<b>21</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> <li>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</li> <li>b) a waste management plan</li> </ul> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>22</b>	<b>Delivery &amp; Servicing Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to</p>

	<p>and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>23</b>	<b>Security and general lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) and measures to prevent losses of amenity caused by internal illumination shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
<b>24</b>	<b>No Plumbing or Pipes</b>
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
<b>25</b>	<b>Roof-Top Plant &amp; Lift Overrun</b>
	<p>CONDITION: Notwithstanding the approved drawings, all 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.</p> <p>The details shall include the location, height of all individual plant and extract above roof level, specifications, and justification why all areas including servicing areas, currently require to be contained in an enclosure, and justification as to the proposed height for all these areas. The above details shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) 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>
<b>26</b>	<b>No Obscuring of Ground Floor Frontage</b>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>27</b>	<b>Flat Roof Not Used As Amenity Space (Compliance)</b>
	<p>CONDITION: All of the flat roof areas fronting Pear Tree Street including the new build three-storey corner element shown on drawings on all levels hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>28</b>	<b>Thames Water</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<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><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Thames Water</b></p> <p>WATER COMMENTS</p> <p>There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.</p>
5	<p><b>Thames Water</b></p> <p>WASTE COMMENTS</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>.</p>

<b>6</b>	<b>Roller Shutters</b>
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

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

### **2. Development Plan**

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

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

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

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

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

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

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 4.10 New and emerging economic sectors

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 4.11 Encouraging a connected economy  
Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.9 Overheating and cooling

Policy 7.6 Architecture  
Policy 7.7 Location and design of tall and large buildings  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.19 Biodiversity and access to nature

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

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy  
Policy 8.4 Monitoring and review for London

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

### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)

### **Strategic Policies**

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

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

### **Infrastructure and Implementation**

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

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

### **Design and Heritage**

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

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

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

### **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**

**DM4.3** Location and concentration of uses

**DM4.8** Shopfronts

### **Employment**

**DM5.1** New business floorspace

**DM5.2** Loss of existing business floorspace

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

### **Health and open space**

**DM6.1** Healthy development

**DM6.2** New and improved public open space

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

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

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

### **Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

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

**BC7** Historic Clerkenwell

**BC8** Achieving a balanced mix of uses

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

**BC10** Implementation

## **3. Designations**

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

- Bunhill and Clerkenwell Core Strategy Key Area
- Finsbury Local Plan (FLP) Area
- Great Sutton Street Employment Priority Area (General)
- Central Activities Zone
- Adjoins Hat and Feathers Conservation Area
- Within vicinity of Heritage Sites in Historic Clerkenwell at Nos. 73-77, 83 and 89 Goswell Road.

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Basement SPD
- Environmental Design
- Conservation Area Design Guidelines

### **London Plan**

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction

- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide
- Development Viability SPD

- Planning for Equality and Diversity in London
- City Fringe Opportunity Area Planning Framework

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