



## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>		
Date:	22 nd July 2014	NON-EXEMPT

Application number	P2013/3257/FUL
Application type	Full Planning Application
Ward	Bunhill & Clerkenwell
Listed building	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC31 & partly within B32 Within Employment Priority Area (General and partially within offices) Archaeological Priority Area Central Activities Zone (CAZ) Central London Special Policy Area City Fringe Opportunity Area Finsbury Local Plan Policy BC8 Lamb's Passage Development Brief 2006
Licensing Implications	Restaurant / café use (A3 use class) sought for lower basement and upper basement vaults
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE.
Proposal	Comprehensive redevelopment of the site including the demolition of existing works building and re-development of the existing surface level car park, along with the conversion and alterations to the

	<p>existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.</p> <p>[Listed Building consent ref: P2013/3297 also submitted]</p>
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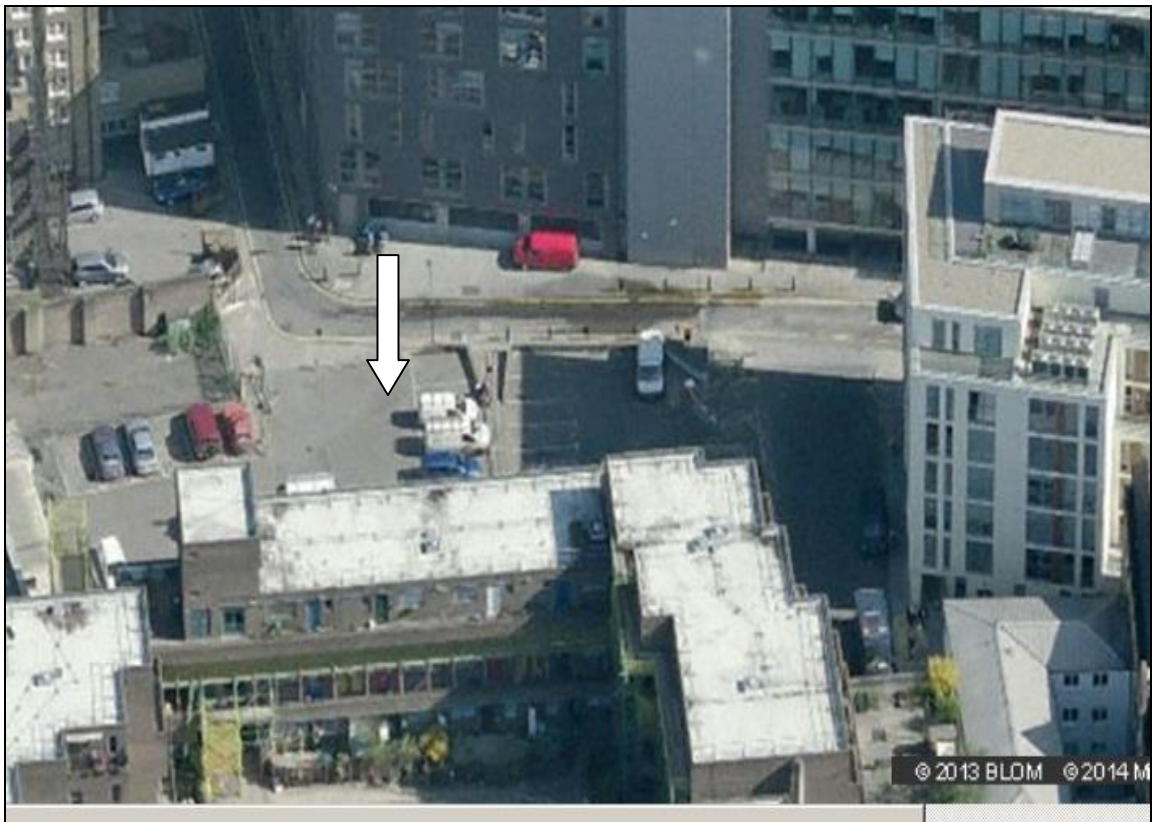
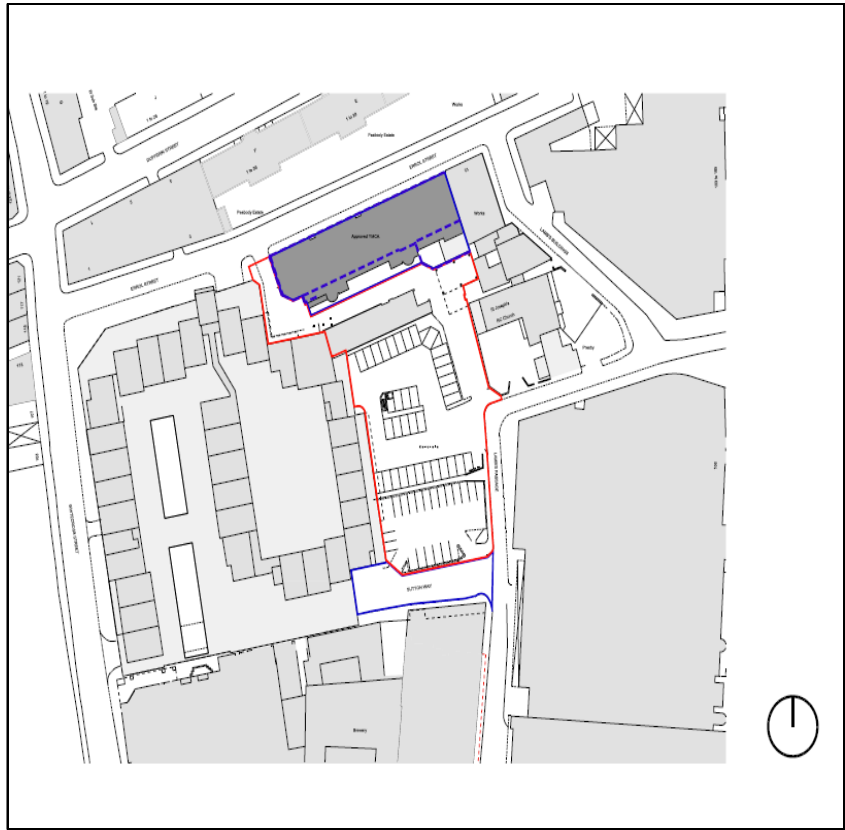
Case Officer	Paul Conboy
Applicant	London City Shopping Centre Ltd & Lamb's Passage Real Estate
Agent	Barton Willmore - Mr Justin Kenworthy

## 1. RECOMMENDATION

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

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

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



View of site eastwards from London City Shopping Centre towards Lamb's Passage.



View northwards into the site towards the rear of the YMCA building.

### PHOTOS OF SITE/STREET



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



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



View of the front and rear of 1 Lamb's Passage taken from carriageway along Sutton Way.



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



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



Internal view of existing grade II listed vaults.



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

## 1.0 SUMMARY

- 1.1 Redevelopment of the site is welcomed in principle, and the application has been considered with regard to the National Planning Policy Framework and its presumption in favour of sustainable development.
- 1.2 The proposal is considered acceptable in terms of the principle of redevelopment, the proposed mix of land uses, design and conservation, inclusive design, the quality of the residential accommodation, highways and transportation, sustainability and energy subject to conditions and the suggested Section 106 agreement heads of terms which would be secured before a decision notice is issued for this application, in the event of support by members.
- 1.3 The existing site and buildings contained above ground level are not considered to have any merit in conservation or design terms. The proposal would provide a high quality design and appearance to the main elevations of both the commercial and residential aspects of the scheme and would fit into its immediate context in terms of building heights and layout. Additionally the proposal would not be detrimental to the long term viability and integrity of the grade II statutorily listed vaults beneath the site or the nearby grade II listed Whitbread Brewery. The proposed building including the pedestrian link through the site to Errol Street and other public realm improvements are considered to significantly enhance the character and appearance of the surrounding area and are very much welcomed and supported. The proposal is therefore considered acceptable in conservation and design terms.
- 1.4 The proposed development would deliver a mix of uses including 38 residential units, 50% of which would be affordable housing, with all of those units being social rent tenure. This offer is supported by a financial viability assessment, subject to reduced s106 infrastructure contributions (giving strategic priority to affordable housing delivery). This is particularly welcomed and, coupled with the other benefits of this scheme, the proposal delivers substantial benefits.
- 1.5 Consideration has been given to the proposals siting, scale and layout and it is considered that the impacts of the proposed development on the amenity levels of adjoining properties in this case are finely balanced. The proposed development would have material adverse impacts in several cases in terms of loss of daylight and sunlight to adjoining properties. Bearing in mind the central urban location, site specifics and relationships of adjoining buildings windows arrangements facing the site, it is considered that on balance the resulting development would not have such a material adverse impact on nearby residential amenity (i.e. daylight and sunlight, overlooking, increased sense of enclosure and loss of privacy) to the extent considered sufficient to outweigh the substantial benefits contained within the proposed development, and to justify refusal of the application.
- 1.6 The proposal provides for inclusive and accessible access for all within the development. The hotel would achieve BREEAM 'Excellent' and the proposed residential units would meet Code for Sustainable Homes Level 4. The sustainability credentials of the proposed development as a whole are extremely good and above the policy requirements for major developments. The development would be car-free and would provide for an acceptable level of on-site cycle parking and would have adequate servicing facilities for the hotel and commercial uses. The scheme is not considered to adversely impact on the existing surrounding street



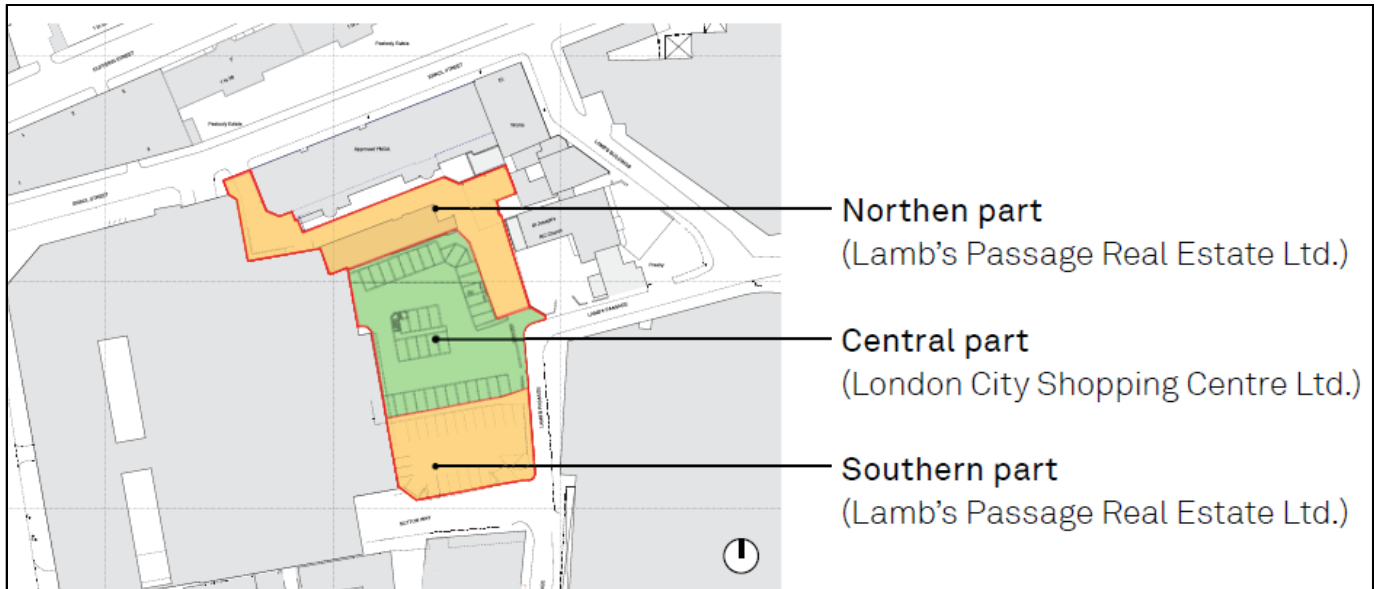
network subject to conditions and the suggested heads of terms as set out within Appendix 1.

## **2.0 SITE DESCRIPTION**

- 2.1 The site, which measures 0.2567 hectares above ground level, is located on the western side of Lamb's Passage and comprises a low grade car park connected to the Whitbread Centre and a derelict three storey 'works' building along its northern boundary. The site area with the inclusion of the space taken up by the extensive series of underground vaults that are situated both directly below and beyond the surface level site boundary, measures 0.5101 hectares).
- 2.2 The vaults beneath the site are at lower basement and upper basement levels and extend below the adjacent Waitrose demise and London City Shopping Centre (which in effect is also below Shire House). These vaults historically formed part of the Grade II listed Whitbread Brewery building located to the south of the application site and remain intact, together with rail tracks for moving barrels and much of the original brick work. Given their attachment to and location within the historic curtilage of Whitbread Brewery, these vaults are subject to the grade II listing.
- 2.3 The application site contains a redundant building to the north of the site known as 'the works' building (adjacent to the YMCA building) with the remainder of the site currently being used as a car parking area. The southern half of the remaining site is used as a car park with additional car parking provided for adjacent flats in Shire House in the northern half of the site. Beyond Sutton Way is the recently constructed seven storey building of 1 Lamb's Passage, which is a residential development comprising of one and two bedroom private residential apartments and studios.
- 2.4 Access through to Errol Street to the north is currently obstructed by an entirely blank rear elevation of 'the works' building and the soon to be redeveloped London City YMCA.
- 2.5 The application site is not located within a designated conservation area but adjoins two conservations areas notably, the St Luke's Conservation Area to the north/north east of the site and Chiswell Street Conservation Area to the south.

### Site ownership:

- 2.6 The southern half of the car park is owned by Lamb's Passage Real Estate Ltd, whilst the northern half is owned by London City Shopping Centre Ltd. The northern half of the car park has been leased to the London Borough of Islington and provides car parking for existing residents of the adjacent flats and the Whitbread Centre. To the north of the car park is a derelict works building, also owned by Lamb's Passage Real Estate.



## SURROUNDINGS

- 2.7 At the north-east corner of the application site is the rear of a Victorian building on an L-shape footprint belonging to St Joseph's Roman Catholic Church. On the eastern side of Lamb's Passage and directly opposite the application site are the three 6-8 storey components of the City University's CASS Business School building and 3 Lamb's Passage.
- 2.8 To the west is the rear of Shire House, which forms part of the Whitbread Centre and is a dark brick 1960s building between 4-5 storeys in height. The building comprises a brick façade on stilts (i.e. plus the equivalent of two storeys below), with retail uses on the ground floor and residential properties above. The residential flats on the rear (east facing elevation) of Shire House benefit from balconies, windows and verandas that overlook the application site.
- 2.9 Shire House provides social housing for Council tenants, although a number of the properties have now been privately acquired through use of the 'Right to Buy' scheme.
- 2.10 The application site is located within a highly accessible location close to the Barbican and central London generally. The site is located along a narrow road known as Lamb's Passage with the site being enclosed on all sides by built form varying in height from 6 to 8 storeys with hostel, residential, educational and commercial uses within the road. There are a variety of building designs and finishes to buildings in the immediate locality with the modern CASS college building, modern 1 Lamb's Passage and more traditional yet visually distinctive finishes to St Josephs RC Church Building and Shire House itself. St Joseph's RC Church is located within the adjacent St Luke's Conservation Area.
- 2.11 In terms of accessibility, the site is well connected to public transport with Barbican, Moorgate, Old Street and Liverpool Street overground and underground stations and various bus routes all within a short walking distance. A Barclays Cycle Hire docking station is also located nearby along Bunhill Row. Vehicular access is provided by Lamb's Passage, which is a one-way street that links Chiswell Street (south) (B100) with Bunhill Row (B144). As a result, the application site has a Public

Transport Accessibility Level (PTAL) of 6b (with 1 being the lowest and 6b being the highest).

### **3.0 PROPOSAL (in Detail)**

- 3.1 The demolition of the existing 'works building' and re-development of the existing surface level car park, along with the conversion of the existing grade II statutorily listed underground vaults to provide a mixed use development comprising of buildings of varying heights including part 2, 4, 5, 6, 7 and 8 storey buildings providing 38 residential units (19 affordable, 19 private (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1); along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements to the site.
- 3.2 The entire proposal can be broken down into the following areas to be created in the development:
- 38 residential apartments measuring 3,641sqm (GIA) comprised of 19 market units and 19 affordable (social rent) tenure units (Class C3);
  - 61 bedroom hotel (Class C1) measuring 3,148 sq metres (GIA);
  - Offices (Class B1) measuring 422 sq metres (GIA);
  - Restaurant (Class A3) measuring 1,923 sq metres;
  - Retail (Class A1) measuring 80 sq metres (GIA);
  - Gym (Class D1) measuring 263 sq metres (GIA);
  - Refurbish, alter and change the use of the existing underground vaults on site to part restaurant, part gym and part B1 office space;
  - Creation of a new area of public realm, associated landscaping and alterations to existing access arrangements, following the demolition of the existing Works building measuring 1250 sq metres in total.
- 3.3 The proposed development seeks to create an inverted C shaped building footprint with frontages onto Lamb's Passage and Sutton Way creating two distinct residential blocks to the north and south of the site with a 61 bedroom hotel with office spaces, gym, and restaurant proposed centrally within the application site.



Diagram showing varied proposed building heights of the proposed building.

- 3.4 The affordable housing residential block is proposed to be located in the northern section of the site with frontages onto the proposed new public open space within the centre of the site. This element of the proposal would rise to a height of 5 to 6 storeys as annotated on the diagram above. The proposed lower and upper basement and ground floor section of the building is also proposed to create an office (B1a use class) commercial unit accessed from the proposed new public open space. The affordable housing block would accommodate 19 units (8 x 1 beds and 11 x 2 beds) for exclusively social rented accommodation with 2 wheelchair units proposed. The residential entrance to the affordable housing block would be accessed from the proposed public open space and pedestrian cut through. The affordable housing block contains one lift and one fire fighting lift access, with refuse storage facilities, bike storage facilities and a small substation all located at ground floor level.
- 3.5 The central portion of the proposed new development (containing the hotel) is proposed at 5 storeys in height on its main elevation fronting onto Lamb's Passage dropping to 4 storeys behind. This section of the development would utilise the two basement levels to create a lower basement level gym associated with the hotel and the creation of a 254 cover restaurant using the existing (proposed to be refurbished) vaults at lower basement and upper basement levels. The ground floor would comprise of the hotel lobby, restaurant entrance, hotel offices and ancillary spaces. The proposed restaurant is intended to be occupied by Marco Pierre White restaurateurs. The proposed hotel is proposed to be a 4 star Hotel operated under a franchise by Indigo Ltd. The proposed restaurant could be accessed by guests of the hotel internally or publicly accessible through sliding doors from the public

pavement. The upper floors of the hotel would provide 61 bedrooms with a consistent room layout with oriel windows to the rear elevation and small protruding windows to the front to safeguard the amenity of adjoining occupiers.

- 3.6 The final section of the development would involve the creation of the larger building in the southern section of the site fronting onto Sutton Way and Lamb's Passage. This building would rise to a maximum height of 8 storeys while dropping to part 7, part 6 and 2 storeys in height as it approaches the existing built form of Shire House towards the west. At upper basement level the plans propose the creation of a small gym area which would have its own separate entrance at ground floor level fronting onto Sutton Way. At ground floor level the development also proposes a gallery retail unit fronting onto both Sutton Way and Lamb's Passage. The proposed private residential mix would create 19 self contained units (10 x 2 beds & 9 x 1 beds). This proposed private residential block would be served by two lifts with refuse, mobility scooter storage and a disabled car parking space located at ground floor level.
- 3.7 The current proposal has been reduced in its overall height, floor space and massing during the course of the application. The table below shows the changes that have been made as the application has progressed to address officers concerns. The proposed hotel has been reduced in size by 41% removing 40 bedrooms since the original submission. The height of the proposed hotel and central section of the development has been reduced by three floors during the course of the application in order to address officer's design and amenity concerns.
- 3.8 The tables below offer a useful overview of the proposed floorspaces to be created and how they have been reduced during the course of considering this application.

<b>Table 4.1 Schedule of accommodation</b>			
<b>Hotel</b>	<b>Floorspace (GIA) and guestrooms</b>	<b>Total GIA</b>	<b>% of total</b>
Lower Basement	455 sqm and no guestrooms	4,627 sqm 3,148 sqm and 101-61 guestrooms	38.9% 30%
Upper Basement	170 sqm and no guestrooms		
Ground Floor	407-377 sqm and no guestrooms		
First Floor	638-608 sqm and 18 guestrooms		
Second Floor	638-608 sqm and 19-18 guestrooms		
Third Floor	638-608 sqm and 19-18 guestrooms		
Fourth Floor	559-319 sqm and 16-7 guestrooms		
Fifth Floor	487 sqm and 13 guestrooms		
Sixth Floor	320 sqm and 8 guestrooms		
Seventh Floor	300 sqm and 8 guestrooms		
Roof	15-12 sqm and no guestrooms		
<b>Offices</b>	<b>Floorspace (GIA)</b>		
Lower Basement	1,223-1,236 sqm	1,396 1,422 sqm	11.7% 13.6%
Upper Basement	46-47 sqm		
Ground Floor	127-139 sqm		
<b>Restaurant</b>	<b>Floorspace (GIA)</b>		
Lower Basement	406 sqm	1,910 1,923 sqm	16.1% 18.4%
Upper Basement	1,512-1,517 sqm		

<b>Retail</b>	<b>Floorspace (GIA)</b>		
Ground Floor	80 sqm	80 sqm	<del>0.7%</del> 0.8%
<b>Gym</b>	<b>Floorspace (GIA)</b>		
Upper Basement	<del>271</del> 233 sqm	<del>261</del> 263 sqm	<del>2.5%</del> 2.5%
Ground Floor	30 sqm		
<b>Market Residential</b>	<b>Total no. of apartments – 19</b>		
1 bed 2P (52-62 sqm)	9 (including 2 wheelchair accessible units)	1,973 sqm	<del>16.6%</del> 18.8%
2 bed 3P (73 sqm)	6		
2 bed 4P (67-146 sqm)	4		
<b>Affordable Residential</b>	<b>Total no. of apartments – <del>16</del> 19</b>		
1 bed 2P ( <del>51</del> 50-63 sqm)	<del>6</del> 8 (including 1 wheelchair accessible unit)	1,609 1,668 sqm	<del>13.5%</del> 15.9%
2 bed 3P (61-68 sqm)	<del>5</del> 10 (including 1 wheelchair accessible unit)		
2 bed 4P ( <del>70</del> 72 sqm)	<del>5</del> 1 (including 1 wheelchair accessible unit)		
<b>Total GIA</b>		<del>11,904</del> 10,477 sqm	100%

- 3.9 Planning permission is sought for the change of use of the existing grade II statutorily listed vaults on the site for restaurant uses, gym facilities, office space and associated areas with minor physical alterations. The uses are considered within this application, however the majority of the proposed physical alterations to these vault areas do not require planning permission but do require listed building consent and are considered within the associated listed building consent report (ref: P2013/3297).
- 3.10 The proposed residential blocks would be finished in red brick or multi stock brickwork with vertical brick recesses to define the bays of the block, to help create a vertical emphasis to the building and front balcony areas. The affordable housing block is proposed to rise to a height of 6 storeys dropping to 5 storeys to the rear, with the private housing block proposed to rise to a height of 8 storeys before dropping to part 7, part 6 storeys and then 2 storeys adjacent to the western elevation of Shire House. The main finishing materials would be handmade red brick and corten steel elements to the main facades.
- 3.11 The proposed hotel would rise to a height of 5 storeys before dropping to 4 storeys to the rear with extensive green roofs proposed. The main elevations would be finished in handmade red/brown brick, copper cladding with light beige limestone window reveals proposed. The main elevation proposes oriel windows with copper shrouds. The ground floor of the hotel and private residential block would provide open and active glazed frontages including an open pedestrian cut through allowing access from Lamb's Passage through to Errol Street via the proposed new public realm and landscaped area.



CGI IMAGE: View of proposed redevelopment looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Sutton Way (with 1 Lamb's Passage removed).

#### 4.0 RELEVANT HISTORY:

##### Planning Applications

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

- **P060839** – *Listed building consent application for the erection of a 4-storey office building (B1a) with basement to provide 1617sqm of B1 floorspace, including demolition of the basement area.* The application was withdrawn by the applicant.
- **P060838** – *Listed building consent application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace, including the demolition of the basement.* The application was appealed for non-determination.

The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.

- **P060460** – *Planning application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace.* The application was withdrawn.
- **P060458** – *Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1617sqm of B1 floorspace.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.
- **1 Lamb's Passage** - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb's Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.
- **YMCA, Errol Street** - planning permission (ref. 2012/0637/FUL) was granted on 7<sup>th</sup> May 2014 for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

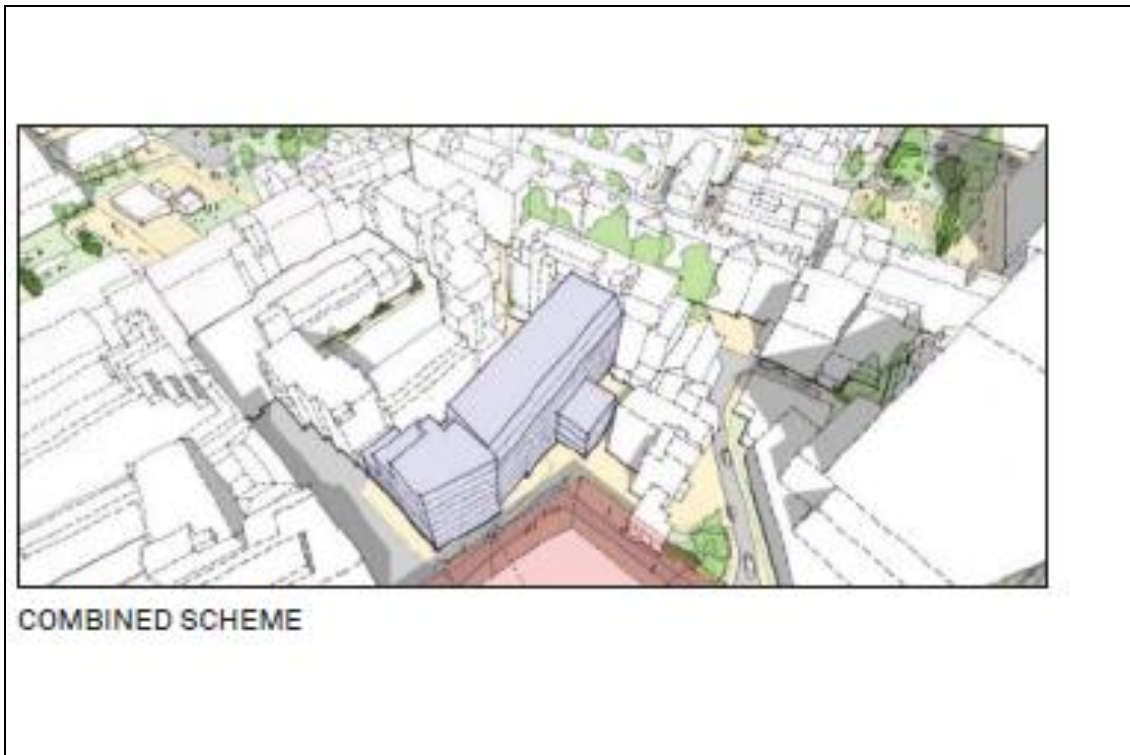
#### **Pre-application Advice:**

4.2 The proposals were discussed at pre-application stage, where the general townscape response was advised as being of a high quality design, but it was requested that townscape view assessments be provided to accompany the planning application. Key issues identified through that process included:

- The importance of achieving a balance of uses across the site.
- The importance of creating a legible and attractive public space to any redevelopment encouraging the provision of a pedestrian link from Lamb's Passage to Errol Street.
- Encouragement of the redevelopment of the entire site to create an integrated design and comprehensive redevelopment.
- Transport considerations in relation to the redevelopment of the site must be carefully considered
- The Council will seek policy compliant housing and affordable provision from any redevelopment of the site.
- The importance of considering and designing a development which maximises the quantum of development on the site while safeguarding the nearby residential uses surrounding the site. Detailed sunlight/daylight reports would need to be submitted to inform any design and final submission.



- 4.3 Members Pre-Application Forum: Plans for the site went to the Members' Forum on the 24<sup>th</sup> June 2013 and following reductions to the development on a second occasion on the 13th January 2014 (at application stage). The second presentation of the application outlined the reduced scheme which is the current proposal before members for decision as detailed within this committee report.
- 4.4 Design Review Panel: During the pre application process the proposals were presented to the Design Review Panel on the 14 May 2013. It is important to note that the panel's comments were on the previous larger scheme than the scheme currently proposed. The image below shows a view of the overall design and massing considered by DRP in May 2013.



**DRP Massing submissions CGI's**

- 4.5 **Panel's observations**
- The panel commended the concept of urban repair and the principle of integrating the two adjoining sites in order to provide a more holistic response to the surrounding context. The panel also welcomed the intention of bringing the listed underground vaults back into use. However, the panel had concerns in relation to a range of aspects of the proposed scheme, in particular in relation to the proposed site layout, massing, resulting architectural expression, potential impact on listed vaults and servicing strategy.
  - Although panel members were very supportive of the concept of refurbishment and use of the historic underground vaults, they were concerned that there was a lack of understanding of the true impact that the scheme would have on the fabric and stability of the vaults. The panel felt that an accurate survey of the vaults was necessary and should be part of the background material to inform the development of the scheme.

- The DRP panel recommended a survey be undertaken as part of any future application.
- **Officer's response:** Detailed evidence has been provided as part of the submitted application regarding the existing vaults. The council's Design and Conservation Officer is satisfied with the details provided and raises no objections to the proposed alterations and refurbishment of the existing listed vaults. Additionally English Heritage raised no objections subject to conditions being imposed on the associated Listed Building Consent, should approval be given.
- Panel members were particularly concerned about the impact on the setting of the listed Whitbread Brewery and the view from Chiswell Street, which could potentially require a reduction in height to avoid the proposed scheme looming over the listed building from that view. The Panel also felt that proposal drawings should be integrated with the surrounding context in particular the existing Cherry Tree Walk clearly showing access issues, and the recently approved YMCA scheme with particular attention to the corner active uses and landscaping at the rear.
- **Officer's response:** The panel considered a scheme which was 8 storeys across the whole site. However the current scheme proposes a dropping in height to 4 and 5 storeys in the centre of the site. Views of the site have been provided showing the proposals in context with Cherry Tree Walk with View 1 illustrating the view from Chiswell Street. The buildings would not loom over the listed building from that view nor would it have a harmful impact on the setting of the grade II listed Whitbread Brewery.
- Concerns were raised in relation to the proposed public route through the site in particular in relation to the lack of legibility, the impact of servicing, safety and impact on privacy. Panel members were not convinced that this space would work due to the impact that servicing requirements would have on this space/route, raising concerns over the number of servicing points. They were of the opinion that servicing should be rationalised in particular to minimise impact on the proposed public realm. It was felt that the servicing strategy would be dependant upon a very tight management scheme, whereas they were of the opinion that preferably the design should resolve that. Furthermore, the panel thought that the route lacked legibility particularly from Lamb's Passage where the opening to the route was not thought to be sufficiently evident. These concerns are further supported by the problematic introduction of ground floor residential units. The panel felt that a clear understanding of the boundary conditions was necessary to illustrate the relationship of surrounding existing buildings/sites to this new public space. The panel was also of the opinion that this new route may be detrimental to the existing Cherry Tree Walk shopping centre and that the scheme should actually be better integrated to encourage footfall to that existing route.
- **Officer's response:** The proposed public realm and open space has been improved as a result of the reduction in overall height and massing of the proposals. The proposed public realm is considered to be more open and the submitted landscaping plans and revised design of the entrance to the

proposed public space is considered to ensure its legibility is improved. It is considered that the glazed frontages to the main entrance of the proposed hotel and restaurant, along with the glazed retail corner unit, would further improve legibility and ensure that pedestrians recognise and use this new public space as a pedestrian through route and open space.

- Although generally positive about the private residential block, the panel expressed reservations about the proposed entrance in particular due to the lack of clarity which is further exacerbated by the low access to the public realm/route. It was also felt that there was a lack of interaction to Sutton Way.
- **Officer's response:** The proposal now includes glazed frontages onto Sutton Way and Lamb's Passage with proposed gym and a gallery (retail) use. These uses are considered to increase the active frontage at ground floor level along Sutton Way and Lamb's Passage. There is a balance to be struck to ensure that the residential units on the upper floors have the required facilities at ground floor level whilst ensuring ease of access to the proposed public realm. Overall the proposal is considered to have addressed both needs satisfactorily bearing in mind the physical constraints of the site.
- Panel members highlighted that there should be clarity of approach in how the buildings express themselves architecturally and this is one aspect of the scheme which needed to be addressed. Panel members were concerned about the shared roof to the hotel and affordable element of the scheme. Firstly, as the private housing element was particularly differentiated in design terms, the panel questioned why the hotel would not follow this approach of diversity especially in the context of the area. Secondly, it was felt that the proportions and form of the shared roof creates an excessive scale and that the "mansard" form does not reflect the typology of the area. There were also concerns with the proposed height of 8 storeys across the site. The panel felt that the proposed linear block running north south would potentially have a detrimental impact on Cherry Tree Walk and the YMCA scheme.
- **Officer's response:** The proposal has been reduced in height by 3 to 4 storeys over the central section (proposed hotel section) of the site to address these concerns. These reductions have ensured that each element of the proposal reads as a distinct component within one unified redevelopment of the site. This approach is considered to be visually appropriate and is considered to directly address the concerns raised by DRP panel members outlined above.

## Summary

- The panel welcomed the design intentions of urban repair on this site and the intention of considering the two sites in different ownership as part of an integrated scheme. The principle of reusing the historic vaults was welcomed. The panel was also happy to be able to be involved in the design process at such an early stage. However, it was felt that further work was required in the development of the scheme with concerns being raised particularly in relation to the quality of the public realm/route, the architectural

expression and integration of the different elements of the scheme and the lack of understanding of the true impact on the fabric of the listed vaults. The panels conclusion was that these could be better resolved if there was a relaxation of the rigorous delineation between sites ownership and their architectural responses even further. This would allow the redistribution of the massing, uses and geometry in the service of legibility of access and impact on surroundings.

- **Officer's response:** It is important to note that the overall design, scale, massing and height have been substantially changed and reduced since the application was presented to DRP members. The proposed changes since then are considered to have addressed the panel's concerns.

## 5.0 CONSULTATION

### Public Consultation

- 5.1 Letters were sent to 964 occupants adjoining and nearby properties along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb's Passage on the 18<sup>th</sup> of October 2013. A site notice and press advert was displayed on the 24<sup>th</sup> October 2013. The public consultation of the application therefore expired on the 14<sup>th</sup> of November 2013.

Following revisions and reduction to the scheme a second round of consultation was carried out by the council which involved the reconsultation of all residents as before and new site and press notices were displayed on the 25<sup>th</sup> February 2013 with the consultation period ending on the 20<sup>th</sup> March 2014. However it is the Council's practice to continue to consider representations made up until the date of a decision.

- 5.2 At the time of the writing of this report a total of 34 letters of objection and one petition with 21 signatures had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### Land-use and principle of the development concerns:

- Loss of existing car parking spaces for residents (para 9.3)
- Proposal does not accord with Planning Brief for Lamb's Passage. (para 9.15 to 9.18)
- Over concentration of hotel and hostel uses within the locality. ( para 9.4 to 9.10)

#### Design, scale and character and appearance of the surrounding area

- Inappropriate scale, intensity and location for a hotel. (para 10.1 to 10.17 )
- Inappropriate design, scale and height of the proposed development. (para 10.4 to 10.23)
- Over dense and overdevelopment of the site. (See paragraphs 11.1 to 11.2 )
- Pedestrian link not open enough or really a green space. (para 16.6 to 16.10)

### Transport and highways:

- Servicing and delivery concerns in relation to the proposed development. (para 21.1 to 21.12)
- Concerns regarding increased traffic and movement of people in relation to the use of the hotel and proposed restaurant on site. (Section 21 )
- Emergency services and access to the site. (Section 21)
- Transport concerns re. congestion, lack of car parking and conflicts with car traffic and pedestrian users. (para 21.1 to 21.15)

### Residential Amenity concerns:

- Creation of restaurant, gym, office space, hotel and drinking establishment's impact on noise generation and residents amenity levels. (para )
- Concerns over potential loss of daylight, sunlight, overlooking, loss of privacy, dominance and increased sense of enclosure (para 15.1 to 15.53)
- Noise issues resulting from creation and use of the pedestrian route through the site. (para 13.50)
- Concerns over potential reduced access to Shire House for refuse collection. (para 16.11)
- Noise and disruption during the construction period of the development. (para 15.53)
- Safety and security concerns around the site (para 15.9)
  
- Emily Thornberry MP also wrote to the council to reiterate some residents concerns regarding the potential adverse impacts of the development on amenity levels.
  
- Non material planning consideration concerns raised:
  - Loss of an open view into the site from adjoining residents.
  - Right of light concerns (Not a material planning consideration)

### External Consultee

- 5.3 **English Heritage (Greater London Archaeology Advisory Service)** responded on the 5<sup>th</sup> February 2014 stating that the following condition should be attached to any grant of permission:
- 5.4 Condition: No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage. **(Condition 28)**
- 5.5 **Metropolitan Police (Crime Prevention):** No objections received except to recommend Secured by Design physical security standards for the proposed development.

- 5.6 **London Fire and Emergency Planning Authority:** The response raised no objections to the proposed development while noting that there are fire hydrants located within 30 metres of the site.
- 5.7 **City Of London Corporation:** Raised no objections to the proposed development.
- 5.8 **Thames Water** advised that there are a number of public sewers crossing or close to the application site. The response advised conditions and informatives which should be attached to any grant of permission, concerning the submission of a pilling method statement and other related requirements. These suggested conditions and informatives are attached at the end of this report (give reference numbers).
- 5.9 **Transport for London:** Encouraged the borough to secure one additional parking bay for use by blue badge holders within 50 metres of the entrance of the hotel. Welcome cycle parking provision and request a construction logistics plan is submitted prior to commencement of the development.

### **Internal Consultees**

- 5.10 **Design and conservation officer:** has had extensive input to the design development of the scheme. The Officer welcomes the overall design and appearance of the development, subject to details of finishes and final ground floor elevations to be secured by condition.
- 5.11 **Policy Officer:** notes the benefits of a mixed use redevelopment of the site and welcomes the plans to bring the existing vaults back into use. Noted adopted BC8 'Achieving a balanced mix of uses' and adopted policies DM 4.11 and Site Allocation 31 allow a more flexible approach to what uses are considered appropriate on the site. Hotel use is considered to be a useful economic and employment generating use and coupled with other proposed uses residential, gym and restaurant, the officer considers the development to accord with policy.
- 5.12 **Housing Officer** raises no objections and notes and welcomes the provision of social rented units only for which there is a strong demand for within the Borough.
- 5.13 **Tree Preservation / Landscape Officer:** is satisfied that the landscaping plans are of a good standard bearing in mind the physical constraints of the site (underground vaults). Recommends further conditions to secure the details.
- 5.14 **Spatial Planning and Transport (Transport Officer)** No overall objections subject to provision of travel plan, detailed delivery and servicing plan and amendments to footways as proposed within the application.
- 5.15 **Access Officer:** No overall objection to the proposal. Notes good accessibility levels of both private and affordable housing blocks and good lift access and level thresholds to the proposed hotel and restaurant area. Initial concerns regarding accessibility and legibility of the pedestrian cut through and public realm area but these have been addressed with amended plans.
- 5.16 **Street Environment Division** provided no response.

- 5.17 **Energy Conservation Officer:** Welcomes strongly the 'Beyond Green' commitments and the total proposed CO2 emission savings of over 53% and connection to the nearby Citigen District Energy Network. This commitment is well above the council's policy standards and is very much welcomed. The remaining CO2 emissions have been offset as secured via the S106 agreement.
- 5.18 **Sustainability Officer** provided detailed comments in response to the application proposals. Welcomes extensive green roof details, proposed, SUDS measures and recommends further conditions to secure these features and possible grey /rainwater harvesting measures.
- 5.19 **Public Protection Division (Air Quality)** reiterated that the whole of Islington remains an Air Quality Management Area (AQMA). The increase in traffic to the site is likely to cause congestion on local streets which would increase pollutant concentrations in this area. Subject to construction controls it is considered that the air quality levels can be managed to an acceptable degree.
- 5.20 **Public Protection Division (Noise Team)** the Noise Officer requested a number of planning conditions be imposed to ensure that the proposals protect existing residential amenity and secure high quality design and high quality new accommodation, guarded against noise from plant (including emergency plant), road noise etc. Additionally conditions relating to construction management, sound insulation and mitigation measures for the proposed residential units, delivery and servicing details and operation hours of the proposed uses on site.
- 5.21 **Public Protection Division (Land Contamination)** an initial Phase 1 desktop study has been submitted and conditions are recommended to mitigate against pollution.

## **6.0 RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

## **Lamb's Passage Planning Brief 2006**

- 6.3 The Lamb's Passage Planning Brief was adopted in February 2006. The council has however issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan contained within the Finsbury Local Plan 2013. (Please briefly summarise the site allocation rather than cutting and pasting it into the document below – also repeated below).

### **Designations**

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

#### **Islington Local Plan**

CS7: Bunhill and Clerkenwell Key Area  
Site Allocation BC31 & B32  
Within Employment Priority Area  
(General and offices)  
Local Plan Policy BC8  
Lamb's Passage Development Brief  
2006  
Archaeological Priority Area

#### **London Plan**

Central Activities Zone  
Archaeological Priority Area  
Central London Special Policy Area  
City Fringe Opportunity Area Finsbury

### **Site Allocation BC 31 & BC32**

- 6.5 The application site has been specifically identified within the councils adopted Site Allocations documents as a site where a suitable redevelopment would be welcomed subject to the final detailed planning considerations. The key allocation for the site seeks to secure the redevelopment to provide a mixed use development including small justification scale business uses and residential uses, alongside open space provision. The table below outlines clearly the allocation and justification for the application site in this case which is an important material planning consideration.



### Site Allocation BC31 & BC32

Address, location, postcode	Car park at 11 Shire House, Whitbread Centre, Lamb's Passage, EC1Y 8TE
Ownership	Lamb's Passage Real Estate Ltd (southern half of the site). Northern half is owned by freeholder, with LB Islington lease until 2126
Approximate size of Site	2,850m <sup>2</sup>
Current/previous use	Car park
How was the site identified and relevant planning history	Subject of planning application P060460; withdrawn by applicant in November 2006. A Development Brief for the site was prepared in 2006. Site identified in the Bunhill and Clerkenwell Urban Design Study (site 60)
Allocation and justification	<p>Redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space.</p> <p>This is an accessible site close to the boundary of the City of London, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increased access to small-scale business floorspace in this important location within the CAZ.</p>

Design considerations and constraints	<p>Development will need to be compatible with and respect the surrounding residential area and should conserve and enhance the character of St. Luke's and Chiswell Street Conservation Areas.</p> <p>The site falls within an area of deficiency in access to nature.</p> <p>The site lies within the designated City Fringe Opportunity Area.</p> <p>There are vaults under the southern part of the site. Any development will require a complete and proper survey. Proposals should respect and, if possible, make use of the vaults.</p> <p>Thames Water has indicated that there may be issues with water supply capability associated with this site. As such applicants must demonstrate early engagement has been undertaken with Thames Water and that appropriate measures have been agreed to mitigate any potential problems associated with water supply.</p> <p>The site lies within 90 metres of the Citigen Decentralised Energy network.</p>
Estimated timescale	2012 to 2016

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

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

### **7.0 ENVIRONMENTAL IMPACT ASSESSMENT**

7.1 EIA screening/scoping is not required. The proposal is not considered to fall within the regulations requiring an EIA in this case.

### **8.0 ASSESSMENT**

The main issues arising from this proposal relate to:

- Principle/Land Use
- Design, conservation and heritage issues including archaeology
- Density
- Accessibility
- Quality of accommodation
- Adjoining residential amenity
- Housing Mix
- Affordable Housing and Financial Viability
- Energy and Sustainability
- Transportation and Highways
- Planning Obligations and CIL

### **9.0 LAND USE**

9.1 Policies in the NPPF, London Plan, and Islington's Core Strategy, Development Management Policies, Finsbury Local Plan (including the Site Allocation) and Lamb's Passage Planning brief are relevant to the land uses proposed at this site. The site is within the Central Activities Zone, the City Fringe Opportunity Area and the site is located within an Employment Priority Area (General) with a small southern section of the site within an Employment Priority Area (offices).

9.2 London Plan (2011): The application site is located within the Central Activities Zone (CAZ). Policy 2.11 seeks to ensure that proposals to increase office floorspace include a mix of uses including housing and (policy 2.12) work to protect and enhance predominantly residential neighbourhoods within CAZ, but ensuring that housing does not compromise CAZ strategic functions in the zone.

#### Loss of car park

9.3 The existing site is a private (with some elements of paid) car parking facility and with some residents of the adjacent Shire House using spaces. The council has a lease on the northern part of the existing car park. Core Strategy policy 10 part H and DM policy 8.5 seek to promote car free developments. The council welcomes the reduction of car parking in favour of more sustainable transport modes particularly in highly accessible areas as is the case here. Some residents concerns, regarding the loss of their car parking spaces if the development were to proceed are noted. However the parking is leased by the council and could reasonably be changed at any point or discontinued once the lease is up. It is also

considered that the significant benefits of the proposed development in terms of design, varied land uses, economic benefits and affordable housing provision outweigh any adverse impacts in terms of the limited loss of car parking spaces. However, the proposal does not include any plans to re provide any lost car parking spaces which would be removed to enable the site to be developed.

#### Proposed uses

- 9.4 It is important to note that the majority of the site is allocated in the Finsbury Local Plan under **Site BC 31**. This allocates the site for:

*'Redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space.*

*This is an accessible site close to the boundary of the City of London, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increase access to small-scale business floorspace in this important location within the CAZ.'*

- 9.5 The amended proposal seeks to create a 61 bedroom hotel, 38 residential units in two distinct blocks, a gym, B1(a) office space, a gallery (retail use), and a proposed restaurant use within the existing vaults of the site. By its very nature, this proposal would create a mixed and varied redevelopment of the site which the site allocation seeks to achieve. It is considered that in terms of land use types and quantities that a fair and appropriate balance has been achieved bearing in mind the constraints of the site.
- 9.6 The proposed development includes a modest sized hotel which is considered to be proportionate in scale to the immediate locality (which is not located on a main thoroughfare or highly trafficked route). The development includes well located residential blocks with a private block facing Sutton Way and an affordable block proposed towards the north of the site.
- 9.7 It is important to note that the possibility of the development of the site as a hotel was raised as an issue at the public hearings for the examination of the Finsbury Local Plan and the Development Management Policies. The outcome of the hearing discussion agreed amendments to Policy BC8 'Achieving a balanced mix of uses', part B and Policy DM4.11 'Hotel and visitor accommodation' part A2 to specifically reference the City Fringe Opportunity Area as a location where visitor accommodation may be appropriate, and amended the text of Site BC31 to allow a more flexible approach to what uses would be considered appropriate on the site.
- 9.8 Therefore in principle a hotel use is considered acceptable on this site. However the proposal needs to satisfy the criteria set out in Policy DM4.11 part B to be acceptable.

*Policy DM4.11 part B. Proposals for new hotel and visitor accommodation (including ancillary hotel and visitor accommodation) will only be supported where they:*

- i) *contribute to the balance and mix of uses in the immediate locality;*

The proposal is considered to be a compatible use and would add to the mix of uses in the locality.

*ii) support the area's primary retail/business/cultural role and do not compromise economic function/growth;*

The proposed hotel would add to the economic function of the area creating jobs within the hotel and offering rooms for visitors to stay while they spend time and money in the area and the London economy generally.

*iii) do not result in adverse impacts on residential amenity, including cumulative impacts;*

The proposed hotel section of the proposal has been reduced in height from 8 storeys to 5 and 4 storeys. Submitted sunlight/daylight analysis assessments have shown material adverse impacts of the development on adjoining residents to differing degrees. However with respect of Lamb's Passage, those rooms retain more than 50% No Sky Line levels which is considered to be critical. On balance, it is considered that the impacts of the development on adjoining residential amenity are not so severe to warrant the refusal of the proposal on this basis. *(Please see amenity section for further details)*

*iv) have excellent access to a range of public transport modes;*

The site is highly accessible by a variety of public transport modes and has a PTAL rating of 6b which is very high.

*v) provide appropriate arrangements for pick up / drop off, service delivery vehicles and coaches, appropriate to the size of the hotel or visitor accommodation;*

The arrangements are considered to be acceptable (Please see transport sections paragraphs for more detail)

*vi) incorporate ancillary facilities which are open for public use and create employment opportunities for local residents, such as restaurants, gyms and conference facilities (where appropriate);*

The proposed development includes a public open space and pedestrian cut through, a gym which can be used by the public (for a fee) and the proposed uses would provide good opportunities for employment for local residents. A restaurant is proposed within the scheme which can function independently of the proposed hotel and would offer further employment opportunities as a result.

*vii) are inclusive, providing at least 10% of all hotel rooms to wheelchair accessible standards (the 10% wheelchair accessible standard rooms must be fully fitted from occupation); and*

The proposed development would provide at least 10% of all the proposed hotel rooms to wheelchair accessible standards. (6 rooms overall)

*viii) provide an adequate standard of amenity for occupants.*

The proposal creates a good standard of amenity for occupants overall.

- 9.9 Active ground floor uses have been incorporated into the scheme to activate the frontages along Sutton Way and Lamb's Passage which at present are open and uninviting and offer little to the character and appearance of the area. The proposed development also creates an open space and pedestrian cut through from Lamb's Passage to Errol Street which would be actively surveilled by the proposed hotel and residential uses. This space would be finished with seating, paving and attractive landscaping features all of which are considered to significantly improve the visual amenity of the area whilst offering an attractive pedestrian route through the area and a substantially more attractive and visually pleasing walkway and entrance into Shire House.

#### Hotel Summary

- 9.10 The Islington Development Management Plan Policies document 2013 includes policy DM4.11 (Hotels and Visitor Accommodation) which states that hotels are generally appropriate within the CAZ, as long as it is within the designated City Fringe Opportunity Area or within close proximity to national railway hubs. The proposed development is within the CAZ and the City Fringe Opportunity Area, along with being within walking distance of Barbican Underground Station and Moorgate Underground/National Rail Station. It is considered that the proposed hotel use would contribute to the balance and mix of uses within the immediate locality, would support the primary business function of the area, and would have excellent access to a range of public transport modes. It is not considered that the creation of a hotel in this location would lead to an over intensification of hotel uses in the surrounding area. The surrounding area is mixed use in nature with residential, commercial and employment uses dominating the immediate surroundings of the site.
- 9.11 Concerns have been raised regarding the appropriateness of the proposed restaurant and gym uses in this location. Policy DM 4.4 Promoting Islington's Town Centres part B set out the following criteria for assessing the proposed restaurant and gym uses:

*Applications for such uses within the Central Activities Zone must demonstrate that:*

- i) the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;*
- ii) proposed uses can be accommodated without adverse impact on amenity; and*
- iii) the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.*

- 9.12 It is noted that the site is not located within a main town centre but is located within the CAZ and is located within a very central location nonetheless. The proposed gym facility (263 sq metres) and gallery uses (80 sq metres) are considered to be reasonably small in overall floorspace and are not considered by reason of their size likely to have any undue or material adverse affect on the vitality and viability of other similar uses within the area and adjacent Town Centres.
- 9.13 It is accepted that the proposed restaurant is relatively large (1,918 sqm) but its size is largely determined by the fact that it would occupy the currently disused historic

vaults. Site allocation BC31 seeks to bring the vaults back into use while not undermining the architectural integrity of these features. As it stands the existing vaults serve no practical purpose and are not readily viewable or visitable by members of the public. The vaults are also suffering from poor maintenance and damage and are in need of significant refurbishment and repair to maintain them into the future. The proposed restaurant use offers minimal alterations to facilitate the refurbishment, and opening up of these vaults to accommodate the restaurant use. It is considered reasonable that the economic costs of opening up, refurbishing and tidying up the existing vaults would require a large restaurant area to make this aspect of the development viable. It is considered also that the underground location of the restaurant and entrance doors away from adjoining resident's windows, near the hotel entrance would minimise potential noise disturbance to adjoining occupiers.

- 9.14 The proposed restaurant use is particularly welcome in design and conservation terms. The use would open up the existing vaults to a productive use which members of the public/guests would be able to visit and experience the vaults as part of a dining experience. The proposed use would ensure the long term viability and maintenance of these attractive historical features which is not the case at present.

Concerns have been raised by residents that the development does not accord with the Lamb's Passage Planning Brief produced in 2006 particularly in relation to the overall scale, height and quantum of development of the proposal before members. The Planning Brief detailed a lower height and footprint development within the application site. The brief outlined proposed building heights varying from 2 to 4 storeys. Therefore residents have raised concerns regarding the proposed height and overall scale of the proposed development before members and feel this is contrary to the Planning Brief in this case. It is important to note that this planning brief is a material planning consideration in assessment of this proposal. The Planning Brief for this site was published in February 2006. In summary, the brief seeks to secure a residential-led, mixed use scheme to a low scale level.

#### **Key Planning Objectives:**

- The provision of high quality, sustainably designed architecture which repairs the urban fabric and contributes to the quality of the streetscape as well as respecting the light, privacy and outlook of neighbouring properties;
- To provide a pedestrian-friendly environment with building frontages that engage with the space and provide natural surveillance and an attractive new area of open space available for the public;
- To achieve a high quality mixed-use development;
- To achieve car-free new development. Therefore, existing on-site car parking spaces for residents of Shire House should not be re-let when existing tenants give up their space.
- To achieve development which is compatible with the surrounding residential area and adjacent Conservation Areas.

#### **Key Planning Issues:**

- New development to be car-free;
- New development to respect and, if possible, re-use existing underground vaults.

**Land uses:** The site should be developed with a high quality mixed-use development giving preference to residential to increase surveillance out of business hours.

- 9.15 The brief also outlined potential building heights for any new redevelopment ranging from two storey terrace houses to four storey residential blocks.
- 9.16 In terms of the brief it is considered that the key planning objectives and key planning issues have been addressed within the proposed development plans apart from the indicative building forms and heights. These details were indicative and accurate at the time the brief was published. The brief was and is intended to influence the possible redevelopment of the site and should not be read as one prescriptive document which precludes other potentially acceptable redevelopments of the site.
- 9.17 It is important to note that since the adoption of the planning brief the council has adopted significantly more detailed Core Strategy Policies, Development Management Policies, Site Allocations and the Finsbury Local Plan. Additionally the London Plan and the NPPF 2012 has been adopted. Therefore the policy background at national, regional and local levels has substantially changed since the planning brief was produced in 2006. These policies form part of the council's Development Plan and should be given considerable and full weight in determining the merits of any submitted planning application. Therefore the council must consider the details of the Lamb's Passage Planning Brief but must also consider the more up to date policies in assessing the merits of the case. In this respect, the council considers that the planning brief has some weight but that significant weight should be attached to the Core Strategy, Finsbury Local Plan and Development Management Policies.

#### Housing land-use

- 9.18 London Plan Policies 3.4 and 3.5 encourage increasing housing supply by developing suitable sites for high quality residential accommodation mixed by size and tenure. Policies 3.9 and 3.11 encourage residential developments that foster mixed and balanced communities while Islington planning policies require the maximum provision of affordable housing to be provided on new housing sites. The application proposes 38 residential units in two separate blocks. The proposed units would be 50% affordable and exclusively reserved for social rented provision with a Registered Social Landlord secured (Affinity Sutton). This level of provision and tenure type is very much welcomed addressing significant housing need within the borough. The financial viability details have been assessed and illustrate that this level of affordable housing is deliverable.
- 9.19 The creation of a pedestrian cut through and open space towards the west of the site would significantly improve the permeability and functioning of the area. The provision of new landscaped public realm is welcomed and accords with the goals of the site allocation BC31.

#### Retail Unit/Gallery Unit

- 9.20 The creation of a small retail/gallery space at ground floor level within the private residential block is welcomed. The unit would create the potential for increased

active frontage to the development and Lambs Passage / Sutton Way as well as offer the opportunity for a small retail outlet or art space.

- 9.21 Summary: The land use policies and site allocation for this site advocate the creation of a mixed use redevelopment of the site. The proposed mix of uses are appropriately located in terms of providing active frontages to streets and locating residential uses to quieter or higher up positions. The publicly accessible open spaces are well located and designed and would significantly improve the visual amenity of the site and surrounding area, increasing the permeability of the site and functioning of the area. The residential elements of the scheme deliver valuable and much needed social rented accommodation tenure types which viability assessment results have demonstrated can be delivered.
- 9.22 The office provision is appropriately located and designed and contributes towards local and strategic employment targets for this area. The proposed hotel use and creation of a restaurant within the existing vaults beneath the site allow the opportunity for the proposed built form to significantly improve the character and appearance of the site, while opening up and refurbishing the existing vaults to be viewed and appreciated by the public who visit the proposed restaurant.

## **10.0 Design, Conservation and Heritage Considerations (including Archaeology)**

### Policy Context

- 10.1 The NPPF (at paragraph 56) states that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 63 states that, in determining applications, great weight should be given to outstanding designs which help raise the standard of design more generally in the area. Further relevant design policies are included in the London Plan, Islington's Core Strategy, Development Management Policies and the Finsbury Local Plan. Relevant guidance is provided in English Heritage/CABE's Guidance on Tall Buildings (2007) and the Islington Urban Design Guide (2006).
- 10.2 Development Management Policies, Policy DM2.1 (Design), DM2.2 (Inclusive Design) and DM2.3 (Heritage) are particularly relevant to this application. Key requirements are listed under policy DM2.1 relating to the need for development proposals to be: durable and adaptable; safe and inclusive, efficiently use the site; improve the quality, clarity and sense of spaces around or between buildings; clear distinction between public and private spaces; improve movement through areas and repair fragmented urban form; respect and respond positively to existing buildings, the streetscape and the wider context including wider architectural language and character, surrounding heritage assets, create a positive sense of place, provide a good level of amenity, not unduly prejudice the operation of adjoining land, consider landscape holistically.
- 10.3 Policy DM2.3Bi states that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance the significance of conservation areas. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm will be strongly resisted.



- 10.4 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character. The policy (7.6) states that architecture should incorporate the highest quality materials and design appropriate to its context. It adds that buildings should use materials that complement – but not necessarily replicate – the local architectural character.
- 10.5 Included in the 6 detailed objectives set out in Chapter 1 of the London Plan is the Mayor's intention to ensure London is a city that delights the senses and takes care over its buildings and streets, having the best of modern architecture.
- 10.6 Core Strategy policy CS7 (part I) refers to the need for major development proposals in Bunhill and Clerkenwell to be of exceptional design quality. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.

### Materials

- 10.7 The applicant has proposed a muted palette of materials so as to keep some consistency throughout the site, all of which are of the highest quality. The predominant material proposed to be used is handmade red brick. The colour, type and use of brick would vary according to the specific context and design of each building. The bricks would be in the traditional buff, red and brown colours, reflective of material studies undertaken for the surrounding context. A variety of secondary materials is proposed for each building to help create distinct characters with an overall consistent plan for materials. Other materials proposed are corten cladding, light beige window reveals, oriel windows and railings/balustrades for the proposed terraces. The choice of finishing materials is considered to be of a high quality and would complement the local vernacular which has a variety of stock brick finishes, render, dark bricks and more red brick finishes within Shire House itself. The proposed materials are considered to be acceptable bearing in mind the local context and subject to the final selection of materials via the suggested planning condition (**condition 3**).

### *Design, scale massing and character and appearance of the area.*

- 10.8 The proposed development has sought to create a new building which complements and reflects the prevailing building heights of the area while acknowledging the tight physical constraints of the site and attempting to address the key objectives of the site allocation and Lamb's Passage Planning Brief. The development has had to balance a series of competing objectives to create a well designed and financially viable comprehensive redevelopment of the site.

- 10.9 The scheme has had extensive officer input and design evaluation during the pre-application and application process. It is considered that the overall design and massing of the development is acceptable in this location. The prevailing height of buildings around the site ranges from 7 storeys within the recently approved YMCA building to 7 storeys with a recessed 8th floor at 1 Lamb's Passage. The design of each individual housing block and hotel in the central section are considered to be visually attractive and would read as separate yet unified buildings within the scheme. The proposed development would renovate and improve the footpaths around the site with active frontages created at ground floor level around the site involving the hotel area, pedestrian cut through and the gallery area and gym to the private residential block.
- 10.10 The development is considered to significantly improve the visual amenity of the area, increase surveillance along Lamb's Passage and Sutton Way while also creating a valuable landscaped public space for use by the public. These are significant improvements over the existing situation on the site which offers a poor visual appearance and is considered to harm the character and appearance of the area on the whole.
- 10.11 The development is considered to offer a contextual yet modern redevelopment of the site which respects the site constraints by reducing the massing and height of the proposed development to directly respond to its often constrained relationship with its neighbours. The development is not readily viewable from Chiswell Street nor further views from surrounding roads along Errol Street, Whitecross Street and Bunhill Row (something gone wrong here). Where the development can be seen from these views it is not considered to be an over-dominant proposal and sits well within its context.
- 10.12 The proposed development is not considered to be excessive in overall scale, massing or height in townscape terms and is not considered to have any adverse or material impact on the setting of the nearby Grade II listed Whitbread Brewery site.
- 10.13 The merits of the proposals, concerning alterations to the existing Grade II listed vaults beneath the application site are considered in the separate listed building application (ref: P2013/3297). The proposed alterations are considered to be minor in nature and necessary to achieve the opening up of the existing vaults. The proposed opening up and refurbishing of the existing vaults is considered to be a very important public benefit of the proposed scheme and therefore the changes proposed at this level are considered to be acceptable in their entirety. Conditions 3 & 4 will seek approval for the final elevation of the pedestrian cut through and selection of the highest possible quality finishing materials for the development.

#### Setting of Nearby Listed Buildings

- 10.14 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 requires Local Planning Authorities considering proposals that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.15 Section 12 of the NPPF sets out tests and what weight should be given to relevant considerations when considering development proposals that may impact upon

designated and undesignated heritage assets. Relevant local policies include CS9 in the Core Strategy and Development Management Policy DM2.3, and Islington's Conservation Area Design Guidance is relevant to impacts upon the conservation areas adjacent or close to the site.

- 10.16 Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage asset affected by a development, including any contribution made by their setting. In addition, the NPPF requires the applicant to provide proportionate information on heritage assets affected by the proposals and an assessment of the impact of the proposed development on the significance of the heritage asset.
- 10.17 Criterion D of Policy 7.8 (Heritage Assets and Archaeology) of the London Plan seeks to safeguard heritage assets. The policy encourages development that (i) identifies, values, conserves, restores, re-uses and incorporates heritage assets, where appropriate, and (ii) that conserves heritage assets and their setting. Criterion C(iii) of Policy DM2.3 (Heritage) of the Council's Development Management DPD requires that new developments within the setting of a listed building to be of a good quality contextual design. Development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification for doing so.
- 10.18 The Grade II listed Whitbread Brewery – North Side Yard building is located directly south of the application site and forms one of the surviving buildings of the Whitbread Brewery, built in 1870, it replaced an earlier set of buildings dating to the 1770s. The building is a U-shape with a long narrow courtyard accessed off Chiswell Street. Opposite is the southern side of the Whitbread Brewery that is also grade II listed and includes eight separately listed structures (bridge link over courtyard, Porter Tun Room, Sugar Room, Entrance Wing and Partner's House etc). In addition, Nos. 42 and Nos.43-46 Chiswell Street are Grade II listed and have historical and architectural interest as late 18th and early 19th century town houses with formal front elevations. They have group value and provide an appropriate setting for the North Yard building.
- 10.19 To the east of the application site is Bunhill Fields, a large conservation area that includes a large number of listed buildings. The application site is only visible from the western edge of this conservation area, from Bunhill Row, which includes the Grade II listed 21-29 Bunhill Row. Built in 1830-31, the houses in this terrace provide a rare historic streetscape among modern buildings surrounding them and face west, towards the application site which is glimpsed in views toward St Joseph's Church. Views of the application site from these neighbouring listed buildings are limited. Where views can be afforded of the application site, the attractive and high quality design of the proposed building ensures that there would be an enhancement to the setting of the nearby listed buildings.
- 10.20 The council's Design and Conservation officer supports the overall design, scale and finish of the proposed development while noting two principal elements of the design at ground floor level which require further consideration and revision to the design to ensure a fully sensitive scheme is achieved, namely:
- The proposed brickwork 'pillar' at the entrance to the new pedestrian route off Lamb's Passage appears awkward and a barrier to movement. Whilst this may be

a requirement for structural purposes and aids in anchoring the building, it also appears awkward and obstructive to pedestrian access. (**Condition 4**)

- The rooftop plant is still overly large. A “notwithstanding” condition should be attached requiring full details of the final rooftop plant details. This will enable the final acceptable design to be secured with further discussions. (**condition 6**)



CGI IMAGE: View of the proposal (hotel) looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Chiswell Street

### *Conclusions relating to design and the setting of designated heritage assets*

10.21 In relation to design, the proposed development is considered to offer a high quality and contextual redevelopment of the site. The overall design of the proposed development has moved on significantly from its consideration by the Design Review Panel with the overall appearance and massing of the development having substantially changed and reduced as a result of these comments.

10.22 The council's Design and Conservation officer notes the following:

*“The site is currently occupied by a car park and 20th century building of no significance – there is no objection to the demolition of this building or the redevelopment of the site. The overall design, bulk and massing have been improved over a long period, both at pre-application stage and since the initial application was submitted. As a result, overall the scheme would offer a positive enhancement to the street and area.”*

10.23 It is considered that the proposed design now responds well to its surrounding context and would form an attractively designed, well proportioned building when seen in its immediate and wider urban context. The proposed development would significantly enhance the character and appearance of the surrounding area while having no discernible adverse impacts on the setting of nearby listed buildings. Subject to final conditions regarding the final facing materials, the final ground floor entrance details to the pedestrian cut through and also roof plant details, it is considered that the proposed development would accord with CS Policy 9, DM policies 2.1, 2.3, the NPPF 2012, Site allocation BC 31 and Islington's Urban Design Guidance 2006.

### Archaeology:

10.24 The application site is located within a designated Archaeological Priority Area (APA). English Heritage GLASS have assessed the application and raise no objections to the proposed redevelopment subject to the imposition of conditions which will seek approval of a 'Written scheme of Investigation' and should the scheme be supported and permission be granted (**condition 28**).

## 11.0 Density

- 11.1 The application site is located in what would be considered a 'central' location, as defined at Table 3.2 of the London Plan. Combined with the Application Site's high PTAL rating of 6b and the ratio of habitable rooms to numbers of residential units, a density range of 650 - 1,100 hr/ha and 215-405 u/ha is specified by the London Plan. The proposed development falls comfortably within the density thresholds specified by the London Plan as being appropriate for a central location with a density of 664 habitable rooms per hectare.
- 11.2 Concerns have been raised from local resident's regarding the density of the proposed development. However, the density level of the proposed development is within acceptable parameters and is supported, subject to S106 contributions and measures to help mitigate the impacts of the new occupants of the development on the surrounding area.

<b>Table 4.2 : Residential Density Calculation for Mixed Use Development (Above Ground Only)</b>	
Gross Site Area	0.2567 ha including underground vaults that extend beyond above ground red line
Net Site Area	<del>0.114 ha</del> 0.146 ha
Residential GIA	<del>3,387 sqm (41.4%)</del> 3,641 sqm (56.8%)
Non-Residential GIA	<del>4,239 sqm (55.6%)</del> 2,772 sqm (43.2%)
Number of dwellings	<del>35</del> 38
Dwelling mix (unit)	1 bed: <del>15</del> 17
	2 bed: <del>20</del> 21
Number of Habitable Rooms	<del>90</del> 97
Density <sup>4</sup>	<del>35/0.114ha = 307 u/ha; 90/0.114ha = 789 hr/ha</del> 38/0.146ha = 260 u/ha; 97/0.146ha = 664 hr/ha

## 12.0 Quality of Resulting Hotel/Restaurant Accommodation

- 12.1 The proposed hotel accommodation is generally considered to be of an acceptable overall layout and provides for all necessary ancillary spaces to ensure the correct functionality of the hotel for its end purpose. All of the proposed hotel rooms have good access to natural light, outlook and natural ventilation.
- 12.2 The proposed restaurant use would form an attractive amenity for hotel occupiers and the general public who choose to dine there. The refurbishment and opening up of the existing vaults would form a significant improvement and allow the hidden architectural features to be considerably more accessible to the general public than is the case at present. The hotel and restaurant uses have very good access to toilet facilities and have good accessibility levels and would create an inclusive and inviting environment for all users and patrons of the site.

## 13.0 Accessibility

- 13.1 Paragraph 57 of the NPPF notes the importance of planning positively for the achievement of inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standard (as set out in Islington's Accessible Housing SPD), with at least 10% wheelchair housing provided as part of all new developments.
- 13.2 Development Management Policy DM2.2 requires all developments to demonstrate that they:
- i) provide for ease of and versatility in use;
  - ii) deliver safe, legible and logical environments;
  - iii) produce places and spaces that are convenient and enjoyable to use for everyone; and
  - iv) bring together the design and management of a development from the outset and over its lifetime.

### Commercial and residential spaces

- 13.3 The applicants have designed 10% of the hotel bedrooms (6 rooms in total) to be fully wheelchair accessible. The hotel would provide level threshold access to all the proposed areas in the building. The residential units propose 4 wheelchair units and offer good internal layouts in the remaining units. Final compliance and creation of appropriate lifetime/accessible homes wheelchair units, scooter stores and accessible layouts throughout the entire development will be secured by conditions **(conditions 9 & 23)**.
- 13.4 There is an allocated taxi drop off area in front of the hotel entrance and distances between the entrances to both the residential and commercial aspects of the scheme are considered to be acceptable bearing in mind the constraints of the site. **(Condition 12)**.
- 13.5 The development includes the provision of 4 disabled parking spaces for use by the residential blocks. The legibility and sight lines have been improved for the proposed new public realm with paving and level ground levels which should ensure it is a fully accessible and inclusive space for all users. **(Condition 40)**.
- 13.6 The agreed S106 also seeks to create 8 disabled parking spaces in the locality of the site which should further increase the accessibility of the site enabling disabled patrons/guests of the hotel, gym or restaurant to park locally. Subject to the S106 and the imposition of further detailed conditions securing the final layout and accessibility of the hotel rooms, commercial uses and residential units and securing the inclusive design aspects of the public realm and allocated disabled parking on site it is considered that the development as a whole offers an inclusive development and is welcomed in policy terms.

## 14.0 Open spaces and Landscaping

### *Open spaces*

- 14.1 Core Strategy policy CS7 ‘Bunhill and Clerkenwell’ states that major development proposals will be required to improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 states that biodiversity will be protected and enhanced across the borough E) and that a greener borough will be created by (F) maximising opportunities for planting, green roofs, green corridors.
- 14.2 With the above in mind, it is considered that the proposals maximise the provision of open space whilst still securing a quantum of development that provides for an efficient use of the site. A further condition (no 34) would ensure that the final approved landscaping and access routes within the site are secured to a high standard prior to the implementation of the scheme.



View of proposed pedestrian cut through and new public realm.

### *Landscaping*

- 14.3 The proposed landscaping plan includes paved areas with soft landscaped borders and planters, seating benches and green borders. The design of the space is considered to be functional yet visually attractive and offers the potential for a well used and actively surveilled area of public open space which is much needed in the surrounding densely built up urban context. Given constraints due to vaults below ground, this level of proposed greenery is considered to be acceptable. The S106 secures that this space is to be kept open and accessible at all times.



## 15.0 Neighbouring Amenity

- 15.1 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 15.2 Overlooking / privacy & loss of Outlook: Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 meters between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'.
- 15.3 It is accepted that the site is currently open in character and has no substantial built form on it at present. Therefore, it is accepted that adjoining properties to the site are accustomed to open views onto this space which the development will inevitably affect to a material degree. To the north of the site the flank elevation of the proposed affordable housing block would face the existing rear boundary of the YMCA site from a distance of 2 metres. When compared to the approved YMCA replacement building, the flank elevation of the proposed affordable block would be located 3 metres away at the closest point and 6 metres to the main rear façade of the replacement (YMCA) building. Recently approved plans granted permission for a new 7 storey building here with rear windows facing the application site. It is important to note that these windows serve hostel accommodation, the occupants of which are transient by their nature and as such the windows are not afforded the same degree of protection as conventional residential units. It is considered that the proposed built form here would have a noticeable impact on the outlook from these rear rooms. However it is not considered that this impact would be so severe in itself to justify the refusal of the application on this basis. The flank elevation of the proposed affordable block has no windows which would ensure there would be no loss of privacy or overlooking to these hostel rooms in this case (or vice versa).
- 15.4 RC Church Buildings & Presbytery: The eastern elevation of the affordable housing block has projecting balconies which face the carriageway and the rear elevations of St Joseph's Church and Presbytery. The distances involved vary from 7 to 12 metres. The hotel's main front façade windows that face these adjoining buildings vary from 7 to 19 metres. It is important to note that these distances are across a delivery bay and the rear rooms of the RC Church serve as community spaces and ancillary residential spaces and not purpose built residential accommodation. It is considered that bearing in mind these specifics, the proposed development would not result in unacceptable incidences of overlooking and privacy issues in this case. Once more the overall height of the proposed buildings has been designed specifically to ensure that the development maintains at an appropriate human scale, and it is not considered that the outlook would be materially adversely affected in this particular relationship.

- 15.5 CASS Business School & 3 Lamb's Passage: The development, where it is opposite this existing building, is across a carriageway. The CASS building & 3 Lamb's Passage are not in residential use. Therefore the impact here in terms of outlook and any concerns regarding overlooking or loss of privacy is not considered to be unacceptable.
- 15.6 1 Lamb's Passage and the rear of Sundial Court: It is acknowledged that the proposed built form is largest close to the junction with Lamb's Passage and Sutton Way, opposite 1 Lamb's Passage. The building drops away as you move westwards towards Shire House dropping from 8 to 6 storeys to finally 2 storeys. The proposed positioning of the front balconies to the private block have attempted to be as sensitive as possible and moved away from the habitable room windows to the main elevation of 1 Lamb's Passage, Sundial Court and Shire House to minimise loss of privacy and overlooking concerns. The proposed private block once more would be located across a public carriageway therefore the impacts are acceptable. The separation distances range between just less than 12 metres at the shortest point and 14 metres from rear windows of Sundial Court to the proposed block. The larger 6 storey section of the proposed block is located 7.5 metres away from the rear window/balcony area of units within Shire House. The section of the building has a shallow footprint measuring 7 metres in depth which is considered to limit its impact on the adjacent upper floor windows within Shire House allowing light to filter either side of the proposed built form. A condition is imposed to ensure that all west elevation (small) windows are obscured glazed and restricted opening (**condition 5**).
- 15.7 Bearing in mind the urban context and the central London location it is not unusual for reasonably small distances between new and existing buildings as part of the wider inner London urban grain. In this case it is acknowledged that the proposed built form at 8 storeys in height would affect the main outlook from residences in Sundial Court, rear of Shire House and 1 Lamb's Passage. The loss of outlook in particular to Shire House and 1 Lamb's Passage would be harmful but it is considered appropriate in townscape terms and when considering the overall benefits of the scheme, is on-balance considered to be acceptable.
- 15.8 Rear of Shire House: The upper floor levels of Shire House are occupied by living rooms and bedrooms, with several rear balconies in existence. Once again the proposed built form for the entire development, but in particular the private residential block and the hotel itself, would change the outlook from these existing windows. However it is important to note that the rear elevation windows of the hotel include oriel windows which lessen the potential for loss of privacy and overlooking, by directing views at oblique angles. The distances involved vary from 14 to 15 metres. The rear of the private residential block has no habitable room windows facing Shire House and the affordable block overlooks stairwells and blank walls of Shire House so no amenity issues would be apparent here. Overall it is considered that this revised scheme has substantially lessened the height and massing of the proposed development, coupled with the proposed distances between Shire House and the proposed development and the final window designs and treatments, means that the proposed development would not unacceptably harm the amenity enjoyed by these residents in terms of loss of outlook, loss of privacy or increased overlooking in relation to the proposed hotel and proposed affordable housing block. The private block would have a material adverse impact on the outlook from the upper floor west facing rear windows of Shire House and the front and side

elevations of 1 Lamb's Passage, however it is considered that this must be balanced against the benefits within this scheme.

- 15.9 Emergency Access and safety and security: Concerns have been raised from residents regarding potential safety and security concerns and emergency access to the proposed development. It is important to note that the London Fire Brigade and the Met Police raised no objections to the development. The site's accessibility would be significantly increased with a pedestrian cut through and public realm which would be actively surveilled by the hotel and adjoining residential uses. With appropriate lighting and CCTV systems this would further increase the security of the site. A condition is proposed to ensure these details are secured. (Condition 10). The proposed changes to the drop off points and footpaths around the site would make the movement of traffic easier in the immediate area. There is adequate access to fire hydrants surrounding the site and access into the site generally to enable emergency services to access the site in an efficient and safe manner.
- 15.10 Daylight and Sunlight: The application site is in close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail in below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 15.11 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.
- 15.12 The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. The applicant has also provided an addendum to their Daylight and Sunlight report to address some of the complexities which this site and the neighbouring properties face. The document concludes that the daylight position in respect of the neighbouring building of Shire House is complex, and a more flexible application of the BRE guidance would allow for the type of situation experienced on the application site. The applicant argues that the BRE analysis as presented is consistent with an urban context such as this, where the existing buildings have enjoyed an uncommon situation with there being an undeveloped site adjacent within a very central London location
- 15.13 The proposed development has been significantly altered during the application process in order to reduce the impact on daylight/sunlight and outlook of the adjacent premises at Shire House, reducing the central building (hotel) height from six storeys to part four, part five. In addition, an increased setback (4 storeys) to the rear of the proposed development at its closest point to Shire House has been

introduced. An updated Daylight and Sunlight Report was produced by the applicant, and it is this report and addendum documentation that is being considered here.

15.14 A number of the representations raised concerns and objections to the scheme in relation to the impact of the proposed development on sunlight and daylight provision to neighbouring residential units during both rounds of consultation for this application.

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

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or*

*The VSC is not reduced by greater than 20% of its original value. (Skylight);*

*A second test called the No Sky Line (NSL) is used to establish the distribution of daylight within a room. It also looks at the penetration of light within the room and can offer a more detailed view of how light enters a room than the VSC method of analysis. No Sky Line (NSL) can also be referred to as Daylight Distribution. Both terms refer to this same second BRE Guidelines test.*

*The NSL method provides results which determine how much of the room, at working plane height (0.85 metres above floor) can see some view of the sky. The area of the working plane in a room which can receive direct skylight should not be reduced to less than 0.8 times its former value.*

*Neither VSC nor the NSL methods of assessment calculate any actual measure of light. The quantity and quality of light within any room can constantly change as the sky outside changes in terms of brightness and sunlight. The only way to calculate the actual level of light is to use a light meter.*

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

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

15.17 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE guidelines provide numerical guidelines, the document though emphasises that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

15.18 The application site is located within an extremely accessible central London location (PTAL 6a), where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

15.19 There are general points which need to be considered in terms of the application of BRE Guidelines (in particular) to any redevelopment of this site:

- It is important to recognise that a property that has daylight and sunlight levels which are below those set out in the BRE Guidelines does not mean that the property is unfit for use as residential accommodation, indeed many properties in built up areas have daylight and sunlight levels well below BRE Guidelines.
- The BRE state that their Guidelines need to be used flexibly and that in built urban areas, different levels of daylight and sunlight may well be acceptable and may need to be accepted if new development is to make the best use of undeveloped land.
- This site is unique in many respects. There is existing residential accommodation very close to its own site boundary with habitable windows looking directly out across the boundary. The BRE warns that where such situations exist, higher levels of obstruction may be unavoidable as the adjoining property takes an unfair share of light from the site.
- Some of the surrounding properties, notably Shire House, have substantial overhangs and in some cases, double overhangs, which mean the windows beneath these are significantly restricted in their current ability to enjoy day light as this is blocked by the overhangs of Shire House itself. This means that they are mostly entirely dependent upon low level daylight across this site.

15.20 The applicant has sought to show two different scenarios of development to illustrate the potential impacts of the redevelopment of the site on sunlight and daylight levels to adjoining properties habitable room windows. The first scenario assesses the sunlight/daylight impacts of the proposed development against the existing situation on site. The second situation compares a notional redevelopment of the site to include a unified building height of circa 8 storeys around the majority of the site compared to the proposed massing of the scheme. The second scenario results show that the creation of a similar scaled and height development (8 storeys) at this site would result in severe sunlight/daylight losses to adjoining residents and would not be feasible. However limited weight is given to this 8 storey suggested notional scenario as it is considered to be a somewhat obvious result. Any redevelopment of a central urban site needs to carefully consider any possible proposals overall design and scale impacts take into full account the surrounding existing built form to ensure that any material adverse impacts on adjoining amenity levels are within acceptable levels and where there are transgressions these are outweighed by substantial public benefits.

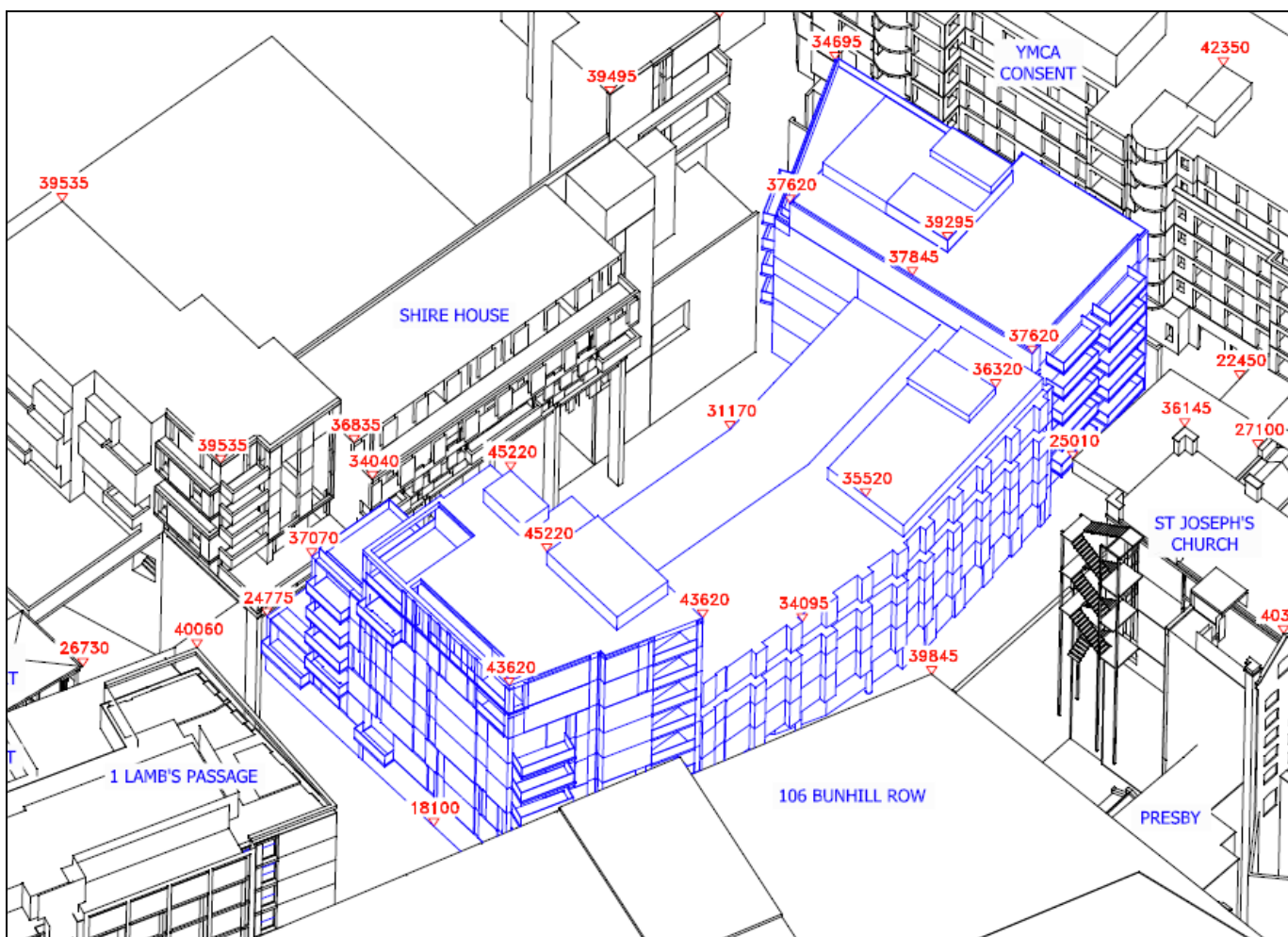
15.21 Any substantial urban redevelopment which seeks to address the townscape deficiencies of the site, while creating a financially viable scheme allowing the

underground vaults to be brought back into use, is likely to result in material adverse losses of sunlight and daylight to adjoining properties.

15.22 The council must assess the magnitude and therefore the acceptability or not of any proposed reductions to adjoining resident's daylight and sunlight levels based on the evidence and analysis presented. The assessment within this report focusses on the results of the first scenario submitted by the applicant, which is to assess the proposed developments impact on daylight/sunlight levels on adjoining properties in relation to the BRE Guidelines.

15.23 Residential and other nearby mixed uses within the following properties have been tested for the purposes of sunlight and daylight impacts as a result of the proposed development.

- a. Shire House;
- b. 1 Lamb's Passage;
- c. Sundial Court and the rear of Sundial Court;
- d. The YMCA (as approved building);
- e. St Josephs Church; and
- f. Presbytery (to St Josephs Church).



Indicative massing of proposed development in relation to adjoining property windows.

### Shire House

15.24 Shire House is a 4 storey residential building (sitting above a 5m loading and servicing bay which serves the commercial uses at ground floor level of the London City Shopping Centre) to the west of the application site. The BRE assessment demonstrates that the residential windows and rooms within this building experience losses of daylight in excess of the BRE guidelines to the (in effect) actual second, third, fourth and fifth floor windows / rooms serving the residential block on the east facing elevation of the building.

### *Daylight*

15.25 The results for the proposed scheme show that of the 77 relevant windows assessed for Vertical Sky Component (**VSC**), 39 windows achieve the BRE recommended VSC level in this scenario (i.e. retain greater than 27% VSC post development). Of the remaining 38 windows (serving 28 rooms), 23 contain losses varying from 21% to 50% VSC with the remainder having higher than 50% losses of VSC. The worst losses are experienced by those units located at the (above the servicing bay) lowest floor level, with the daylight losses reducing as you move up the floors. It is important to note however that in many cases the existing VSC figures for the windows are already very low in percentage terms therefore the reductions in some parts appear disproportionately high because of the low existing situation. In terms of No Sky Line (**NSL**), of the 47 rooms assessed, 37 rooms achieve the BRE recommended NSL level. The impacts to the remaining 10 rooms range from 20.6% to 42.4%. Existing recessed balconies and overhangs have reduced in many cases the existing VSC levels to these rear facing residential units.

<b>Window Room</b>	<b>Use (According to Approved Plans for Development)</b>	<b>VSC losses &gt;20%</b>	<b>Daylight Distribution losses &gt; 20%</b>
R1/12 W3/12	Bed	95.31	
R2/12 W4/12	LKD	57.61	42.4
R2/12 W5/12	LKD	80.90	34.2
R3/12 W6/12	Bed	65.42	
R4/12 W7/12	Living	49.74	20.6
R5/12 W8/12	Bed	49.67	17.8
R6/12 W9/12	Living	55.75	31.5

R7/12 W10/12	Bed	54.61	27.7
R8/12 W11/12	Living	29.98	
R9/12 W12/12	Bed	32.20	
R10/12 W13/12	Living	55.63	32.3
R12/12 W15/12	Unknown	73.62	24.4
R1/13 W3/13	Bed	84.32	
R2/13 W4/13	LKD	8.74	
R2/13 W5/13	LKD	37.59	29.2
R2/13 W6/13	LKD	45.38	29.2
R3/13 W7/13	Kitchen	63.08	28.7
R3/13 W8/13	Kitchen	60.50	28.7
R4/13 W9/13	LKD	90.11	
R4/13 W10/13	LKD	42.07	
R4/13 W11/13	LKD	36.68	
R5/13 W12/13	Living	33.05	
R5/13 W13/13	Living	29.81	
R5/13 W14/13	Living	19.38	
R6/13 W15/13	Kitchen	35.64	
R6/13 W16/13	Kitchen	38.17	
R7/13 W17/13	Kitchen	35.62	
R7/13 W18/13	Kitchen	30.21	
R8/13 W19/13	Living	73.46	
R9/13 W24/13	Living	37.35	
R10/13 W25/13	Kitchen	23.52	
R10/13 W26/13	Kitchen	34.45	
R1/14 W3/14	Bed	71.62	
R2/14 W5/14	LKD	26.06	
R2/14 W6/14	LKD	31.32	
R3/14 W7/14	Bed	36.35	20.6
R4/14 W8/14	Living	27.22	
R5/14 W9/14	Bed	21.57	
R12/14 W16/14	Unknown	47.88	



R1/15 W2/15 R1/15 W3/15	Bed Bed	Complies 54.63	
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15.26 It is important to note that in windows affected above with a proposed reduction of 50% VSC or more it is due to them having extremely low existing VSC levels which has impacted upon the percentage losses as a result of the proposed development. It is likely that the reductions caused (when based on the existing low VSC level) would not be as noticeable in reality as the headline reduction figure would suggest. Also in 8 cases the room affected is served by two windows and generally as a result of this, the daylight distribution levels remain higher than the VSC results would suggest. This helps to ensure an overall satisfactory access to daylight is maintained. It is also important to note that the existing balconies and overhangs have in many cases resulted in the existing low VSC levels experienced by residents living within the affected units of Shire House.

### *Sunlight*

15.27 The sunlight Annual Probable Sunlight Hours (APSH) results demonstrate that, of the 11 windows assessed, 9 windows achieve the BRE recommended APSH level for both annual and winter with impacts beyond the guidelines to 2 windows. These two windows serve a living/dining room (APSH loss of 100%) and a living room (APSH loss of 46.7%) within two separate residential units. Whilst this would obviously be noticeable, both rooms would maintain acceptable daylight distribution levels which are considered to mitigate the proposed impact overall.

### Conclusion

15.28 It is important to note that in the case of Shire House in over 14 situations where there is loss of daylight to residential windows, there is mitigating circumstances which need to be considered including extremely low existing VSC values ranging from 1 to 3% and in many cases the room with the relevant VSC window loss has a secondary window allowing better daylight into the same room of the unit. Bearing in mind the existing situations and the dynamics of the site, it is considered that the proposed development, on balance results in a material loss of daylight to 38 windows facing the site from Shire House with 15 windows experiencing losses of over 50% their former values in terms of VSC. Bearing in mind the NSL (Daylight Distribution) results that maintain in the majority of cases complying DD, but in 9 cases losses between 20.6% and 42.2% it is considered that on balance the proposed development would not have such a material adverse impact on these residential amenity levels to warrant refusal of the application on this basis.

### 1 Lamb's Passage

15.29 The analysis shows that, of the 52 windows assessed for VSC, 21 windows achieve the BRE recommended VSC level. Of the 31 windows that would fail, those losses would range from 20.73% - 100%. However, where impacts occur significantly in excess of the recommended VSC level, these are to windows that generally have low existing VSC levels. In respect of NSL, of the 31 rooms assessed, 17 rooms

achieve the recommended NSL level following the completion of the proposed development. The impacts to the remaining 11 rooms range from 23.3% - 100%, however 8 of these rooms experience impacts ranging from 23.3% - 47.2% with therefore 3 rooms experiencing greater than 50% loss of NSL. Given the lack of information with respect of use of these rooms, it is assumed that all these rooms are living rooms, having a higher demand for lighting than other rooms.

<b>Window / Room</b>	<b>Use (According to Approved Plans for Development)</b>	<b>VSC losses &gt;20%</b>	<b>Daylight Distribution losses &gt; 20%</b>
R1/600 W1/600	Unknown	100	100
R2/600 W2/600	Unknown	97.74	89.9
R1/601 W3/601	Unknown	52.05	31.3
R2/601 W4/601	Unknown	56.83	
R2/601 W5/601	Unknown	57.08	
R3/602 W6/602	Unknown	52.75	47.2
R4/602 W7/602	Unknown	51.04	
R4/602 W8/602	Unknown	49.90	53.2
R4/602 W9/602	Unknown	48.38	
R5/602 W10/602	Unknown	45.63	37.0
R1/603 W3/603	Unknown	40.19	
R3/603 W6/603	Unknown	45.46	37.3
R4/603 W7/603	Unknown	43.66	
R4/603 W8/603	Unknown	41.91	44.4
R4/603 W9/603	Unknown	40.24	
R5/603 W10/603	Unknown	37.23	23.3
R1/604 W03/604	Unknown	32.96	23.3
R2/604 W04/604	Unknown	35.94	
R2/604 W05/604	Unknown	36.26	
R3/604 W06/604	Unknown	37.28	
R4/604 W07/604	Unknown	34.92	27.6
R5/604 W10/604	Unknown	27.78	
R1/605 W03/605	Unknown	24.89	

R2/605 W04/605	Unknown	27.00	
R2/605 W05/605	Unknown	27.24	
R3/605 W06/605	Unknown	27.76	
R4/605 W07/605	Unknown	25.10	
R4/605 W08/605	Unknown	22.37	
R4/605 W09/605	Bed	20.73	

### *Sunlight*

15.30 The sunlight results demonstrate 100% compliance in respect of the APSH levels, due to the application site being located due north of 1 Lamb's Passage.

### *Conclusion*

15.31 It is noted that the exact room layouts of 1 Lamb's Passage have not been detailed within the submitted information. The council has considered the results in a worst case scenario taking each identified room as a habitable space (living room) in this case. The reductions proposed are considered to be significant but not overly high bearing in mind the open nature of the site which has resulted in uncommonly high existing VSC and daylight levels. Unlike Shire House, 1 Lamb's Passage has no front over sailing balconies or projections which reduce these units access to daylight. It is considered that the redevelopment of the site will inevitably change the daylight levels experienced by these units over the existing situation on site. However and on-balance the proposed impacts in terms of VSC and daylight distribution reductions are considered to be acceptable in this case when weighed against the significant benefits brought forward on this underdeveloped central London site.

### *Rear of Sundial Court*

### *Daylight*

15.32 The VSC results demonstrate that, of the 15 windows assessed, 2 windows achieve the recommended VSC level. In terms of the remaining 13 windows, the losses to a number of these windows are not significantly in excess of the BRE guidelines. Furthermore, a number of the windows experience existing low VSC levels. As such, whilst the actual impact to these windows (and light received by the room sitting behind) is not significant, it appears disproportionately high in percentage terms. The NSL results show that, of the five (6)5 rooms assessed, three (3) rooms achieve the recommended NSL level. There is an impact to two (2) rooms beyond the BRE guideline level being 29.6% and 48% respectively. Recent appeal decisions state that maintaining 50% NSL could be considered an absolute maximum, these impacts therefore are great but acceptable, in the context of the benefits that would be brought forward on this underdeveloped central London site.

Window / Room	Use (According to Approved Plans for Development)	VSC losses >20%	Daylight Distribution losses > 20%
R1/50 W4/50	Unknown	37.67	48
R1/50 W5/50	Unknown	31.01	
R1/50 W6/50	Unknown	34.03	
R2/50 W1/50	Unknown	36.7	
R2/50 W2/50	Unknown	31.01	
R2/50 W3/50	Unknown	87.88	
R1/51 W3/51	Unknown	30.37	
R1/51 W4/51	Unknown	23.62	
R1/51 W5/51	Unknown	26.75	
R2/51 W1/51	Unknown	23.90	29.6
R2/51 W2/51	Unknown	25.48	
R1/52 W3/52	Unknown	25.13	
R1/52 W4/52	Unknown	21.46	
R1/52 W5/52	Unknown	21.79	

### *Sunlight*

15.33 This property is not relevant for sunlight analysis as it is not within 90 degrees of due south of the development site.

### Conclusion

15.34 Overall the daylight/sunlight implications of the proposed development are considered to have an acceptable impact on the existing daylight/sunlight levels to be acceptable in relation to the rear of Sundial Court.

### Sundial Court

### *Daylight*

15.35 The results demonstrate that, of the 13 windows assessed, 12 windows achieve the BRE recommended level following the completion of the proposed development. There is a minor impact to 1 window within this property. Whilst the impact to this window is in excess of the BRE guidelines, it is just in excess of the guidelines (25.29%) and is considered acceptable. The NSL results demonstrate that this property is 100% compliant following the completion of the proposed development.

### *Sunlight*

15.36 This property is not relevant for sunlight analysis as it is not within 90 degrees of due south of the development site.

## Conclusion

- 15.37 Overall the daylight/sunlight implications of the proposed development are considered to have an acceptable impact on the existing daylight/sunlight levels in relation to Sundial Court.

### The Presbytery

#### *Daylight*

- 15.38 The results demonstrate that in respect of VSC, none of the assessed windows achieve the BRE recommended VSC level following the completion of the proposed development. In respect of NSL, the results demonstrate that none of the relevant rooms achieve the BRE recommended NSL level.

#### *Sunlight*

- 15.39 The sunlight results demonstrate that none of the relevant windows achieve the BRE recommended APSH level.

## Conclusion

- 15.40 On the face of it, the impacts of the proposed development on the Presbytery are significant. However the building is a low rise building (2 storeys in height) and serves as ancillary residential accommodation. The low rise nature of the building and its existing few very small and rear facing windows (particularly at rear first floor level) are disproportionately affected by the development as the smaller the window the less able a room is able to be well lit. Bearing in mind these existing physical attributes, the proposed daylight/sunlight impacts of the proposed development on this property are considered to be acceptable.

### St Joseph's Church

#### *Daylight*

- 15.41 St Joseph's Church is used for non residential purposes. Therefore none of the windows within this building are considered to be 'habitable' and whilst assessment has been undertaken, the need for day lighting and sun lighting is less than the need for residential, habitable rooms. Of the 52 windows assessed for VSC in this property, 36 windows achieve the BRE recommended VSC level following the completion of the proposed development. The remaining 16 windows experience impacts beyond the BRE guidelines. Eight of the affected windows experience VSC reductions that range from 20% - 32% with the remaining eight experiencing losses in the range of 34.8% – 64.3% In respect of NSL, the results demonstrate that, of the 19 rooms assessed, 15 rooms achieve the BRE recommended NSL level. There are impacts beyond the BRE to the remaining 4 rooms from 24.9% to 46.7%.

### *Sunlight*

15.42 The ASPH analysis demonstrates that, of the 43 windows assessed, 40 windows achieve the guideline APSP levels (both summer and winter scenarios) in this scenario ranging from 60% to 75% APSP overall.

### Conclusion

15.43 The proposed results show digression of varying scales to 16 windows. Overall, considering the use of this building it is considered that the impacts in terms of loss of daylight to these windows are acceptable.

The YMCA (as consented)

### *Daylight*

15.44 In terms of the YMCA building, the assessments only examined the semi-permanent residential elements of that proposal. It is important to note that the consented scheme contains residential accommodation which would be occupied on a more semi-permanent basis as opposed to the majority of the building which is in just transitory hostel use. Section 2.2.2 of the BRE Guidelines state that they are intended principally for habitable residential accommodation. Given the transitory nature of hostel accommodation, it is not considered to have the same requirement for good daylighting and sunlight levels. This was recently supported in an appeal decision for 154 Pentonville Road by the Planning Inspectorate.

<b>Window / Room</b>	<b>Use (According to Approved Plans for Development)</b>	<b>VSC losses &gt;20%</b>	<b>Daylight Distribution losses &gt; 20%</b>
R1/1401 W1/1401	Bedroom	29.57	24.7
R2/1401 W2/1401	Living	29.36	
R3/1401 W3/1401	Bedroom	32.82	
R4/1401 W4/1401	LKD	37.05	
R5/1401 W5/1401	Bedroom	43.79	
R1/1402 W1/1402	Bedroom	23.23	
R2/1402 W2/1402	Living	23.31	
R3/1402 W3/1402	Bedroom	27.75	
R4/1402 W4/1402	Bedroom	21.08	
R5/1402 W5/1402	LKD	43.49	

R3/1403 W3/1403	LKD	21.08	
R4/1403 W4/1403	Bedroom	26.97	20.3
R5/1403 W5/1403	LKD	38.37	
R5/1404 W5/1404	Bedroom	26.84	

### *Daylight*

15.45 The VSC results demonstrate that of the 30 windows assessed, 16 windows achieve the BRE recommended level with impacts occurring to the remaining 14 windows beyond the BRE guidelines. However, for a total 9 of these windows these impacts are not significantly in excess of the BRE recommended levels with impacts ranging from 21% - 30%. In respect of NSL, of the 26 rooms assessed, 24 rooms achieve the BRE recommended NSL level following the completion of the proposed development.

### *Sunlight*

15.46 The sunlight results demonstrate that, of the 26 windows assessed, 24 windows achieve the BRE recommended APSH level with impacts beyond the BRE to the remaining 2 windows. While 18 of these 24 windows experience reasonably large reductions in sunlight hours the majority of the windows would maintain 4% or higher winter APSH so therefore pass the standards as set out within BRE Guidance.

### *Conclusion*

15.47 Bearing in mind the hostel use and transient occupants of the site, the loss of daylight and sunlight to this property is acceptable in this case.

15.48 In evaluating these matters and breaches on VSC and NSL it is necessary to note that the BRE guidelines places understandably greater emphasis on the protection of living rooms, dining rooms and kitchens identifying that bedrooms should also be analysed, although they are less important.

15.49 It is also important to recognise when assessing failures in VSC and NSL levels to consider the magnitude or scale of the failure. Failure of loss of daylight levels ranging from 20% - 30% can be considered to be relatively lesser/minor infringements, particularly in this central London location.

15.50 Evaluation Daylight Impact The results of the sunlight/daylight report have been carefully considered by officers as part of the assessment and weighing up of the merits of the proposed development.

15.51 In several cases the results have identified daylight losses greater than 20% of the existing levels however the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character with surrounding perimeter buildings. There is a balance to be struck in creating an attractively designed and

financially viable redevelopment of the site and listed vaults while safeguarding adjoining residential daylight /sunlight levels to an acceptable degree.

#### Summary – Sunlight and Daylight:

- 15.52 It is noted any further reductions in the scale, massing and height of the development would render the redevelopment of the site (in this way) unviable and would therefore not deliver a substantial amount of affordable housing, public realm improvements nor enhance the character and appearance of the area, whilst bringing the vaults back into use. Having regard to the comprehensive redevelopment proposed and the benefits cited above making best or optimum use of a very central London location, it is considered that on balance, the proposed adverse impacts of the development in terms of loss of daylight and to a lesser degree sunlight, are acceptable within this central London location. A refusal of the application on sunlight/daylight issues would restrict a comprehensive redevelopment of this site and it is considered that the reductions proposed as detailed within the submitted daylight/sunlight report are acceptable and justified by evidence when considered against the existing context of the site, the existing window arrangements and VSC levels within the adjoining buildings surrounding the site and the very open, undeveloped nature of this site, rare in central London.
- 15.53 *Noise & pollution:* The council's noise officer notes the potential commercial activities associated with the restaurant use and hotel deliveries and servicing have the potential to cause noise disturbances in the area. The officer recommends conditions be attached to control noise levels from any plant or equipment needed for the restaurant use (**condition 21 & 22**), controls on noise and operating hours for the restaurant, delivery and servicing hours condition for a hotel use (condition 30) and noise and sound insulation conditions for the proposed new residential aspects of the scheme (**condition 20 & 21**). A condition would also be attached ensuring updated noise mitigation measures to be enacted within the development. Subject to these detailed conditions the officer is satisfied with the proposed development in this case.
- 15.54 *Construction:* The scale of the project and its close proximity to existing residential and commercial properties is likely to lead to disruption during the construction period. A condition (**condition 25**) is suggested to monitor and manage this period during construction. The applicant has also agreed to comply with Islington's Code for Construction Practice which is secured within the suggested S106 heads of terms.

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

- 16.1 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels. Islington's Development Management Policies will set out these in detail. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. It should be noted that particular care and attention was given to the design and layout of residential units at the pre-application stage, and the quality of accommodation proposed within this scheme is considered to be particularly high quality.



- 16.2 Unit Sizes All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres.
- 16.3 Policy DM3.4 part D sets out that *'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'*. The policy then goes on to state that *'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'*. All of the proposed residential units have very good access to outlook, sunlight and daylight levels and natural ventilation, all residential units are dual aspect which is also welcomed.
- 16.4 Amenity Space Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that *'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'*. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. A minimum amount of 30sqm is required for family housing (which is three bedroom residential units and above).
- 16.5 There are no larger family dwellings proposed within the scheme which is considered to be acceptable bearing in mind the constraints of the site and the need to safeguard as much as possible the amenity levels of nearby residents. The proposed mix of units has focussed on the provision of 1 and 2 bed units. All of the proposed units have access to an acceptable sized external amenity space for the size of the residential unit proposed.

#### Amenity Space Provision & Children's Play Space

- 16.6 London Plan 2011 Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities) requires that proposals that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' sets out guidance to assist in this process. The guidance sets a benchmark of 10 sqm of usable child playspace to be provided per child with under fives child playspace provided within 100m of homes (doorstep play); playspaces of 6 to 11 year olds within 400m of homes; and playspace for 12+ year old within 800m of homes. This is carried forward in London Plan Policy 3.6.
- 16.7 Core Strategy Policy CS16 (Play Space) also requires provision of play for new developments, including housing. The Council's Development Management DPD, DM3.6 (Play Space) seeks 5 sqm of private/informal play space per child. This should be provided on-site and exceptions will only be accepted in particular circumstances. The Council sets out as part of its Planning Obligations SPD (November 2013), the approach to be taken in calculating the child yield for a particular development. This is based upon the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation'.

- 16.8 Applying the above guidance and more onerous Mayoral play space standards, the child yield total 13 children, including 9 children aged 0-4, 3 children aged 5 to 11 and 1 child aged 12 to 16. This equates to an overall play space provision of 130 sqm. When broken down according to age group, the following play space requirements can be derived:
- 9 x 0-4 year olds = 90 sqm of doorstep playable space;
  - 3 x 5-11 year olds = 30 sqm of local playable space; and
  - 1 x 12-16 year olds = 10 sqm of youth space.
- 16.9 A new area of public realm is to be created as part of the proposed development. measuring 1,250 sq metres in size, which would be attractively landscaped and offer interactive amenity and play space for local residents and the public to enjoy. As part of the public realm improvements, a new pedestrian route linking Lamb's Passage to Errol Street would be created.
- 16.10 In light of the constrained nature of the application site, the landscaping strategy prepared as part of this application has incorporated 'play on the way' features within the new public realm improvements that would provide opportunities for play for occupants of the development. The 'play on the way' features come together to form an informal 'play zone', which would total approximately 290 sqm and would be situated within 100m of all the proposed residential properties on site. The provision of multi-functional, informal play spaces as part of the landscaping for the public realm would significantly exceed the amount of play space required and is welcomed and secured by condition. (**condition 34 & 39**).
- 16.11 Refuse: Dedicated refuse and recycling facilities/chambers are proposed for the residential uses and the commercial spaces. The location and capacity, including management of these facilities have been developed in consultation with the Council's Street Environment department. It is considered that all differing uses have adequate refuse facilities and appropriate management secured by **condition 26**. It is not considered that the proposed development would have any adverse impact on the existing refuse facilities and collection methods for Shire House in this case.

## 17.0 Dwelling Mix

- 17.1 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing.
- 17.2 The Development Management Policies (2013) policy DM3.1 A). states that all sites should provide a good mix of housing sizes and B) the housing mix required on all residential developments will be based on Islington's Local Housing Needs Assessment, (or any updated assessment prepared by or on behalf of the council). The current Housing Needs Assessment seeks the housing size mix (by habitable rooms) that is indicated alongside the proposed mix table below.
- Proposal:*
- 17.3 This planning application proposes a total of 38 residential units of which 19 would be for market sale and 19 units would be affordable units for exclusively social

rented tenure. The affordable housing block would be located adjacent to the YMCA building to the north of the site.

- 17.4 The amendments to the scheme have increased the affordable housing offer from the originally proposed 16 units to the current 19 units. The current proposal is set out below, with a comparison to the housing needs of the borough. The scheme proposes a total of 38 residential units with an overall mix as outlined in the table below.

<b>Dwelling Type</b>	<b>Social Rent (No. / % HR)</b>	<b>Policy DM3.1 Target Mix</b>	<b>Private (No. / %)</b>	<b>Policy DM3.1 Target Mix</b>
One Bedroom (2 person)	8 / 42%	0%	9 / 48%	10%
Two Bedroom (4 person)	11/58%	20%	10 / 52%	75%
Three Bedroom (5/6 person)	None	30%	None	15%
<b>TOTAL</b>	<b>19</b>		<b>19</b>	

- 17.5 There is an identified strong demand for 2 bed units within the market tenure and a strong demand for larger units (3 and 4 beds) within the social rented tenure within the borough. It is noted that the proposed social rented units are geared towards the provision of smaller units where there is a policy drive and need for larger family units more generally within the borough.
- 17.6 It is considered however that the constraints of the site and relationship of the proposed buildings to adjoining properties have exerted limitations on the proposed scale, massing and height of both residential blocks in this case. The need to create a development which safeguards adjoining residential amenity levels to an acceptable degree while creating fully accessible and well laid out units has influenced the size, number and mix of the proposed units in this case. Bearing in mind these constraints it is considered that the site cannot support a significant number of family units with necessary amenity spaces.
- 17.7 It is important to note that while the proposed provision does not provide any large family units for social rented tenure, the proposed development as a whole offers a valuable provision of 50% affordable housing comprising completely of social rented tenure. The units would be in demand once completed and the applicants have an RP (Affinity Sutton Housing) who are ready to purchase the affordable units as proposed. Therefore it is considered that the proposed development offers a valuable and much needed social rented affordable housing provision and good quality market housing which is welcomed. In this particular case the housing mix is considered to be acceptable and appropriate.

## 18.0 Affordable Housing and Financial Viability

- 18.1 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, “*the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*”.
- 18.2 London Plan (2011) policy 3.12 states that the “*maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements*”.
- 18.3 Core Strategy (2011) policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
  - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
  - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
  - delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing.
- 18.4 Islington Planning Obligations SPD (Nov 2013) provides guidance as to how the Local Planning Authority will consider viability assessments. Whilst this was adopted after the receipt of this application it is relevant at the time of decision making and in any event informed the approach taken through consideration of this scheme.
- 18.5 **Formal Affordable Housing Offer:** The development proposes 19 units out of the total 38 as affordable housing all within the social rented tenure. The affordable housing offer was revised during the course of the application and increased from 16 units as originally submitted to 19 units as now proposed. The proposed affordable housing provision represents a 50% provision as a total of the proposed units and just over 50.55% by habitable rooms.

### *Assessment of Financial Viability:*

- 18.6 BPS Chartered Surveyors: The Council appointed BPS Chartered Surveyors to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.
- 18.7 An initial draft viability response was prepared by BPS and sent to the applicant on the 13<sup>th</sup> of May 2014. This requested a response to various questions that BPS had after reviewing the applicant's information; particularly in relation to the existing land use of the site, land values, comparable sales values for residential units in the area, revenue streams for the proposed hotel, gym and restaurant uses on the site and more detailed information regarding the proposed hotel use, proposed target market and operators in this case.
- 18.8 The applicant met with the case officer and BPS in late May 2014 to discuss the areas requiring further information to be provided. Further details were provided by the applicant and BPS sent through their addendum viability report on the 10<sup>th</sup> June 2014 (see Appendix 3).
- 18.9 Given the detailed and comprehensive way that the report deals with financial viability it is not attempted to summarise the report within this section of the report, it is recommended that the BPS report be reviewed in full (Appendix 3).
- 18.10 The key results of the final BPS viability assessment show that the proposed redevelopment of the site with 50% affordable housing provision (all social rented tenure) is deliverable and viable while creating a small surplus in which to provide a £106 financial contribution. The review by BPS concluded that the scheme would not be viable if the applicant were to pay the full amount of £106 contributions related to the development. However BPS concluded that subject to a reduction of the £106 contributions, the economics of the development would be viable and the scheme deliverable at this moment in time. See the planning obligations section of this report for more details.

### **Conclusions**

- 18.11 The original BPS report and addendum BPS report clearly indicates that the private residential sales, retail, gym, office and commercial revenue have been increased by the applicant, in line with BPS's initial assessment dated 13 May 2014. The key monetary figures, assumptions, land values and Gross Development Values have been agreed and BPS has confirmed that provided the identified surplus (£180,000) is made available towards £106 contributions that the proposed scheme is unable to viably deliver either more affordable housing or further financial contributions.
- 18.12 The council has assessed the details carefully and proposes a reduction in the £106 contributions sought in this case in order to ensure that the scheme remains viable and deliverable, yet still mitigates the impact of additional site occupants. Additionally, a viability review mechanism should be built into any agreed £106 which would enable the outstanding contributions to be reviewed if the development has not begun within 12 months of the grant of permission. This would ensure that the scheme is delivered without delay while also allowing the council to assess the scheme against the prevailing market in 12 months time if required to, with a view to securing full mitigation of the impacts on the local infrastructure from this development. This is considered to be a fair and pragmatic approach to the delivery

of the development on this particular site in this case, giving considerable weight to the 50% affordable housing delivery, which is a strategic priority for London. The suggested wording is within the draft S106 heads of terms contained within Appendix 1 of this report.

## 19.0 Sustainability

- 19.1 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 19.2 The applicant's Sustainability Statement states that:
- BREEAM "Excellent" is possible to be achieved for the hotel, office and flexible retail units. (**Condition 15**)
  - Code for Sustainable Homes level 4 (November 2010 version) would be achieved for all residential units; (**Condition 14**)
  - Flood risk and sustainable urban drainage systems introduction of permeable areas as green / brown roofs, landscaped areas and permeable paving as well as attenuated surface water runoff;
  - Other measures – relating to operational sustainability, materials selection, sustainable transport, site waste and recycling – would be promoted.
- 19.3 Water Use demand: With regard to water use, at paragraph 5.3.3 of the Sustainability Statement the applicant acknowledges Islington's requirement (set out at part C of Core Strategy policy CS10) for residential schemes to achieve a water efficiency target of 95 litres per person per day or fewer. This is shown to be achievable through the incorporation of a greywater recycling plant room as well as rainwater harvesting plant room for irrigation purposes. The applicant proposes that the combination of these recycling and use of water efficient appliances would enable this target to be met. Further conditions are suggested to achieve this aim. (**Conditions 16, 17, 18, 35 & 36**)
- 19.4 Green Roofs: The proposed plans show extensive coverage of green roofs and PV panels on the developments main roofs which are welcomed. These features are secured via conditions. (**Condition 16**)
- 19.5 Sustainable Urban Drainage: Given Islington's highly urbanised character, with few permeable surfaces, it has a high risk of surface water flooding that is likely to increase through intensification and higher levels of rainfall (as a result of climate change). The applicant proposes the use of green roofs, permeable paving and soft landscaping.
- 19.6 London Plan Policy 5.13 (Sustainable Drainage) states that developments should utilise Sustainable Urban Drainage Systems (SUDS), unless there are practical reasons for not doing so and that surface water run-off is managed as close to its source as possible. Policy DM6.6 (Flood Prevention) of the Development Management DPD requires applications for major developments that create new floorspace that is likely to result in an intensification of water use are required to

include details to demonstrate that SUDS have been incorporated and meet the design standards listed under the policy.

- 19.7 In order to ensure that the proposed development adheres to this policy, Curtins Consulting have prepared a Drainage Strategy, which addresses management of surface water flows from the development, the incorporation of SUDS features where appropriate and reduce peak run-off rates and overall volumetric run-off. Space planning for attenuation structures and the protection of basement areas against flooding has also been included. Curtins Consulting has updated the Drainage Strategy to account for the effect of the amendments to the scheme and respond to the comments made by the Council's Sustainability Officer on 25 November 2013. The revised report now sets out measures for greywater re-use and addresses the feasibility of rainwater harvesting. The benefits in reducing peak surface water run-off rates arising from the inclusion of green roof areas and new areas of soft landscaping as part of the scheme are also outlined.
- 19.8 SUDS Summary: The proposal has a number of SUDS features which are welcomed. It is considered that further details can be secured via condition to ensure that the SUDS credentials of the proposed new build here are maximised to their full potential ahead of the implementation of the development on site (condition 17). It is considered that based on the current information and scheme design, the proposals adequately address London Plan (2011) policies: 5.3 and 5.13, Core Strategy (2011) policy CS10E, Development Management Policies (2013) Policy DM6.6 'Flood Prevention' and the Environmental Design SPD (2013).
- 19.9 Green Performance Plan: An initial draft GPP was submitted with the application albeit lacking the required details for full assessment. A further heads of term for the S106 will also require the submission of a GPP after two years of the development to monitor the efficiency of the development as a whole.

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

- 20.1 The National Planning Policy Framework notes that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, and states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions (paragraphs 93 to 95).
- 20.2 Chapter 5 of the London Plan (2011) sets out the Mayor of London's policies for addressing climate change. These include policy 5.1, which sets out a target of reducing London's carbon dioxide emissions by 60% (below 1990 levels) by 2025, and policy 5.2, which sets out the following energy hierarchy for minimising carbon dioxide emissions:
- Be lean: use less energy.
  - Be clean: supply energy efficiently.
  - Be green: use renewable energy.
- 20.3 No changes to policies 5.1 and 5.2 (to ensure consistency with the NPPF) were included in the Mayor of London's Revised Early Minor Alterations to the London Plan, published in June 2012.

- 20.4 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. Paragraph 7.18 in Islington's Development Management Policies (and paragraph 2.0.6 of Islington's Environmental Design SPD) details an equivalent reduction (or "proxy") of 30% in comparison with total emissions from a building which complies with the Building Regulations 2010.
- 20.5 Part A of Development Management Policy DM7.1 states that 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.
- 20.6 Policy DM7.5 in Islington's Development Management Policies states that developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures, and goes on to set out a sequential cooling hierarchy. Part B of the policy states that measures at the highest priority level of the cooling hierarchy shall be utilised to the fullest extent possible before the next level is utilised. It adds that "*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*".

*Be Clean (District energy and Combined Heat and Power (CHP))*

- 20.7 The applicant has followed the London Plan's energy hierarchy in terms of reporting CO2 reductions based on regulated and unregulated emissions, as set out in their submitted 'Energy Statement'.
- 20.8 In summary, the documentation refers to achieving 53.9% savings on regulated emissions (relative to the Part L, Building Regulations, 2010). London Plan policy 5.2 refers to 40% regulated CO2 emissions savings against Part L, 2010 Building Regulations up until 2016 and zero carbon beyond that date. At the present time therefore, the proposals achieve and significantly exceed London Plan policy 5.2 compliance requirements.
- 20.9 The applicant has embraced the comprehensive reduction of total CO2 emissions from the proposed development to achieve a very high reduction in total emissions as a result which is very much welcomed by the council.

*Be Lean (Passive design and energy efficiency target)*

- 20.10 The Energy Strategy states that the development would use less energy 'being lean' through the use of energy efficient fabric and building services, utilising best practice. All dwellings have been designed to minimise the need for mechanical cooling. Mechanical ventilation is proposed for the residential units due to local noise issues. The mechanical ventilation system will include heat recovery (MVHR) in order to achieve ventilation in the most energy efficient way. Windows will remain openable to achieve passive cooling in the summer.



- 20.11 London Plan policy 5.5 sets out an expectation that 25% of heat and power used in London will be generated through the use of localised decentralised energy systems by 2025, and states that boroughs should require developers to prioritise connection to existing or planned decentralised energy networks where feasible. Policy 5.6 goes on to state that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and sets out the following hierarchy for major developments to accord with when energy systems are selected:
- Connection to existing heating or cooling networks.
  - Site-wide CHP network.
  - Communal heating and cooling.
- 20.12 Part C of London Plan policy 5.6 states that, where future network opportunities are identified, proposals should be designed to connect to these networks. Islington's Core Strategy, under policy CS10, states that all development will be required to contribute to the development of decentralised energy networks, including by connecting to such networks where these exist within the proximity of the development. The carbon saving requirement set out in policy CS10 increases to 50% (in comparison with a building compliant with the Building Regulations 2006) where connection to a Decentralised Energy Network (DEN) is possible.
- 20.13 Policy DM7.3 in Islington's Development Management Policies states that all major developments are required to be designed to be able to connect to a decentralised energy network.
- 20.14 The development is located approximately 100 metres from the Citigen network and 550 metres from the chilled water network. The proposal includes plans to connect to the Citigen Heat Network but not the Citigen Cooling network due to its prohibitive costs. The connection to the heating network is welcomed by the council's energy officer in this case. The connection to Citigen is secured via S106. The connection to Citigen Heating would result in savings total CO<sub>2</sub> emission savings of 24.5%.

*Be Green (Renewable Energy)*

- 20.15 In terms of 'being green', the applicants preferred renewables approach is to install 118.8 m<sup>2</sup> of photovoltaic panels with a rated output of 22.6 kWp system for the residential component which would reduce the regulated CO<sub>2</sub> emissions of the development by a further 3.6%.

*Beyond Green*

- 20.16 The applicants intend to go beyond the requirements of the London Plan and Islington's DM policies in terms of sustainability and energy savings. The applicants have detailed how these savings would be achieved through the following areas.

Office, retail and hotel uses:

- Green lease agreements that address energy use in operation
- Time clock controls for offices.
- Installation of efficient appliances.
- Requirements for long term monitoring
- Energy saver key card switches for hotel guest rooms.

## 20.17 Residential proposed measures:

- Provision of energy efficient white goods to all private dwellings
- Provision of internal drying lines, to encourage the reduction of electricity consumed through the use of tumble dryers.
- Use of energy efficient internal and external light fittings

### *Unregulated emissions*

20.18 With both regulated and unregulated emissions taken into account, the proposed development as currently designed would achieve an excellent 53.9% CO<sub>2</sub> reduction relative to a scheme that complies with the Building Regulations 2010 (the policy proxy seeks a 30% reduction).

### *Carbon offsetting*

20.19 Core Strategy policy CS10 (part A) states that the council will promote zero carbon development by requiring financial contributions to offset developments' remaining carbon dioxide emissions (after emissions are minimised on site). Implementation of the carbon dioxide offsetting element of policy CS10 began upon the adoption of Islington's Environmental Design SPD. This document, at page 13, states that after minimising carbon dioxide emissions on-site, financial contributions to offset all remaining emissions will be required (down to a target of zero carbon). For all major developments the financial contribution shall be calculated based on an established price per tonne of carbon dioxide for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.

20.20 It is important to note that the submitted details within this application offer impressive sustainability and CO<sub>2</sub> savings over the 2010 building regs policy requirement. The development proposes to achieve a 53% reduction in CO<sub>2</sub> emissions. Bearing in mind the financial viability conclusions for this development, half the standard the CO<sub>2</sub> offset financial contribution is secured, being £186,254. The full mitigation amount of £372,508 would be sought if the viability review mechanism is triggered and shows the payment of the full amount is possible. This contribution has been secured via S106.

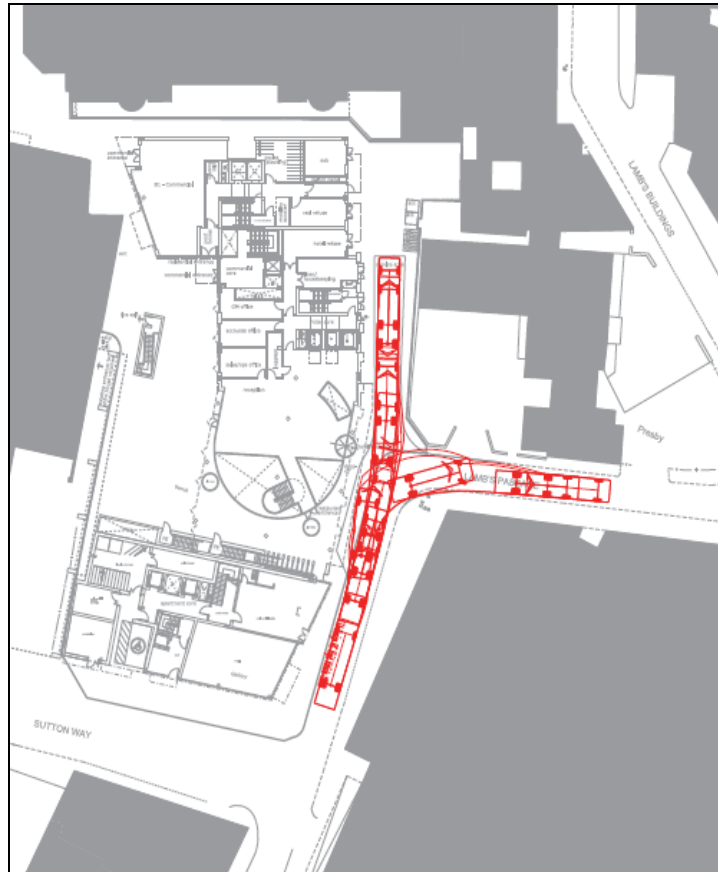
20.21 Conclusions on Energy: The proposed development offers a substantial reduction in the total CO<sub>2</sub> emissions produced. The applicant has embraced a wide raft of best practice methods and has gone beyond the minimum sustainability and energy requirements as set out by Islington's Local Policies and the London Plan. (**Conditions 11 & 13**).

## **21.0 Highways and Transportation.**

### *Servicing, deliveries and refuse collection*

21.1 Development Management Policy DM8.6(A) (Delivery and servicing for new developments) requires that provision for delivery and servicing should be provided off-street, and it must be demonstrated that vehicles can enter and exit the site in forward gear and that delivery and servicing bays be strictly controlled, clearly signed and only used for the specific agreed purpose. Policy DM8.4 (F) states that it

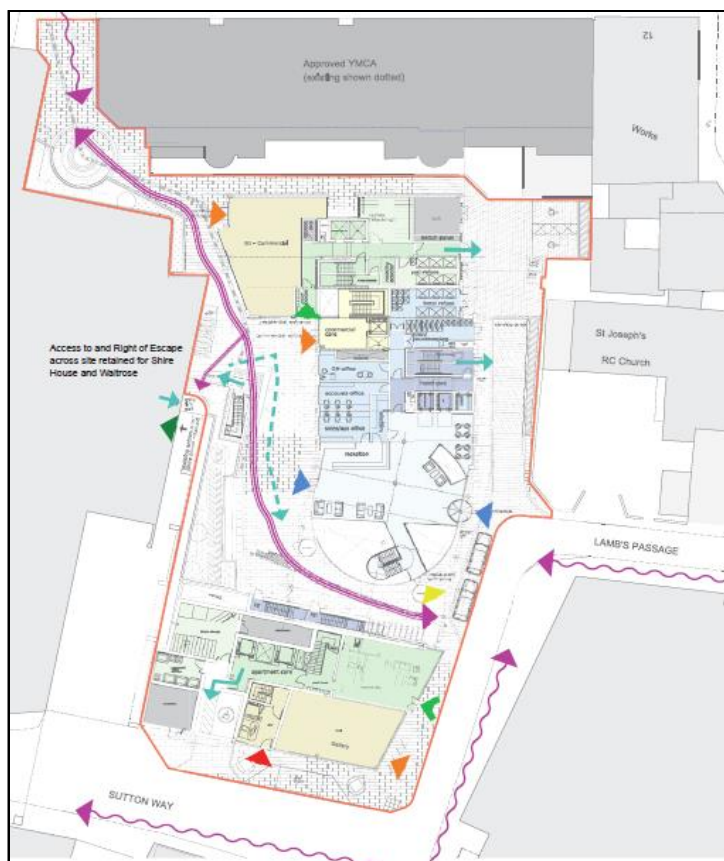
must be demonstrated that there are no road safety conflicts between pedestrians, cyclists and vehicles entering, parking and servicing a development.



Large service refuse vehicle swept path analysis image



21.2 Pedestrian access: The footway running along Lamb's Passage is proposed to be widened to take account of comments raised in the original transport observations. The footway would be wide enough for a pedestrian and wheelchair to pass along the footway at the same time. This arrangement is welcome and in line with officers advice. Furthermore, the footway is clearly delineated from the carriageway and the proposed drop-off bay. This would reduce potential road safety conflicts between pedestrians and vehicles using the drop-off bay (**details secured by condition 12**).



Pedestrian routes through the proposed site and surrounding roads.

21.3 The applicant has proposed that servicing vehicles would access the service yard from the new vehicular access off Lamb's Passage. The applicant's updated swept path analysis (29 April 2014) demonstrates that all vehicles would enter the service yard in forward gear and exit in reverse gear into the drop-off, before exiting the drop-off bay in forward gear. There are a few exceptions where larger vehicles would slightly overhang onto the carriageway when they reverse into the carriageway (approximately two vehicles per day). It is important to note that if no flexibility was shown the site would be undevelopable because of the servicing constraint.

21.4 This arrangement would be fully in line with Development Management Policy DM 8.5. Alternatively, if vehicles are only able to exit in reverse gear, then the following has been agreed with the applicant to help minimise the risk to pedestrian safety:

- Drop-off bay: all vehicles must reverse out of the servicing yard into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay.

- Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing yard into the drop off bay.
- Detailed design: the detailed design and adoption of the drop-off bay and footway must be agreed via a Section 38 Agreement. This should be secured by way of a planning condition. (**condition 12**)

21.5 The applicant has also proposed a new pedestrian route and public realm running through the site between Lamb's Passage and Errol Street. This is welcome and in line with Core Strategy Policy CS10 and Development Management Policy DM 8.2, because it will help to maximise walking opportunities through the area and create a new public space within the site.

21.6 Vehicle Access: The applicant proposes to close the two existing vehicular accesses to the site from Sutton Way and Lamb's Passage. Currently, there is a two-way access from Lamb's Passage and separate ingress and egress from Sutton Way. This access would be replaced with a new vehicular access on Lamb's Passage (adjacent to a new drop-off bay that would serve the development). Vehicles servicing the hotel, restaurant, residential and gym uses would be able to access the new service yard via this access

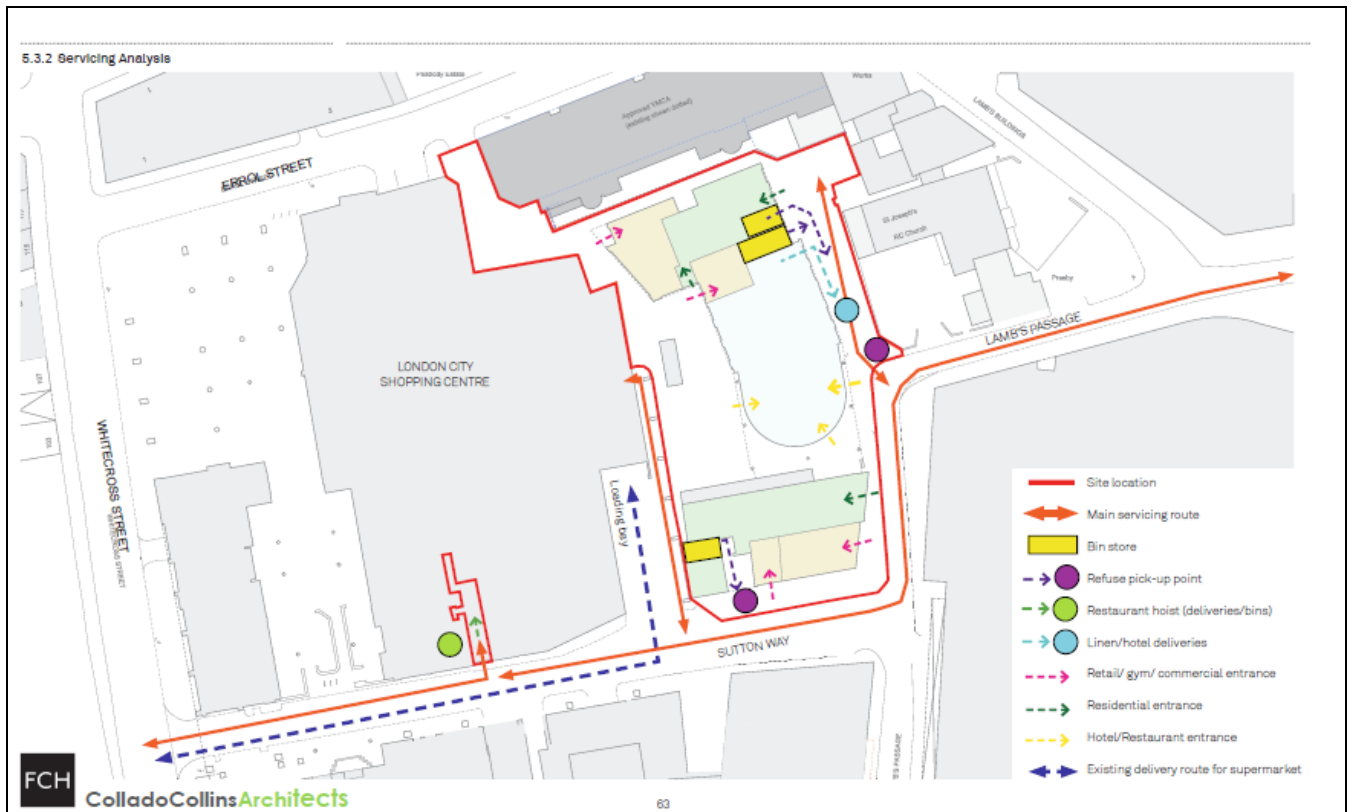
21.7 Wheelchair users (living in the affordable housing units) will use the new Lamb's Passage access to the wheelchair parking bays (located behind the service yard). The applicant has recognised that the needs, routes and preferences of wheelchair users, using these parking bays, must be prioritised. This will be reflected in the Servicing and Delivery Management Plan, which would require approval by the council prior to implementation of the scheme (**condition 12**).

21.8 To help ease vehicle manoeuvring for large vehicles, the applicant proposes minor alterations to the inside bend of Lamb's Passage. The alterations would relocate the existing bollards along the kerb edge, remove a one-way sign and ensure the modified footway is at least 2 metres wide. The applicant recognises that the proposed works would be subject to detailed design and these should be agreed through a S278 Agreement.

21.9 Servicing, deliveries and refuse collection: Using information from the potential occupier, the Transport Assessment estimates that the hotel and restaurant would generate 35 servicing/delivery events per week. On average 5 per day. To address concerns of residents and protect their amenity condition restricts servicing hours to Monday – Saturday 08:00 to 19:00; and Sundays and Public Holidays: Not at all. (**condition 29**)

21.10 A detailed servicing and delivery management plan will be required to be submitted for approval to the council prior to the implementation of the development. The plan should contain estimated dwell times and vehicle types. The operation of the development should adhere to these arrangements or face enforcement action. Waste from affordable housing will be collected from Lamb's Passage. Waste from market residential housing will be collected from Sutton Way.

- 21.11 In line with Development Management Policy DM 8.5 Part B (Vehicle Parking), this would be a car free development. There would be 4 wheelchair accessible parking bays for the 4 wheelchair residential units. Each of these bays would be located within close proximity of the residential entrances to the buildings. This is welcome and in line with Islington's Accessible Housing' Supplementary Planning Document (SPD). They would all meet standard size criteria for wheelchair parking bays and are secured by **condition 12**.
- 21.12 The applicant has stated that they would pay a contribution towards 8 publicly accessible wheelchair parking bays. It is welcomed that the applicant accepts a contribution should be paid towards the designation of wheelchair parking bays. For those travelling by taxi to the development, they would be able to use the new drop-off/collection layby on Lamb's Passage outside the hotel. The design of the proposed layby has been altered to ensure it is level with carriageway and separated from the footway by a kerb.
- 21.13 On Site Cycle Parking: The applicant proposes to create a range of cycle parking to serve the proposed development. Both the quantum and proposed quality of the cycle parking is welcome and in line with Development Management Policy DM 8.4 (Walking and Cycling) Part C. A total of 85 cycle parking spaces are proposed as part of the overall development. This would comprise 60 spaces for the residential apartments, 5 for the hotel, 9 for the restaurant and 11 for the offices. The cycle storage areas for the residential uses would be securely located inside the respective parts of the building. The cycle parking spaces serving the hotel, offices and restaurant (25 spaces in total) would be publically accessible, located within the newly created public realm. These parking spaces would be shared by cyclists using the respective uses.
- 21.14 Transport impact of development: The Transport Assessment has projected the number of trips that the proposed development may generate. This has been based on TRAVL. The proposed development is not expected to lead to significant pressures on local transport infrastructure. Over 80% of trips to the development are likely to be by foot, cycle or by public transport. As the development is car free, it is unlikely that there would be many trips by cars (with the exception of blue badge holders).
- 21.15 Construction Logistics Plan: The applicant has agreed to submit a Construction Logistics Plan which is secured secured by condition. Additionally the S106 would secure compliance within the Construction Practice.



Access points to the proposed development.

## 22.0 Contaminated Land and Air Quality

### *Contaminated Land*

22.1 The NPPF indicates that where a site is affected by contamination, responsibility for securing safe development rests with the developer and / or landowner. London Plan policy 5.21 (Contaminated Land) states that appropriate measures should be undertaken to ensure that development on previously contaminated land does not activate or spread contamination.

22.2 Policy DM6.1 (Healthy Development) of the Council's Development Management DPD requires adequate treatment of any contaminated land before development can commence. A contaminated land Desk Study Report prepared by Geo-Environmental Services Ltd accompanied the application. The Preliminary Risk Assessment and the Conceptual Site Model carried out as part of the Desk Study Report for the application site have identified several potential pollutant linkages. The council's land contamination officer is satisfied with the details provided subject to **condition 32** requiring any contamination measures necessary is attached to any grant of permission.

### *Air Quality*

22.3 London Plan policy 7.14 is relevant to air quality. Development Management Policy DM6.1E states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits, and that where adequate mitigation is not provided and/or is not practical planning permission may be refused. Part F states that developments should not cause significant harm to air quality cumulatively or individually. Where modeling suggests that significant harm would be caused this shall be fully addressed through appropriate mitigation.

22.4 The applicant has submitted a detailed Air Quality Assessment which states that the proposed development is considered to be a Medium Risk Site overall for demolition pollution and trackout and a high risk site for earthworks and general construction activities. It is considered that through good practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases can be reduced to acceptable levels during what is a reasonably short overall construction period. Subject to appropriate conditions (**conditions 25 & 37**) and through compliance with the code of construction practice, the residual effects of the construction phase on air quality is considered to be acceptable in this case.

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

23.1 Mayoral CIL: To help implement the London Plan, policies 6.5 and 8.3, the Mayoral CIL came into effect on 1<sup>st</sup> April 2012. The proposed development would be the subject of Mayoral CIL payment, charged at £50sqm based on GIA. The fee is estimated at £442,425 and was accounted for in the applicant's viability appraisal.

23.2 Crossrail: This site is within the area where section 106 contributions for Crossrail will be sought in accordance with London Plan policy 6.5 and the associated Supplementary Planning Guidance (SPG) '*Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy*', April 2013. In paragraph 4.20 of the SPG, it can be seen that in these situations, the Mayor's CIL charge (but not the boroughs') will be treated as a credit towards the section 106 crossrail liability. The practical effect of this will be that only the larger of the two amounts will normally be sought. Given the conclusion of the BPS viability assessment report that limited "surplus" is available making payment of full S106 contributions unviable, the Cross rail amounts sought is reduced to the same amount as the Majoral CIL. Should after viability review additional surpluses be found the difference would be secured.

23.3 Planning Obligations: The applicant agreed to pay a reduced package of financial heads of terms that are listed below. Those obligations have been calculated based on the adopted Planning Obligations SPD (2013) or in the case of the play space and education contributions, based on the GLA child yield figures. The heads of terms are proposed to include a 12 month review mechanism put in place to ensure the proposed development is delivered without delay and bearing in mind the findings of the viability assessment which shows the scheme is unable to be delivered with the full S106 contributions being sought at the present time. Those contributions or obligations are considered necessary, relevant and appropriate in scale and kind to the proposed development and to make the development proposals acceptable in planning terms and policy compliant.

23.4 Local employment and training opportunities: The proposal has secured a S106 contribution of £35,352 towards employment and training for local residents which is welcomed. The S106 will also secure the creation of 9 work placements during the construction phase of the development for a period of 13 weeks. If these placements prove unfeasible the applicants have agreed to pay a contribution of £45,000 in lieu.

23.5 However, given the strategic importance of securing the maximum amount of affordable housing to address critical housing need within the borough, it is the view



of officers that the 50% affordable housing (all social rented tenure) offer which can be delivered on site should be given greater weight than the financial contributions in this case (subject to an appropriate viability review mechanism).

## **24.0 Summary and Conclusions**

- 24.1 A full summary of the proposals is located at paragraphs 3.1 – 3.12 of this report, however in brief summary, the proposals are for the delivery of a mixed use redevelopment with a hotel, commercial uses and a significant number of both affordable and private housing, all of which are supported by planning policy. The overall design, scale, massing and appearance of the proposed redevelopment positively responds to the architectural character of the surrounding street scene subject to conditions ensuring a high quality design.
- 24.2 It is accepted that the proposed development would significantly change adjoining residents' outlook and their experience of the existing open site. It is acknowledged that the proposed development would have considerable adverse impacts on some adjoining residents' daylight and sunlight levels to their windows. The council has assessed this impact very carefully. Bearing in mind the specifics of the site, the impacts of the development on the amenity levels of adjoining occupiers in this case are finely balanced in terms of actual losses of daylight and sunlight to several habitable room windows (and associated rooms) to adjoining properties, particularly in relation to 1 Lamb's Passage, The Presbytery, Sundial Court and the western elevation of Shire House.
- 24.3 The development as a whole offers significant and substantial public benefits in terms of urban design, townscape goals and the provision of a high quality development with substantial affordable housing, exceptionally well performing CO2 emissions reductions strategy, employment generating uses and public realm improvements.
- 24.4 The amenity for future occupiers and neighbours would be affected adversely to a material degree; the transport infrastructure is capable of accommodating the proposal in this highly accessible location; efficient, renewable and sustainable measures are proposed as part of the development. In the final balance of the assessment of the case, the proposed development is considered to be acceptable and recommended for approval subject to appropriately worded conditions and S106 obligations and contributions to mitigate against its impact.

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- On-site provision of 50% social rented affordable housing (19 units: 8 x 1 beds, 11 x 2 beds).
- Pre-implementation financial viability review of the scheme for the purpose of ascertaining if the full financial contributions / mitigation amounts can be achieved, as a result of improvements in private sales values, hotel and commercial revenues if the development has not substantially commenced within 12 months of any grant of permission or any 6 month break in the implementation of the development that may lapse once the development has begun.
- A contribution towards Crossrail of £442,425 (reduced from £571,378) with the amount paid in relation to Mayoral CIL being discounted directly off this amount. (Viability review mechanism seeking to achieve full mitigation amount of £571,378).
- A contribution of £250,000 (reduced from £348,711) towards transport and public realm improvements within the vicinity of the site. (Viability review mechanism seeking to achieve full mitigation amount of £348,711)
- A contribution of £110,000 (reduced from £197,383) towards public open space improvement works within the vicinity of this site. (Viability review mechanism seeking to achieve full mitigation amount of £197,383)
- A contribution of £20,000 (reduced from £37,700) towards children and young people's play and informal recreation facilities within the vicinity of the site. (Viability review mechanism seeking to achieve full mitigation amount of £37,700)
- A contribution of £50,000 (reduced from £77,923) towards sport and recreation facilities within the vicinity of the site (Viability review mechanism seeking to achieve full mitigation amount of £77,923)
- A contribution of £22,000 (reduced from £45,009) towards community facilities within the vicinity of the site (Viability review mechanism seeking to achieve full mitigation amount of £45,009)
- Payment of a commuted sum of £35,352 towards employment and training for local residents.
- A CO2 offset contribution of £186,254, reduced from £372,508). (Viability review mechanism seeking to achieve full mitigation amount of £372,508)

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI (£5,000 per placement not provided). Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £10,538 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 8 accessible parking bays or a contribution of £16,000 towards bays or other accessible transport initiatives.
- Removal of eligibility for residents' parking permits (additional units only).
- Connection to a Citigen Heating Network.
- Submission of a Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Owner/developer to meet the costs of the delivery of the new development and its impact on the public highway. To include all associated construction, signage, demarcation, S38 works involving adoption of widened footway and drop off bay, S278 agreement, monitoring, any necessary amendments to Traffic Management Orders (estimated at £2,000 per Traffic Order) and administration costs.
- Site management plan to be submitted for the Council's approval, specifying arrangements for maintenance, servicing, security, fire safety, coach parking facilities and liaison with local residents. To be made available to residents on request and to be drafted before implementation.
- The approved Public Accessible Space shall be maintained as an open unrestricted space at all times subject to closure only for essential maintenance.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

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

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

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made presented to the Planning Committee, 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 begin no later than the of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement Rev D dated January 2014, Design and Access Statement Addendum 3D Visuals dated May 2014, Design and Access Statement Addendum dated May 2014, Daylight and Sunlight Report by Gordon Ingram and Associates dated January 2014, sunlight/daylight window locations drawings ref 4749-45/REV A, 4749-47/REV A, 4749-49/REV A &amp; 4749-56/REV A, Updated covering letter from GIA consultants dated 11<sup>TH</sup> April 2014, Planning and Regeneration Statement dated January 2014, Amended Air Quality Statement by WSP Environmental dated January 2014, Structural Strategy by Curtins Consulting dated January 2014, Transport Assessment and Travel Plan Template by SCP dated January 2014, Energy Statement by XCO2 Energy dated January 2014, Sustainability Statement by XC02 Energy dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Drainage Strategy Report by Curtins dated January 2014, Archaeological and built Heritage Assessment by Heritage Collective dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Contaminated Land Desk Study Report by Go-Environmental Services Ltd dated August 2013, Covering letter from Geo-Environmental dated 8<sup>th</sup> January 2014, Public Realm Strategy by BMD dated May 2014 including drawing numbers BMD/197/DRG/002E- BMD/197/DRG/005E inclusive, Statement of Community Engagement by Hardhat dated January 2014, Letter from Barton Willmore Dated 2June 2014.</p> <p>Drawingnumbers:SCP/13814/ATR44,SCP/13814/ATR45,SCP/13814/ATR46, SCP/13814/ATR47,SCP/13814/ATR48,Site location plan numbered Li56-183-02-01-001/REV A, Proposed site plan numbered Li56-183-02-02-001/REV C, Li56-183-02-03-001/REV G, Li56-183-02-03-002/REV G, Li56-183-02-03-003/REV I, Li56-183-02-03-004/REV F, Li56-183-02-03-005/REV F, Li56-183-02-03-006/REV F, Li56-183-02-03-007/REV E, Li56-183-02-03-008/REV G, Li56-183-02-03-009/REV E, Li56-183-02-03-010/REV E, Li56-183-02-03-011/REV E, Li56-183-02-03-012/REV A, Li56-183-02-04-001/REV C, Li 56-183-02-04-002/REV C, Li56-183-02-05-001/REV D, Li56-183-02-05-002/REV D, Li56-183-02-05-003/REV D, Li56-183-02-05-004/REV F, Li56-183-02-05-005/REV D, Li56-183-02-91-001, Li56-183-02-91-002, Li56-183-02-91-003,</p>

	<p>Li56-183-02-91-004, Li56-183-02-91-005, Li56-183-02-91-006, Li56-183-02-91-007, Li56-183-02-91-008, Li56-183-02-91-009, Li56-183-02-91-010 &amp; Li56-183-02-03-012/REV A.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
<b>3</b>	<b>Materials and Samples</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the relevant buildings as hereby approved. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses);</li> <li>b) corten steel</li> <li>d) window treatments (including frame sections and reveals);</li> <li>e) roofing materials;</li> <li>f) balustrading treatment (including sections);</li> <li>g) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Additional elevational details</b>
	<p>CONDITION: Full details of the design and treatment (including colour schemes and finishes) of all ground floor (and first floor where appropriate) elevations shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.</p> <p>Details shall all be shown in context and to a scale of 1:50 with 1:10 details or larger where necessary and include the following (but not be limited to):</p> <ul style="list-style-type: none"> <li>a. window and door frames;</li> <li>b. fascias;</li> <li>c. glazing types;</li> <li>d. elevational and threshold treatments;</li> <li>e balcony details;</li> <li>f. louvers.</li> <li>g brickwork pillar at entrance to new pedestrian route off Lamb's Passage.</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: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>

<b>5</b>	<b>Obscure glazing and restricted opening</b>
	<p>CONDITION: Notwithstanding the plans hereby the approved western elevation windows on the private residential block shall prior to the first occupation of those dwelling(s) be altered/treated (to include obscure glazing and restricted opening methods) to prevent the overlooking of neighbouring habitable room windows</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>6</b>	<b>Roof Level Structures</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, updated details of the proposed roof-top structures/enclosures demonstrating a reduction in their prominence shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <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 interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>7</b>	<b>Public art details</b>
	<p>CONDITION: Further details of the proposed 'art' shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development hereby approved. The details shall confirm the size, design, materials, colour scheme and means of attachment.</p> <p>The 'art' shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>If at any point the 'art wall' is considered to form an advertisement as defined under section 336 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Control of Advertisements) Regulations 2007 you are advised that a separate application of Advertisement Consent will be required.</p>

	<p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
<b>8</b>	<p><b>No obscure glazing</b></p>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>9</b>	<p><b>Flexible Homes- Details</b></p>
	<p>CONDITION: Notwithstanding the plans hereby approved, the residential units shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Amended plans / details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> <li>• Plans (and if necessary elevations) to scale 1:50; and</li> <li>• An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.</li> </ul> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs</p>
<b>10</b>	<p><b>Security and General Lighting</b></p>
	<p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures), and the location and design of any CCTV camera equipment shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The CCTV and lighting shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>



<b>11</b>	<b>Energy Reduction-compliance</b>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) including:</p> <ul style="list-style-type: none"> <li>• Connection to Citigen Heating Network</li> <li>• 118.8 m2 of photovoltaic panels on the developments main roofs</li> <li>• Beyond green measures as outlined within the approved energy strategy</li> </ul> <p>which shall provide for no less than 53% on-site total CO<sub>2</sub> reduction as compared to the 2010 Building Regulations as detailed within the 'Energy Strategy' 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 CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>12</b>	<b>Vehicular Facilities &amp; Servicing and Delivery Management Plan</b>
	<p>CONDITION: Detailed design of the proposed servicing area, including the provision of an on-street taxi/drop off bay, and the associated changes to the public highway along Lamb's Passage, shall be submitted to and approved by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>A Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Council prior to the first use of the respective part of the approved development.</p> <p>Details confirming the following shall be submitted:</p> <ul style="list-style-type: none"> <li>• Taxi/Drop-off bay: all vehicles must reverse out of the servicing area into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay.</li> <li>• Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing area into the drop off bay.</li> </ul> <p>The development shall not be occupied unless and until the servicing area for loading/unloading, turning, parking and vehicular access have been constructed, made available for their intended use and appropriately line-marked and/or signed.</p> <p>REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
<b>13</b>	<b>Green Procurement</b>
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
<b>14</b>	<b>Code for sustainable homes</b>
	<p>CONDITION: The residential units hereby approved shall achieve a Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development</p>
<b>15</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The Hotel portion of the development shall achieve a BREEAM New Construction 2011 rating of no less than 'Excellent'. The office space refurbishment shall achieve a BREEAM Office 2008 rating of no less than 'Excellent'. The retail space refurbishment shall achieve a BREEAM Retail 2008 rating of no less than 'Excellent'</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>16</b>	<b>Green and Brown Roofs (Compliance)</b>
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan 3326/P13 Rev A hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>Sustainable Urban Drainage System (SUDS)</b>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
<b>18</b>	<b>Rainwater and Greywater Recycling</b>
	<p>CONDITION: Details of the rainwater and greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater and greywater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management and use of water, and to minimise impacts on water infrastructure, potential for surface level flooding.</p>
<b>19</b>	<b>Bird and Bat Boxes</b>
	<p>CONDITION: Details of no less than 4 (total) bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>20</b>	<b>Plant Noise and Fixed Plant</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,Tf}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest</p>

	<p>noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,T}</math>.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>21</b>	<b>Noise Level from Premises</b>
	<p>CONDITION: Noise emitted from any part of the premises through the operation of the use shall not increase the current background levels, measured as an <math>L_{A90,1hour}</math> day and <math>L_{A90,5minute}</math> night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
<b>22</b>	<b>Residential noise levels protection measures</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8hour}</math>, and 45 dB <math>L_{Amax}</math> (fast)  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq,16hour}</math>,  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq,16hour}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to protect residential amenity.</p>
<b>23</b>	<b>Lifts</b>
	<p>CONDITION: All lifts serving the hotel accommodation hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>24</b>	<b>Retail Opening Hours</b>
	<p>CONDITION: The lower and upper basement floor restaurant (A3 use class) hereby approved shall not operate except between the hours of:</p>

	<p>Monday to Thursday 08:00 and 23:00  Fridays and Saturdays 08:00 and 24:00  Sundays and Public Holidays 08:00 and 22:00</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
<b>25</b>	<p><b>Construction Management Plan and Construction Logistics Plan</b></p>
	<p>CONDITION: No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The CMP and CLP shall contain the Draft Construction Management Plan as submitted as part of the application hereby approved, while also providing the following additional information:</p> <ol style="list-style-type: none"> <li>1. identification of construction vehicle routes;</li> <li>2. how construction related traffic would turn into and exit the site</li> <li>3. details of banksmen to be used during construction works</li> <li>4. the parking of vehicles of site operatives and visitors;</li> <li>5. loading and unloading of plant and materials;</li> <li>6. storage of plant and materials used in constructing the development;</li> <li>7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>8. wheel washing facilities;</li> <li>9. measures to control the emission of dust and dirt during construction;</li> <li>10. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In order to secure highway safety and free flow of traffic.</p>
<b>26</b>	<p><b>Recycling/refuse storage provision and management</b></p>
	<p>CONDITION: Full details of refuse/recycling storage locations, dimensions, collection arrangements and management for both the commercial and residential elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The approved details shall be installed prior to the first occupation of the development and collection and management practices be carried out in accordance with the details so approved permanently thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

<b>27</b>	<b>No External Piping</b>
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
<b>28</b>	<b>Archaeology</b>
	<p>CONDITION: No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or body approved by the council as the local planning authority.</p> <p>This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the protection of archaeological assets if they are discovered</p>
<b>29</b>	<b>Servicing Arrangements - Compliance</b>
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of: Monday – Saturday 08:00 to 19:00; and Sundays and Public Holidays: Not at all</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>30</b>	<b>Hotel &amp; Restaurant Management Plan</b>
	<p>CONDITION: A Hotel &amp; Restaurant Management Plan shall be submitted to and approved by the Local Planning Authority prior to the hotel and restaurant use first commencing. The management plan shall address both separate uses and contain details of:</p> <ul style="list-style-type: none"> <li>• Door policy;</li> <li>• Servicing and delivery times/arrangements;</li> <li>• Bottling out and waste management noise and times;</li> <li>• Control of noise from any designated smoking areas;</li> <li>• Control of noise from amplified music within the building;</li> <li>• Close down policy with gradual lowering of music volume and increasing of lighting;</li> <li>• Visitor Accommodation Operation;</li> <li>• An enforcement strategy for dealing with any breaches of the scheme;</li> <li>• Coach parking arrangements; and</li> <li>• Any other relevant operation of the site.</li> </ul>

	<p>REASON: To ensure that the resulting arrangements do not adversely impact on existing and future residential amenity, safety and security of the surrounding area.</p>
<p><b>31</b></p>	<p><b>Details of Flues</b></p>
	<p>CONDITION: Details of proposed flues / extraction systems for the restaurant/retail units at ground floor level hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
<p><b>32</b></p>	<p><b>Contaminated Land</b></p>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>A) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of any necessary measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a)."</p> <p>The development shall be carried out strictly in accordance with the land contamination investigation and any resulting scheme of remedial land contamination works so approved, any necessary remediation shall be carried out prior to the first occupation of the development, and shall be maintained as such thereafter.</p>

	<p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
<b>33</b>	<p><b>Cycle Parking (Details)</b></p> <p>CONDITION: Details of the bicycle storage area, which shall be covered and secure and provide for no less than 65 cycle spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved storage shall be provided/erected prior to the first occupation of the buildings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>34</b>	<p><b>Landscaping Details</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> <li>1) an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways);</li> <li>2) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>3) detailed calculations setting out the substrate depth necessary to accommodate the planting proposed within the courtyard; including provision for storage of water for irrigation purposes;</li> <li>4) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>5) proposed trees: their location, species and size;</li> <li>6) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>7) topographical survey: including proposed earthworks, proposed ground finishes, proposed top soiling with both conserved and imported topsoil(s), levels, proposed drainage and fall in drain types;</li> <li>8) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>9) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>10) any other landscaping feature(s) forming part of the scheme.</li> </ol> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced</p>



	<p>with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>35</b>	<b>Water usage and reduction targets</b>
	<p>CONDITION: The residential development shall strive to reach a 95 litre / person / day of water use rate.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
<b>36</b>	<b>Reuse materials target</b>
	<p>CONDITION: In accordance with the approved plans 10% of materials used in the construction of the development are to be derived from re-used or recycled content.</p> <p>REASON: In the interests of environmental sustainability and sustainable development.</p>
<b>37</b>	<b>Construction Environment 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: In order to safeguard the amenity levels of adjoining occupiers.</p>
<b>38</b>	<b>Submission of a Piling Method Statement ( Thames Water)</b>
	<p>Condition: No impact 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 sub surface 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.</p> <p>Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: In order to safeguard the drainage system and public sewers adjacent/underneath the site.</p>

<b>39</b>	<b>Playspace- Compliance</b>
	<p>CONDITION: The playspace spaces shown on drawing nos. BMD/197/DRG/001K, BMD/197/DRG/002E, BMD/197/DRG/003 E, BMD/197/DRG/004 E &amp; BMD/197/DRG/005 E hereby approved shall be provided prior to the first occupation of the residential and hotel buildings.</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 the provision of an acceptable public realm and associated playspace provision.</p>
<b>40</b>	<b>Wheelchair accessible parking – Compliance</b>
	<p>CONDITION: The disabled parking spaces shown on drawing no Li56-183-02-03-003/REV I hereby approved shall be provided prior to the first occupation of the residential and hotel buildings and the disabled parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times.</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 the provision of an appropriate number and standard of disabled parking spaces.</p>

**List of Informatives:**

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

	<p>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 important from a CIL liability perspective as a scheme would not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Sustainable Sourcing of Materials</b>
	<p>Informative: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
<b>5</b>	<b>Thames Water 1</b>
	<p>Informative: Surface water drainage: Thames water recommends the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on site or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.</p>
<b>6</b>	<b>Thames Water 2</b>
	<p>Informative: There are public sewers crossing or close to the development site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of or would come within 3 metres of a public sewer. THAMES Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.</p>
<b>7</b>	<b>Thames Water 3</b>
	<p>Informative: Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water Pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>8</b>	<b>Roller Shutters</b>
	<p>Informative: The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning</p>

	application must be submitted for the council's formal consideration.
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## APPENDIX 2: RELEVANT POLICIES

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

### 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.

### Development Plan

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

#### A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy	5 London's response to climate change
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.1 Climate change mitigation
	Policy 5.2 Minimising carbon dioxide emissions
2 London's places	Policy 5.3 Sustainable design and construction
Policy 2.1 London in its global, European and United Kingdom context	Policy 5.4 Retrofitting
Policy 2.2 London and the wider metropolitan area	Policy 5.5 Decentralised energy networks
Policy 2.3 Growth areas and co-ordination corridors	Policy 5.6 Decentralised energy in development proposals
Policy 2.5 Sub-regions	Policy 5.7 Renewable energy
Policy 2.9 Inner London	Policy 5.8 Innovative energy technologies
Policy 2.10 Central Activities Zone – strategic priorities	Policy 5.9 Overheating and cooling
Policy 2.11 Central Activities Zone – strategic functions	Policy 5.10 Urban greening
Policy 2.12 Central Activities Zone – predominantly local activities	Policy 5.11 Green roofs and development site environs
Policy 2.13 Opportunity areas and intensification areas	Policy 5.12 Flood risk management
Policy 2.18 Green infrastructure: the network of open and green spaces	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
3 London's people	Policy 5.19 Hazardous waste
Policy 3.1 Ensuring equal life chances for all	Policy 5.20 Aggregates
Policy 3.2 Improving health and addressing health inequalities	Policy 5.21 Contaminated land
Policy 3.3 Increasing housing supply	Policy 5.22 Hazardous substances and installations
Policy 3.4 Optimising housing potential	

Policy 3.5 Quality and design of housing developments

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

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

Policy 3.19 Sports facilities

#### 4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 4.7 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 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

#### 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

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological conservation

Policy 7.21 Trees and woodlands

Policy 7.22 Land for food

#### 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)  
Policy CS8 (Enhancing Islington's Character)

### Strategic Policies

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

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

### 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

### Housing

DM3.1 Mix of housing sizes  
DM3.2 Existing housing  
DM3.4 Housing standards  
DM3.5 Private outdoor space  
DM3.6 Play space  
DM3.7 Noise and vibration (residential uses)

### Shops, culture and services

DM4.2 Entertainment and the night-time economy  
DM4.3 Location and concentration of uses  
DM4.4 Promoting Islington's Town Centres  
DM4.6 Local shopping Areas  
DM4.7 Dispersed shops  
DM4.8 Shopfronts  
DM4.9 Markets and specialist shopping areas  
DM4.12 Social and strategic infrastructure and cultural facilities

### 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  
DM6.3 Protecting open space  
DM6.4 Sport and recreation  
DM6.5 Landscaping, trees and biodiversity

### Energy and Environmental Standards

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

### Transport

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

## D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses      Site Allocation BC31 & BC32  
BC10 Implementation

## E) Lambs Passage Planning Brief 2006

A Planning Brief for this site was adopted in 2006. This SPD is detailed in its aims and objectives, being summarised in key parts of this report as part of the assessment of the proposals.

In summary, the SPD seeks to secure a residential-led, mixed use scheme that:

### Key Planning Objectives:

- The provision of high quality, sustainably designed architecture which repairs the urban fabric and contributes to the quality of the streetscape as well as respecting the light, privacy and outlook of neighbouring properties;
- To provide a pedestrian-friendly environment with building frontages that engage with the space and provide natural surveillance and an attractive new area of open space available for the public;
- To achieve a high quality mixed-use development;
- To achieve car-free new development. Therefore, existing on-site car parking spaces for residents of Shire House should not be re-let when existing tenants gave up their space.
- To achieve development which is compatible with the surrounding residential area and adjacent Conservation Areas.

### Key Planning Issues:

New development to be car-free;

New development to respect and, if possible, re-use existing underground vaults.

**Land uses:** The site should be developed with a high quality mixed-use development giving preference to residential to increase surveillance in out of business hours:

### Scheme Design

**Site layout and massing:** Due to the blank rear elevation of the three-storey structure opposite the YMCA, there is no active north elevation to the space at all. Therefore, it is proposed to improve the setting by redeveloping the north and west sides of the space. The built context would allow a replacement block for the existing structure with blank elevation at the rear of the YMCA building (north side) and a two-storey development to abut the stilts on the east side of the Whitbread Centre (west side).

**New two-storey terrace of houses (Block A, west side)** Along the east façade of the Whitbread Centre is scope for a terrace as long as it remains below sill level of the existing second floor windows. However, there would need to be a gap for an access route to the



existing residential entrance to the Whitbread Centre, just opposite the eastern arm of Lamb's Passage.

**New four-storey residential block (Block B, north side)** There is scope for a four-storey structure along the southern boundary of the YMCA, spanning from the Whitbread Centre to the western boundary wall of St Joseph's Roman Catholic Church. Windows would be on the south (front) elevation and north (rear) elevation, but not on the east (side) elevation due to overlooking issues.

**Streetscape:** The high number of entrances would lead to a wide spread of pedestrian access routes and increase surveillance and activity all over the place. The area currently occupied by car parking should be evenly paved. This space should be reserved for pedestrians.

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

- Central London Special Policy Area
- Central Activities Zone (CAZ)
- Archaeological Priority Area
- Site Allocation BC31 & B32
- Within Employment Priority Area (General and partially within offices)
- CS7 Bunhill and Clerkenwell Special Policy Area
- City Fringe Opportunity Area Finsbury Local Plan Policy BC8
- Lamb's Passage Development Brief 2006

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

Environmental Design  
Accessible Housing in Islington  
Conservation Area Design Guidelines  
Inclusive Landscape Design  
Planning Obligations and S106  
Urban Design Guide

#### **London Plan**

Accessible London: Achieving an Inclusive Environment  
Housing  
Sustainable Design & Construction  
Providing for Children and Young Peoples Play and Informal Recreation  
Planning for Equality and Diversity in London

## Appendix 3 Redacted Viability Assessment Results.

Land to the East of Shire House, Lamb's Passage,  
London EC1Y 8TE  
P2013/3257/FUL  
Addendum 10 June 2014



### Introduction

- 1.1 BPS Chartered Surveyors was initially appointed by the London Borough of Islington to review a viability submission provided by Upside London Limited (ULL) on behalf of London City Shopping Centre Ltd & Lamb's Passage Real Estate. The application is in respect of the demolition of existing works building and redevelopment of the site to provide a mixed use scheme including a building of up to 8 storeys in height, and conversion of existing underground vaults, to provide 38 residential units (19 market units and 19 affordable), a 61 bedroom hotel, office, restaurant, retail and gym uses, along with the creation of a new area of public realm, associated landscaping and alterations to existing access arrangements.
- 1.2 The applicant originally proposed 50% affordable housing (100% social rented) but no Section 106 contributions due to viability concerns. According to the original viability submission, the proposed scheme produced a residual land value of £2,508,000. When compared to the value of the site in its existing use, £5,724,000, it appeared that a deficit of - £3,216,000 was generated. It was on this basis the applicant argued that a Section 106 obligation of £1,323,994 could not be delivered.
- 1.3 Our review of viability report, dated 13 May 2014, highlighted various concerns regarding the valuation assumptions in respect of the hotel, private residential and additional commercial uses taken by the applicant and ULL. Based on our research we were of the view that the proposed scheme could probably generate sufficient viability to meet the proposed Section 106 contributions, although it was stressed that this would be largely dependent on enhanced hotel revenue above the levels indicated by the applicant.
- 1.4 Subsequent to our report we have received the following additional information:
  - Email from Paul Bartrop to ULL (dated 6 June 2014)
  - Updated development appraisal (dated 9 June 2014)
  - Lambs Passage Note produced by Sanguine
  - Market Profile of Location produced by Paul Bartrop
- 1.5 The applicant maintains a 50% affordable housing offer (100% social rented) but now identifies a surplus of £181,011 which may be made available towards S106 contributions. The updated development appraisal now produces a residual land value of £5,905,011 compared to the value of the site in its existing use of £5,724,000.

- 1.6 The purpose of this addendum report is to examine the amended assumptions on which this surplus has been derived.

### **Recommendations and Conclusions**

- 1.7 It can be seen from our addendum report that private residential sales, retail, gym, office and additional commercial revenue have increased in line with our recommendations as set out in our report 13 May 2014. This equates to approximately £3,500,000 of additional revenue.
- 1.8 We originally reported that we had received insufficient evidence to support and justify the applicant's proposed value of £ for hotel and restaurant revenue. Additional information has now been received to support an increased value of £ This equates to an additional £2,157,150. On balance and after more detailed consideration of the market positioning of the proposed hotel we accept the revised valuation assumptions.
- 1.9 We confirm that provided the identified surplus is made available towards S106 contributions we are now satisfied that the proposed scheme is unable to viably deliver either more affordable housing or further financial contributions.

### **Gross Development Value Residential Values (Private)**

- 1.10 ULL had originally applied a blended residential sales value of £ sq ft (£ sq m) to the subject scheme generating an approximate total of £.
- 1.11 Our research indicated that the following range of unit values could be achieved at the subject site:

Type	Range	Mid-Point
One beds	£430,000 - £850,000	£640,000
Two beds	£850,000 - £1,000,000	£925,000

- 1.12 Adopting mid-point values generated a blended rate of £ sq ft (£ sq m). This produced an additional £2,529,978 over ULL's original proposals.
- 1.13 ULL has now applied our suggested blended residential sales value of £ sq ft (£ sq m) producing a total revenue of £ . We are therefore satisfied with this revised valuation assumption.

### **Residential Values (Affordable)**

- 1.14 According to the original viability submission, the applicant had received an offer from a Registered Provider for £ . On request, we were provided with an email copy of an affordable housing offer from Affinity Solution dated 21 January 2014.

- 1.15 ULL's own modelling generated a total £ and therefore suggested that the RP's offer was slightly in excess of the figures that could normally be expected.
- 1.16 Our own modelling suggested that the affordable housing offer received from Affinity Solution probably reflected a degree of internal subsidy or an assumption about securing grant. For the purposes of our review, we accepted the Affinity offer.

### **Gym Revenue**

- 1.17 The original appraisal adopted a rental value of £ sq ft (£ sq m), capitalised at an % yield generating a capital value of £ . Our research suggested rental values could support a rate of £ sq ft (£ sq m). Adopting a higher rental value increased the capital value by £318,488 to £ .
- 1.18 The revised appraisal has accepted our proposed revenue levels. We are therefore satisfied with this revised assumption.

### **Retail Revenue**

- 1.19 The proposed 861 sq ft (80 sq m) unit was originally estimated by ULL to let at a rental of £ sq ft (£ sq m). According to the viability submission, the rental value has been capitalised at a yield of % which should have generated a capital value of £ but a figure of £ was included in the submission.
- 1.20 Our research of retail transactions from 2013 and 2014 showed a range of values between £29 sq ft and £59 sq ft (£309 sq m and £637 sq m) for units between 362 sq ft and 911 sq ft (34 sq m and 85 sq m) in size. The average rental value was £ sq ft (£ sq m). Adopting a rental value of £ sq ft (£ sq ft) capitalised at % generated a capital value of £. [an additional £337,7000]
- 1.21 A lump sum of £ has now been adopted within the updated appraisal in line with our suggestions.

### **Office Revenue**

- 1.22 The former appraisal applied a rental value of £ sq ft (£ sq m) to an area of 1,033 sq ft (£96 sq m). This had been capitalised at a yield of %, generating a capital value of £ .
- 1.23 We undertook our own market research in order to form a view as to appropriate office rental values and capitalisation rates. Office units ranging between 598 sq ft and 1,870 sq ft (56 sq m and £174 sq m) let during 2013 within the locality showed an average achieved rental value of £33 sq ft (£355 sq ft). According to the Estates Gazette<sup>1</sup>, office rental values for the city fringe reached £31.49 sq ft (£339 sq m) in Q1 2013. This has increased to £40.00 sq ft (£431 sq m) for Q1 2014. Whilst there was no directly relevant comparable evidence available, we considered it reasonable to assume a rental value of £ sq ft (£ sq m). Adopting this rental value increased capital value from £ to £ based on ULL's proposed yield of % a difference of approx. £86,000.

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<sup>1</sup> EGi (2014) London Offices Market Analysis Q1:2014

- 1.24 ULL's yield evidence comprised one achieved sale in 2012 for a unit in Richmond, showing a yield of 5.45%. ULL previously stated that a yield of % is recommended for the subject site unless it is considered appropriate to adjust the yield due to differences in location.
- 1.25 Applying a yield of % to our proposed rent of £ sq ft (£ sq m) generated a capital value of £ .
- 1.26 The updated development now adopts a capital value of £ and we are therefore satisfied with the valuation assumptions taken.

### **Other Commercial Revenue**

- 1.27 A total area of 12,971 sq ft (1,205 sq m) had been entered within the former appraisal as achieving a rental value of £ sq ft (£ sq m). A capitalisation rate of % had been applied.
- 1.28 According to the viability submission, the area is situated within the lower basement and related access core. ULL is of the view that its location will generate only limited occupier and investor interest, thereby reducing rental and capital values. We agreed with this view. The viability submission mentions that a film production studio could be suitable for the accommodation.
- 1.29 Whilst there is no direct evidence indicating an appropriate value for this space we proposed a yield of % should be applied to the rental value of £ sq ft (£ sq m) as being reflective of a lower range capitalisation basis. Assuming the accommodation could be used for retail use, a yield of % is supported by Savills'<sup>2</sup> forecasts for secondary retail accommodation. A capital value of £ was generated using this figure and has now been adopted by ULL. [ An increase of £247,000]

### **Hotel and Restaurant Revenue**

- 1.30 The former appraisal adopted a capital value of £ for the 61 bed, four-star hotel. The anticipated hotel value was an area of much debate between the applicant's advisors and ourselves. BPS and the applicant's hotel advisor, Paul Bartrop from Hotel Real Estate subsequently met on 6 June 2014.
- 1.31 Our earlier report indicated that we were of the view a boutique style hotel could be feasible at the subject site. According to Paul Bartrop, the location and appearance of the development would not encourage such a development as few of these hotels are currently under development and would prefer both premium locations and select buildings of historic or heritage importance. We accept this point. Paul Also makes the point that radically different costs would need to be adopted to construct a boutique hotel and much larger room sizes which significantly decrease the number of proposed rooms resulting in an hotel of questionable size and viability.

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<sup>2</sup> Savills (2014) Outlook for capital and rental value growth [Online]. Accessed from [http://www.savills.co.uk/research\\_articles/173521/173768-0](http://www.savills.co.uk/research_articles/173521/173768-0)

- 1.32 We have been informed that the developers, Sanguine Hospitality, wish to operate the hotel under an Indigo franchise from the Intercontinental Hotel Group. It is anticipated that the brand will help attract existing customers. Sanguine Hospitality has produced a market profile for the area. Research sourced from CBRE indicates the standard midweek room rates concerning 13 competitors range between £171.00 and £190.00, and £349.00 and £369.00. These particular rates represent Montcalm London City and the Crowne Plaza respectively.
- 1.33 The developer anticipates that a period of three years will be required to increase average room rate and occupancy rate to a stabilisation point. After this three year period it is expected that the hotel could generate an average room rate of £ at % occupancy rate.
- 1.34 The restaurant due to be located within the underground vaults will deliver approximately 245 covers. The developer anticipates that the restaurant will be delivered as a 'Marcos New York Italian' restaurant. It is anticipated that revenue from the restaurant is not dependent upon the scale of the hotel operation.
- 1.35 In terms of capitalisation rates, the hotel will be held on a long lease, run on a franchise and operated independently. Thus, Paul Bartrop, is of the view that a yield of % will be appropriate to reflect the risk involved, compared to an asset held on a more traditional FRI leasehold. An email exchange between Paul Bartrop and ULL highlights comparable evidence. Selected comparable evidence indicates yields could range between % and %. We note, however, that these comparables could be regarded as slightly historic as deal dates range from 2010.
- 1.36 The updated appraisal now adopts a total capital value of £ for hotel and restaurant. This is an increase of £2,157,150 from the original development appraisal, which adopted a total capital value of £ .
- 1.37 We appreciate that the applicant has sought advice from a hotel specialist who has provided information and evidence to better explain the proposed market positioning of the hotel and why a boutique offer would be unlikely to be viable. The involvement of a known hotel brand does significantly enhance the viability of the proposed development and in consideration of the additional information on this point we are now satisfied that the proposed enhanced value is a realistic assessment of the site's potential.

## **Section 106 Financial Contributions**

- 1.38 The scheme now identifies a small surplus from its previous position in deficit, it has been indicated to us that the applicant may be willing to provide this surplus as a contribution towards the required Section 106 obligations of £1,696,502, subject to further discussions at officer level.

**Appendix 4 Formal DRP response following appearance of a development at this site at DRP on the 14<sup>th</sup> May 2013.**

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**ISLINGTON**

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Our ref: **DRP/005**

Date: 4 June 2013

FAO Justin Kenworthy  
Barton Willmore  
7 Soho Square  
London  
W1D 3QB

Dear Mr Kenworthy,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: Car park site at 11 Shire House, Whitbread Centre, Lamb's Passage EC1Y**

Thank you for coming to Islington's Design Review meeting on 14 May 2013. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE.

**Review Process**

The scheme was reviewed by Dominic Papa (Chair), Alec Forshaw, Martin Pearson, Paul Reynolds, Sarah Featherstone and Simon Foxell on Tuesday 14 May 2013 including a site visit by the panel members followed by architect's presentation, question and answers session and deliberations at the Islington Town Hall, Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

**Panel's observations**

- The Panel commended the concept of urban repair and the principle of integrating the two adjoining sites in order to provide a more holistic response to the surrounding context. The panel also welcomed the intention of bringing the listed underground vaults back into use. However, the Panel had concerns in relation to a range of aspects of the proposed scheme, in particular in relation to the proposed site layout, massing, resulting architectural expression, potential impact on listed vaults and servicing strategy. Each of these points will be expanded below.
- Although panel members were very supportive of the concept of refurbishment and use of the historic underground vaults, they were concerned that there was a lack of understanding of the true impact that the scheme would have on the fabric and stability of the vaults. The Panel was concerned that plans were not shown and that future presentations would need to show plans of the vault level and the intended transformation clearly. The Panel felt that an accurate survey of the vaults was necessary and should be part of the background material to inform the development of the scheme.
- Panel members stressed the importance of understanding the impact on nearby heritage assets and how the scheme would be integrated to the surrounding context. Therefore, it was highlighted that a more thorough townscape assessment would be necessary and

should inform the design process to ensure a high quality contextual scheme can be achieved. Panel members were particularly concerned about the impact on the setting of the listed Whitbread Brewery and the view from Chiswell Street, which could potentially require a reduction in height to avoid the proposed scheme looming over the listed building from that view. The Panel also felt that proposal drawings should be integrated with the surrounding context in particular the existing Cherry Tree Walk clearly showing access issues, and the recently approved YMCA scheme with particular attention to the corner active uses and landscaping at the rear.

- Concerns were raised in relation to the proposed public route through the site in particular in relation to the lack of legibility, the impact of servicing, safety and impact on privacy. Panel members were not convinced that this space would work due to the impact which servicing requirements would have on this space/route raising concerns over the number of servicing points. They were of the opinion that servicing should be rationalised in particular to minimise impact on the proposed public realm. It was felt that the servicing strategy would be dependant upon a very tight management scheme, whereas they were of the opinion that preferably the design should resolve that. Furthermore, the Panel thought that the route lacked legibility particularly from Lamb's Passage where the opening to the route was not thought to be sufficiently evident. These Concerns are further supported by the problematic introduction of ground floor residential units. The Panel felt that a clear understanding of the boundary conditions was necessary to illustrate the relationship of surrounding existing buildings/sites to this new public space. The Panel was also of the opinion that this new route may be detrimental to the existing shopping centre to Cherry Tree Walk and that the scheme should actually be better integrated to encourage footfall to that existing route.
- Although generally positive about the private residential block, the Panel expressed reservations about the proposed entrance in particular due to the lack of clarity which is further exacerbated by the low access to the public realm/route. It was also felt that there was a lack of interaction to Sutton Way. Much needed transparency would be achieved by reorganising the lobby area and the servicing area of the residential block
- Panel members highlighted that there should be a clarity of approach in how the buildings express themselves architecturally and this is one aspect of the scheme which needs to be addressed. Panel members were concerned about the shared roof to the hotel and affordable element of the scheme. Firstly, as the private housing element was particularly differentiated the panel questioned why would the hotel not follow this approach of diversity especially in the context of the area. Secondly, it was felt that the proportions and form of the shared roof creates an excessive scale and that the "mansard" form does not reflect the typology of the area. There were also concerns to the proposed height of 8 storey across the site. The Panel felt that the proposed linear block running north south would potentially have a detrimental impact on Cherry Tree Walk and the YMCA scheme.

## **Summary**

The Panel welcomed the design intentions of urban repair on this site and the intention of considering the two sites in different ownership as part of an integrated scheme. The principle of



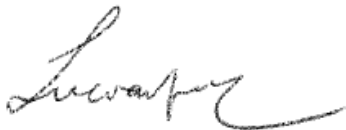
reusing the historic vaults was welcomed. The Panel was also happy to be able to be involved in the design process at such an early stage. However, it was felt that further work was required in the development of the scheme with concerns being raised particularly in relation to the quality of the public realm/route, the architectural expression and integration of the different elements of the scheme and the lack of understanding of the true impact on the fabric of the listed vaults. The panels conclusion was that these could be better resolved if there was a relaxation of the rigorous delineation between sites ownership and their architectural responses even further. This would allow the redistribution of the massing, uses and geometry in the service of legibility of access and impact on surroundings. The panel recommended a period of reflection by the two teams to study further alternatives with a view to another panel meeting as soon as possible. The Panel would welcome seeing the scheme at a second review, and would encourage more detailed information to be brought forward in addition to the submitted information such as detailed elevations, sections, survey of the historic vaults and a more thorough townscape assessment.

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

**Confidentiality**

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luciana Grave', with a stylized flourish at the end.

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