

# PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	19 May 2016	<b>NON-EXEMPT</b>

Application number	P2015/4722/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Locally listed
Conservation area	Bunhill Fields/Finsbury Square (front of site only)
Development Plan Context	Central Activities Zone Bunhill and Clerkenwell Core Strategy Key Area City Fringe Opportunity Area Employment Priority Area (Offices) Archaeological Priority Area (Moorfields) Finsbury Local Plan Site Allocation BC28 Major Cycle Route (Worship Street)
Licensing Implications	Premises licence required
Site Address	Royal London House, 22-25 Finsbury Square, London, EC2A 1DX
Proposal	Change of use of existing building from offices (Class B1) to hotel (C1) and restaurant (A3) and associated extensions and external alterations.

Case Officer	Rebecca Neil
Applicant	Montcalm Hotel Group
Agent	Jon Dingle

## 1.0 RECOMMENDATION

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

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

## 2.0 SITE PLAN

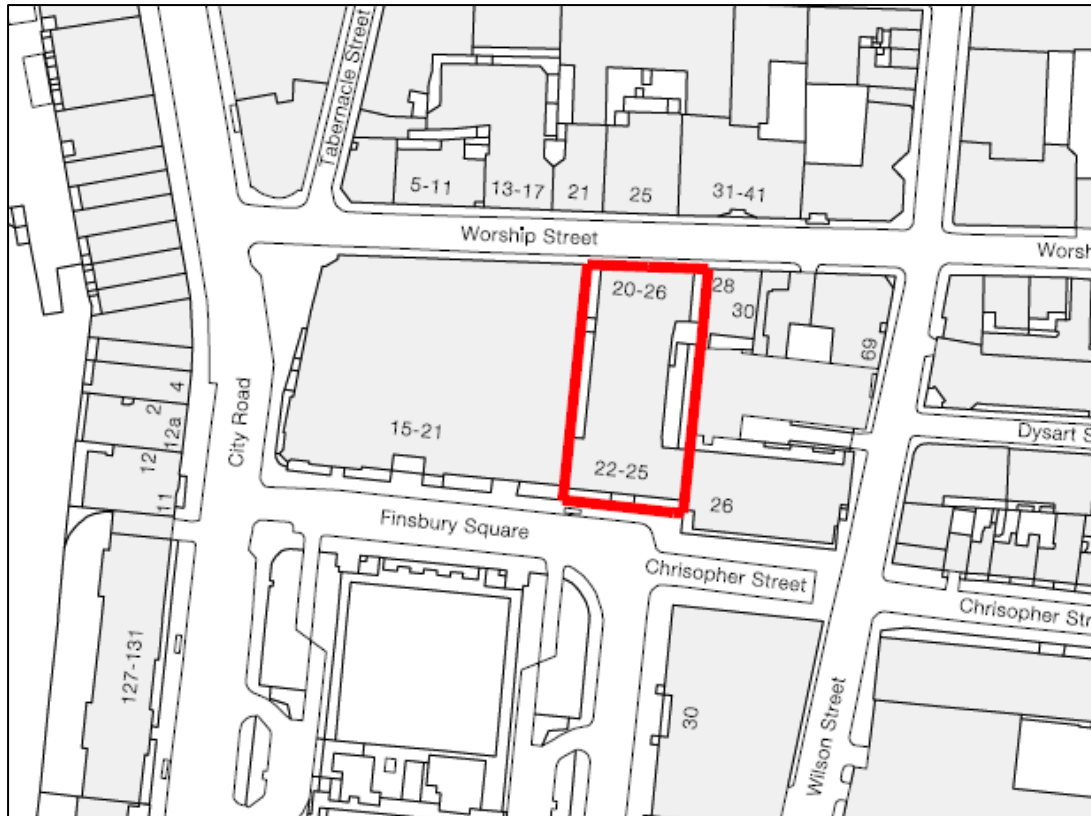


Fig. 1: Site location plan (site outlined in red)

## 3.0 PHOTOS OF SITE/STREET



Fig. 2: Front elevation



**Fig. 3:** View of site from across Finsbury Square



**Fig. 4:** Worship Street elevation



## 4.0 SUMMARY

- 4.1 Royal London House is an 8-storey (plus basement, lower ground floor and rooftop plant) building located on the north side of Finsbury Square. It is locally listed and located close to several designated assets. The front part of the site lies within the Bunhill Fields/Finsbury Square Conservation Area. The site also lies within the Central Activities Zone (CAZ) and City Fringe Opportunity Area (CFOA), and is within an Employment Priority Area (Offices).
- 4.2 This proposal involves the change of use of the existing building from office (Class B1) to hotel (Class C1) and associated upper floor extensions and alterations. The seventh floor will be removed and rebuilt, and the eighth, ninth and tenth floors will be demolished and rebuilt with significant enlargements. The tenth floor will house a rooftop restaurant. The scheme is similar to that approved under P122324, with the exception of some minor layout changes, some additional massing at ninth and tenth floor level, and the addition of a rooftop restaurant on the tenth floor. In total, the floor area of the development has been increased by 342m<sup>2</sup> (GIA) - 156m<sup>2</sup> at ninth floor level and 186m<sup>2</sup> at tenth floor level - and the number of hotel rooms has been reduced from 256 to 250.
- 4.3 The principle of the loss of office space in this building has been established by the decision of the Planning Inspector on 03 November 2014, on appeal against the council's refusal of planning permission to change the use of the building to a hotel. There has been no material change in planning policy since that date, nor any changes to the employment and training obligations being offered under this proposal. The Inspector's decision is a key material consideration in the determination of this application and it would be inappropriate to revisit the principle of the loss of office floorspace.
- 4.4 The additional massing at ninth and tenth floor level has been the subject of a lengthy and involved pre-application process, and is considered acceptable in design terms. There would be no harm to the setting of the designated and non-designated heritage assets close to the site (including Finsbury Square itself, and the statutorily listed structures within it). The character and appearance of the Bunhill Fields/Finsbury Square Conservation Area would be maintained and the proposal would have no adverse impact on the adjacent local landmark at Triton Court.
- 4.5 The scheme is largely in accordance with the principles of Inclusive Design, and provides 27 fully-fitted wheelchair accessible rooms, which exceeds the amount required by policy.
- 4.6 In terms of the impact of the development upon the amenity of neighbouring residential occupiers, the scheme is compliant with BRE guidance in respect of daylight and sunlight, and does not result in any adverse impacts in terms of loss of outlook or privacy. Whilst there is the potential for the new restaurant use to result in noise and disturbance to neighbouring properties, these impacts can be suitably controlled by conditions restricting the hours of opening of the restaurant, the use of the terrace, and noise emitted by proposed extraction plant.
- 4.7 The addition of a restaurant to the scheme is unlikely to have any additional adverse impacts in terms of deliveries and servicing over and above that created by the original proposal. The proposal meets the London Plan and local targets in respect

of carbon emissions and is largely compliant with policy on sustainability, with additional areas of Solar PV and green roof provided over and above that proposed by P122324. Appropriate Section 106 Heads of Terms have been agreed with the applicant. These are reflective of the Section 106 agreement signed pursuant to application P122324 on 07 October 2014.

- 4.8 The benefits of the proposed development (including the high quality design, accessibility and employment training measures offered) have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space and the potential adverse impacts on neighbouring properties, which in officers' view can be suitably controlled by condition). On balance, it is recommended that permission is granted.

## **5.0 SITE AND SURROUNDINGS**

- 5.1 Royal London House is an 8-storey (plus basement, lower ground floor and rooftop plant) building located on the north side of Finsbury Square. The building also has a frontage onto Worship Street and has vehicular access from this elevation. The building occupies most of the 0.2 ha site and is an 'I' shape with front and side light wells above basement level.

- 5.2 The building dates from the early 1950s, and is locally listed. It has a simplified classical design, with Portland stone and granite used in the front elevation. The front part of the site is within the Bunhill Fields/Finsbury Square Conservation Area (CA22). The adjacent buildings to the west – now known as Triton Court – are locally listed and have Edwardian baroque and art deco elevations. The tower at the centre of this group of buildings has been identified as a local landmark (LL17, listed in Policy DM2.5 of the Islington Development Management Policies). A drinking fountain and 2 cattle troughs in Finsbury Square are Grade II listed.

- 5.3 The buildings in Finsbury Square are within the Central Activities Zone (CAZ) and, along with the buildings in surrounding streets, are predominantly in commercial use. This is reflected in the architecture around the perimeter of the square, which includes a number of large-scale, 20<sup>th</sup> century commercial buildings, all of similar heights and which provide a sense of formality, continuity and enclosure.

- 5.4 Due to its proximity to several London Underground and mainline stations, plus its location close to several bus routes, the site has a PTAL rating of 6b, which is the highest that can be achieved.

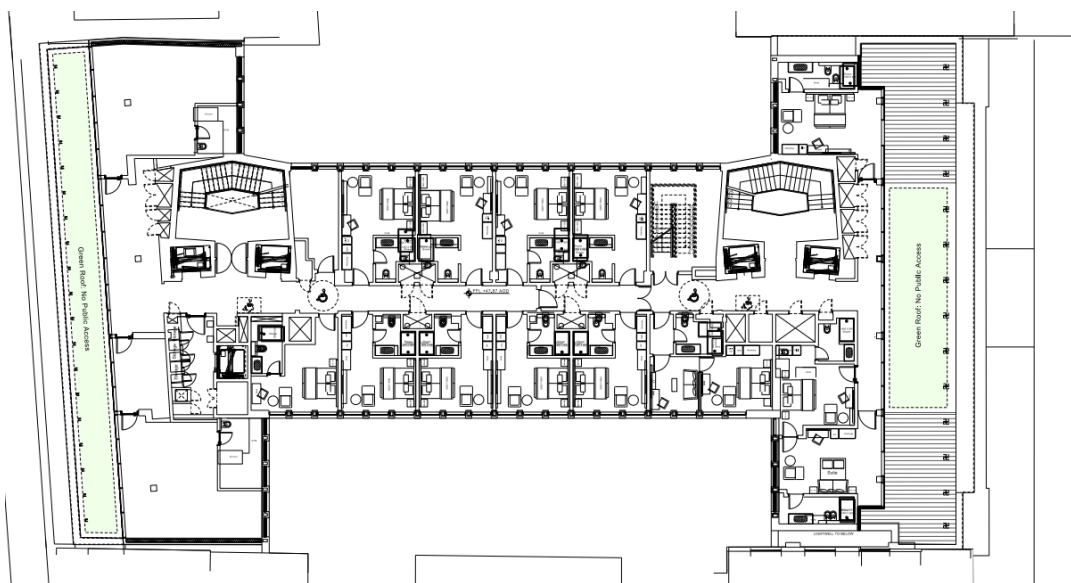
- 5.5 At the time of writing this report, the site is shrouded, and construction work is under way to implement planning permission P122324, granted by the Planning Inspectorate on 03 November 2014 (discussed in further detail below).

## **6.0 PROPOSAL (IN DETAIL)**

- 6.1 This proposal involves the change of use of the existing building from office (Class B1) to hotel (Class C1) and associated upper floor extensions and alterations. The seventh floor will be removed and rebuilt, and the eighth, ninth and tenth floors will be demolished and rebuilt with significant enlargements. The tenth floor will house a rooftop restaurant.

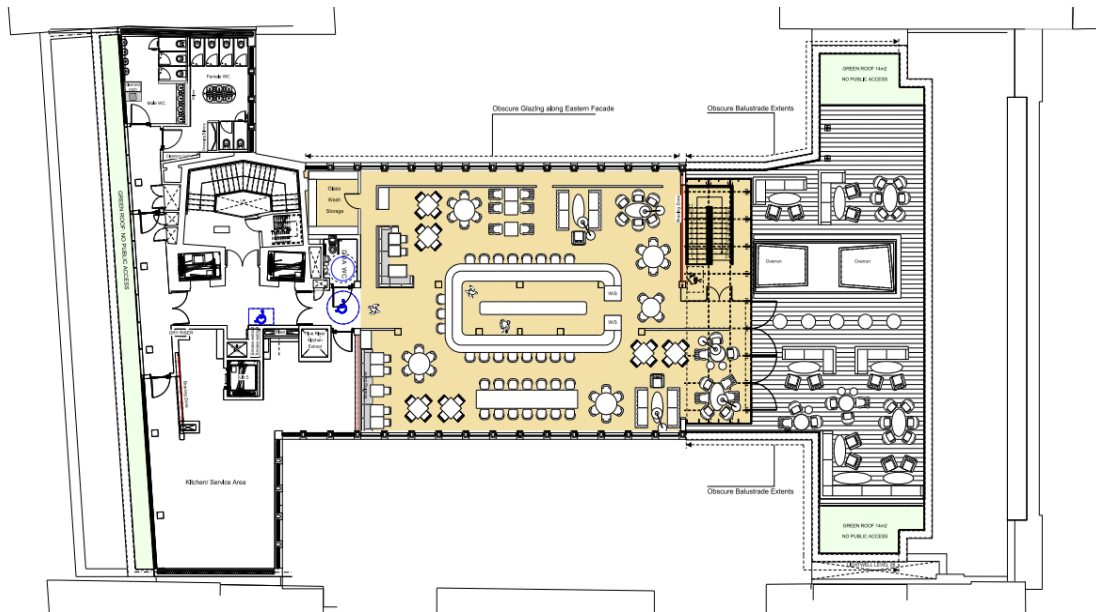
6.2 This proposal follows the grant of permission by the Planning Inspectorate on 03 November 2014 for 'change of use from Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations' (council's ref: P122324; appeal ref: APP/V5570/A/14/2213312). The differences between the scheme as proposed by this application and P122324 are:

- At basement level, various layout changes are proposed, including relocation of the refuse store and bicycle parking from the rear of the building to the front. At lower ground floor level, minor layout changes are proposed, including removal of the bar store and reconfiguration of the gym/spa area.
- At ground floor level, 11 hotel rooms have been removed to accommodate the creation of a 'club lounge' for hotel guests (60 covers), a pantry and new toilet cubicles.
- An additional 6 hotel rooms have been added at first to sixth floor level (one on each floor). This has been achieved by removing the store rooms and service lifts from the Finsbury Square wing of the building at levels 1-6, and relocating them to the Worship Street wing, where a store has been removed to accommodate the lift core.
- Two bedrooms have been added to the Finsbury Square wing of the seventh and eighth floors, which has again been achieved by relocation of the service lifts, and reorientation of the deluxe suites fronting Finsbury Square.
- The ninth floor has been extended forward by a further 1.5 metres on both elevations. On the Finsbury Square side of the building, this additional massing – and the removal of the previously consented plant enclosures - has facilitated the creation of two new suites, each of which has a private terrace overlooking Finsbury Square. One bedroom has also been removed from the previously consented envelope at this level to facilitate stair access to level 10. A small strip of green roof (no public access) has been created adjacent to Worship Street.



**Fig 5:** Proposed ninth floor plan

- The tenth floor has been extended forward by a further 12.5 metres, representing a significant increase in massing at this level. The 6 hotel rooms at tenth floor level approved under P122324 have been removed. The entire use of the tenth floor is now proposed to be a restaurant (129 covers). It should be noted that, although this is accessed through the ground floor of the hotel, this restaurant will be open to the general public, will not be managed as part of the hotel and should not be considered ancillary.



**Fig 6:** Proposed tenth floor plan

- New areas of green roof are proposed at ninth, tenth and roof levels.
- 6.3 In total, the floor area of the development has been increased by 342m<sup>2</sup> (GIA) - 156m<sup>2</sup> at ninth floor level and 186m<sup>2</sup> at tenth floor level, and the number of hotel rooms has been reduced from 256 to 250.
- 6.4 The restaurant at tenth floor level will be located principally in the central spine of the building, with a large external rooftop terrace overlooking Finsbury Square. The Worship Street wing at tenth floor level will contain the kitchen service zones and WCs for the restaurant, as well as the main lift and staff stair access to this floor. A small, inaccessible green roof terrace will sit in front of the facade on the Worship Street elevation at tenth floor level. Two smaller terraces are proposed at ninth floor level, serving the two new hotel rooms in the Finsbury Square wing.
- 6.5 In terms of visual appearance, the seventh, eighth and enlarged ninth floors will be identical to the design and materials of the previously consented scheme, with the front and rear elevations using a high-quality curtain walling system with a fritted glass design (as approved under application P2015/3558/AOD). At tenth floor level, the Worship Street and two side elevations will match the design of the previously consented scheme, but the frontage of the restaurant will be a self-supporting, lightweight glass box, designed to reduce visibility from ground level.
- 6.6 Of the 250 hotel rooms provided, 26 of these will be wheelchair accessible and fully fitted from first occupation. There will be two disabled parking spaces provided at

basement level, and step-free access throughout the building. All servicing and deliveries associated with the hotel will take place from existing loading bays on Worship Street. The waste management arrangements will be as previously consented, with refuse being stored at basement level and transported from all levels (including the new restaurant at tenth floor level) via the service lifts.

## **7.0 RELEVANT HISTORY**

7.1 The following history is considered relevant to this planning application.

### **Planning applications**

7.2 **P072859** and **P072860**: Planning permission and conservation area consent for redevelopment of Royal London House to provide 19,208m<sup>2</sup> (gross external area) of Class B1 office floor space over basement, ground and nine upper storeys, together with one further plant floor – *approved 23 April 2008*.

7.3 **P081289**: Change of use of lower ground and ground floor from offices (B1) to provide education use (D1) for a maximum period of up to 5 years – *approved 29 September 2008*.

7.4 **P122324**: Change of use from Class D1 (education) and Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations – *refused by the local planning authority on 14 August 2013, but allowed on appeal on 03 November 2014*.

7.5 **P2015/0185/AOD**: Approval of details pursuant to condition 15 (Construction Management Plan) of appeal decision APP/V5570/A/14/2213312 (LBI ref: P122324) dated 03/11/2014 – *approved 18 August 2015*.

7.6 **P2015/0321/AOD**: Approval of details pursuant to condition 10 (Green Procurement Plan) of appeal decision APP/V5570/A/14/2213312 (LBI ref: P122324) dated 03/11/2014 – *approved 01 April 2015*.

7.7 **P2015/3558/AOD**: Approval of details in pursuant to condition 3 (Materials - details and Samples) of Planning Appeal reference APP/V5570/A/14/2213312 dated 3/11/2014 – *approved 22 September 2015*

7.8 **P2016/0097/FUL**: Creation of canopy over main entrance to building on Worship Street – *currently under determination*

7.9 **P2016/0147/ADV**: Signage to Finsbury Square and Worship Street elevations – *currently under determination*

### **Enforcement**

7.10 None.

### **Pre-application advice**

7.11 Pre-application advice was sought in 2015 and three meetings took place with officers on 10 March, 01 April and 10 July 2015. Despite gradual refinements to the scheme over the course of these meetings, officer concern remained in relation to



the visibility and prominence of the additional massing proposed at tenth floor level, in particular that the proposal would depart and detract from the relative consistency of the roofline of Finsbury Square and compromise the symmetry with Triton Court introduced by the consented scheme.

- 7.12 A follow-up pre-application enquiry was submitted in September 2015. This proposed the removal of the parapet at tenth floor level, with the front section of the restaurant constructed as a lightweight glass box with a much lower profile. A number of views were also submitted to demonstrate that the proposal would have no impact in views from various locations in Finsbury Square.

## **8.0 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 161 adjoining and nearby properties on Worship Street, Finsbury Square, Bonhill Street and Wilson Street on 12 November 2015. Re-consultation took place on 03 February 2016, following the submission of further documentation. A press advert was published and site notice displayed on 12 November 2015, and again on 03 February 2016. The public consultation of the application expired on 03 March 2016; however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report, two objections had been received to the proposal on the grounds of the impact of the proposal on the daylight and sunlight received by neighbouring properties at 34 Worship Street (previously known as 63-69 Wilson Street), which is discussed in paragraphs 10.33-10.38 of this report. One objector has also raised concerns about noise and disturbance created by the restaurant terrace, which is addressed in paragraphs 10.43-10.45 of this report. A condition (Condition 22) will restrict the hours of use of the restaurant to between 7am-11pm Sunday to Thursday and 7am-midnight Friday and Saturday, and the use of the terrace to 7am -10pm on any day.

### **Applicant's consultation**

- 8.3 The applicant carried out its own resident consultation process with the occupants of the nine flats on Worship Street, which were still under construction at the time of the initial proposal in 2012. A meeting took place with two residents, who expressed concerns about overlooking, the impact of the development on their daylight and sunlight, and disturbance from the restaurant. As a result, the applicant made the following changes to the scheme prior to submission:

- alterations to the restaurant layout to provide a staff corridor on the elevation facing the residential properties, rather than chairs and tables;
- obscure glazing in this elevation at tenth floor level;
- the addition of obscurely glazed balustrades around the terraces and green roof areas.

- 8.4 The applicant has also proposed the imposition of a condition restricting opening hours of the restaurant to midnight.

## External Consultees

- 8.5 **London Fire and Emergency Planning Authority:** No comment.
- 8.6 **Thames Water:** No objection.
- 8.7 **Corporation of London:** No objection.
- 8.8 **London Borough of Hackney:** No comment.

## Internal Consultees

- 8.9 **Access and Inclusive Design Team:** Have no in-principle objection to the application, however any extension should be treated as though it were a new building and so should be expected to meet contemporary standards. The evacuation lift should serve the tenth floor.
- 8.10 **Design and Conservation Team:** Have been involved throughout the pre-application process and have no objection to the additional massing due to its extremely limited visibility in views from Finsbury Square.
- 8.11 **Energy Team:** Agrees to use of on-site CHP and solar photovoltaic panels. The carbon dioxide offset requirement has increased to £722,169.
- 8.12 **Highways (Traffic and Engineering):** No objection subject to submission of further delivery and servicing information.
- 8.13 **Planning Obligations Team:** Agrees to a replication of the previous Section 106 agreement, with the exception of the increase in carbon offsetting payment.
- 8.14 **Planning Policy (Sustainability):** No comment to date.
- 8.15 **Planning Policy Team:** No objection.
- 8.16 **Public Protection (Noise Team):** No objection subject to a condition controlling hours of use of the restaurant and terrace.
- 8.17 **Public Protection (Licensing):** No objection subject to a condition controlling hours of use of the restaurant and terrace.
- 8.18 **Waste and Recycling:** No objection.

## **9.0 RELEVANT POLICIES**

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

## National Guidance

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this

and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

### **Development Plan**

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

### **Designations**

- 9.6 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013:
- Central Activities Zone
  - Bunhill and Clerkenwell Core Strategy Key Area
  - City Fringe Opportunity Area (CFOA)
  - Employment Priority Area (Offices)
  - Archaeological Priority Area
  - Site Allocation BC28 (Finsbury Local Plan)

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

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

## **10.0 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Land use
  - Design, conservation and heritage
  - Inclusive design
  - Neighbouring amenity
  - Highways and transportation
  - Energy conservation, sustainability and biodiversity
  - Other planning issues
  - Planning Obligations, Community Infrastructure Levy and local finance considerations

## Land use

### *Loss of office floor space and change of use to hotel*

- 10.2 Policy 4.2 of the London Plan encourages the development of office provision, including the renewal and modernisation of the existing office stock in viable locations. Policy CS13 (Part B) of the Islington Core Strategy provides that the council will safeguard existing business space throughout the borough by protecting against changes of use to non-business uses, particularly in the Central Activities Zone, unless exceptional circumstances can be demonstrated. This is reflected in Policy DM5.2 (Part A) of the Islington Development Management Policies, which provides that proposals resulting in a loss or reduction of business floorspace will be refused unless clear and robust evidence is submitted to show that there is no demand for the floorspace. This evidence must demonstrate that the premises have been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.
- 10.3 The above requirements are repeated in Policy BC8 (Part A) of the Finsbury Local Plan. However, in addition, Policy BC8 requires that, within Employment Priority Areas (General and Offices), the loss of business floorspace will only be permitted where the proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or it can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses. Royal London House is also allocated within the Finsbury Local Plan (BC28) for '*redevelopment of the existing building to provide office (B1(a)) floorspace*'. It is therefore the case that there is a strong policy presumption against the loss of business use on this site.
- 10.4 Policy 4.5 of the London Plan seeks to improve the range and provision of visitor accommodation in London, and confirms that the Central Activities Zone is an appropriate location for hotels and other visitor infrastructure. Policy CS7 of the Islington Core Strategy encourages visitor accommodation in Bunhill & Clerkenwell, and Policy BC8 (Part H) provides that visitor accommodation is appropriate in the City Fringe Opportunity Area. Proposals for visitor accommodation must meet the criteria set out in the Development Management Policies on visitor accommodation, which are contained in Policy 4.11 (Part B).
- 10.5 This proposal involves the loss of 12,864m<sup>2</sup> of B1 (office) floorspace. However, an important material consideration is that the principle of this loss - and its replacement with a hotel - has already been established by the Planning Inspectorate, who granted permission on appeal against the council's refusal of planning permission (P122324) on 03 November 2014. The council's stated reason for refusal was as follows:

*"The proposal would result in the loss of Class B1 office accommodation and the Class B1 office use of a site within the Central Activities Zone, the City Fringe Opportunity Area and the Employment Priority Area (Offices). The proposal would not provide floorspace capable of accommodating higher employment densities, would compromise the economic function and growth of the area, and has not been justified by material considerations or*

*marketing, viability and other evidence. The proposal is contrary to policy CS13 of the Islington Core Strategy 2011, policy 4.2 of the London Plan 2011, policy DM4.11 of Islington's Development Management Policies, and policy BC8 and site allocation BC28 of the Finsbury Local Plan."*

- 10.6 In allowing the appeal, the Inspector accepted that the proposal was contrary to local plan policies seeking to protect office floor space, but gave significant weight to the fact that a hotel would fulfil an important supporting role for business uses in the Central Activities Zone, CFOA and wider City. He also concluded that the existing building was dated, and would be unlikely to ever attract a high level of occupation or operate efficiently, but that the plan form of the building was '*eminently suitable*' for hotel use. Another key factor that weighed in the applicant's favour was the wide range of employment and training benefits being offered under the terms of the proposed Section 106 agreement. The Inspector also gave little weight to Site Allocation BC28, pointing out that the allocation does not, on its own, indicate that a use other than B1 is inappropriate, '*if the balance of material considerations flows in that direction*' (para. 44).
- 10.7 It is not considered appropriate to revisit the issue of the loss of B1 (office) in the assessment of this application. There have been no material changes in the council's adopted planning policies since the date of the decision, and no substantial changes to the hotel element of this proposal. Whilst there remains an acute need for business accommodation throughout the borough, the Inspector did not dispute that there was a shortage of offices coming forward at the time of his decision in 2014 (merely referring to the council's market evidence as 'inconclusive'); however he concluded that these factors should not weigh heavily against approval of the scheme.
- 10.8 It should be noted that the applicant has, in accordance with Policies DM 5.2 and BC8, submitted an updated market demand analysis prepared by Avison Young. This notes that there is a significant amount of office floorspace currently available or likely to be delivered in the coming years, and concludes that fundamental difficulty of creating attractive office space in the building coupled with the large amount of potentially competing accommodation has led to there being little prospect, regardless of market conditions, of the building being let or redeveloped for offices. This is evidenced, in their opinion, by the inability to profitably let the existing building and in the fact that no office developers at all bid for the building when it came to market in late 2011. The report reaches very few conclusions that were not made at the time of the original application and therefore, regardless of whether the council agrees with its content, it would not alter the balance of considerations applied by the Inspector in 2014.
- 10.9 Whilst this is a 'fresh' application and should be considered on its own merits, it should be noted that the office use has now ceased on the site and works approved pursuant to P122324 are in the process of being implemented (with all relevant pre-commencement conditions discharged). The applicant has indicated in their planning statement that, should this application be refused, the Montcalm Hotel Group would '*simply complete the implementation of the existing permission (P122324)*'. Therefore, refusal of this application on the grounds of loss of office space would serve no purpose insofar as protecting the office use.



10.10 In relation to the criteria in Policy 4.11 (Part B), it has already been established by the Inspector's decision that these have been met, and the proposal to add a restaurant at tenth floor level does not affect the scheme's compliance with any of these criteria.

*Principle of restaurant use*

10.11 Policy CS7 of the Islington Core Strategy provides that a number of local centres within the Bunhill and Clerkenwell area are foci for shops, facilities and/or the evening economy, and Finsbury Square is listed as one of them. The policy provides that these centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of neighbouring residential areas. In addition, Policy BC8 (Part G) of the Finsbury Local Plan specifically restricts entertainment uses to Employment Priority Areas (EPA). In principle, therefore, Finsbury Square (which falls within an EPA) is a suitable location for a restaurant use.

10.12 Policy DM4.4 (Part B) of the Islington Development Management Policies provides that proposals for more than 80m<sup>2</sup> of A3 floorspace 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.

10.13 With respect to the criteria listed in Policy DM4.4, there are no individual impacts on Islington's town centres, as the nearest – Angel – is over a mile away. It is also unlikely, for the same reasons, that the proposal will prejudice any future development in Angel. The nearest designated town centre within the London Borough of Hackney, whose borough boundary lies close to Royal London House, is Dalston, which is over two miles away; therefore it is considered highly unlikely that this development would have any adverse impacts on any of Hackney's town centres. The proposal is therefore consistent with criterion (i).

10.14 With regard to criterion (ii), the impact of the development on the amenity of neighbouring occupiers is discussed in detail in paragraphs 10.32 - 10.45 of this report. With regard to criterion (iii), there are no specific clusters of A3 uses in the area, but there are a significant number of A3 uses interspersed throughout the Central Activities Zone and, as Policy BC8 prioritises A3 uses in Employment Priority Areas, the proposal is consistent with criterion (iii).

10.15 Policy DM4.3 (Part A) provides that proposals for cafés, restaurants, drinking establishments and other similar uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in

one area, or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. The nearest bars and restaurants to Royal London House are located behind the site on Worship Street and along Finsbury Pavement, on the western side of the square. The proposed restaurant is located at roof level and is accessed through the hotel lobby, and would result in no street-level spill out of customers. The premises is primarily a restaurant, rather than a drinking establishment, and will shut earlier than most other licensed premises in the area (some of which are licensed until 2am). Conditions will be attached to mitigate noise from the premises (see conditions 16, 20 and 22). Given all of the above, it is considered that this restaurant will not result in a cumulative impact when considered alongside the nature and location of similar premises in the vicinity.

- 10.16 The site lies within the Bunhill Cumulative Impact Area, which has a high concentration of late-night licensed premises. The council's licensing team have been consulted but have not made comments on this application.

#### *Employment and training*

- 10.17 Policy CS13 (Part C) of the Core Strategy provides that major developments will be required to provide jobs and training opportunities, including on-site construction training. As discussed above, the employment and training benefits offered by the applicant at the time of the original application were a significant factor weighing in favour of the scheme granted permission on appeal. These measures were secured via a Section 106 agreement dated 03 October 2014 and included financial contributions towards hospitality courses, a wide range of work experience placements and recruitment to the hotel in conjunction with Islington's Business Employment Support Team.
- 10.18 The terms contained in the Section 106 agreement for P122324 will be replicated in the new Section 106 agreement, with any payments which have already been made being offset against the new agreement. The agreed Heads of Terms are listed in **Appendix 1** of this report.

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

- 10.19 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant to the consideration of the current application.
- 10.20 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced, whether designated or not. Policy DM2.1 of Islington's Development Management Policies requires new development to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed. This includes that development must respect and respond positively to existing buildings, the streetscape and the wider context, including local

architectural language and character and surrounding heritage assets, and should not result in an unacceptable adverse impact on view of local landmarks. The design-focussed part of site allocation BC28 remains relevant. This states that buildings on the site should reinforce the primacy of Triton Court.

- 10.21 Policy DM2.3 of the Islington Development Management Policies seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Part B provides that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance, and that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification.
- 10.22 As Finsbury Square is a designated London square as listed in Appendix 9 of the Islington Development Management Policies, Part D of Policy DM2.3 is also relevant. This seeks to ensure, *inter alia*, that new development does not detract from key views out from the landscape. Part E of Policy DM2.3 provides that unjustifiable harm to locally listed buildings will not be permitted.
- 10.23 The minor alterations to the front elevation of the existing building and new seventh, eighth and ninth storeys were considered by the council during the determination of application P122324. Officers were of the view that the proposed new and rebuilt storeys were well-designed, would complement the existing stone facades, and would maintain the balance of this group of buildings on the north side of Finsbury Square. The impacts of the development in terms of the character and appearance of the conservation area and on neighbouring listed buildings were assessed, and it was considered that there would be no adverse affect. The design of the scheme was therefore not a point of issue during the appeal.
- 10.24 The only change to the Worship Street wing proposed by this application (compared with P122324) is that the front wall at ninth floor level has been brought forward by 1.5 metres. The fenestration is identical to the previous consent, and due to the narrowness of Worship Street, the additional massing will be barely visible from street level. Neither will it have any additional impacts upon the locally listed building at 21 Worship Street.
- 10.25 The impact of the new massing at ninth and tenth floor level on the Finsbury Square side of the development has been the subject of a lengthy and involved pre-application process. The applicant has refined the design so that the tenth floor is now virtually imperceptible from any point within Finsbury Square. This has been achieved by using a lightweight glass box structure at the front of the proposed restaurant, which has a very thin profile and is low enough to obscure the tenth floor completely from most views from within Finsbury Square, and render it virtually imperceptible from the most prominent view, that being from the south eastern corner of Finsbury Square (as seen in Fig. 7, below).



**Fig. 7:** View from south east corner of Finsbury Square

- 10.26 One of the design strengths of the original proposal was that the rebuilt seventh floor and enlarged eighth floor provided a sense of balance to the composition of buildings on the north side of Finsbury Square, and created a sense of symmetry with the adjacent locally listed building at Triton Court. Another was that the upper storeys remained visually distinct from, and subservient to, the striking elevation of the original building below. Given that the ninth and tenth floors are set back and have a much more lightweight appearance than the deliberately bolder seventh and eighth storeys, these aims have not been compromised under the new proposal.
- 10.27 To conclude on this point, given the careful design of the additional extensions at ninth and tenth floor level and their limited visibility in views from Finsbury Square, it is considered that there would be no harm to the setting of the designated and non-designated heritage assets close to the site (including Finsbury Square itself, and the statutorily listed structures within it); that the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area would be maintained and that the proposal would have no adverse impact on the adjacent local landmark at Triton Court. The proposed development is therefore in accordance with policies CS9, DM2.1 and the relevant parts of DM2.3.
- 10.28 The materials to be used in the construction of the upper floors have already been approved by the council pursuant to Condition 3 of the Inspector's decision, and these details can be 'carried over' to this consent (see Condition 3). However, the glass box structure at tenth floor level did not form part of the previous proposal and is – deliberately - of a different design and profile to the rest of the development. To ensure that this structure remains visually acceptable, the Design and Conservation Team have recommended a condition requiring the submission of detailed elevations and sections at a larger scale (1:20) of this part of the structure (see Condition 4).

## **Inclusive Design**

- 10.29 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. With specific regard to visitor accommodation, Policy 4.5 of the London Plan seeks to ensure that at least 10% of hotel bedrooms are wheelchair accessible, and this is reflected in Policy DM4.11 (Part B (vii)) of the Islington Development Management Policies, which provides that at least 10% of hotel bedrooms are constructed to wheelchair accessible standards, and fully fitted from first occupation.
- 10.30 The application proposes a total of 27 wheelchair accessible rooms (2 more than required by policy), which are marked on the submitted drawings and will be fully fitted out from first occupation (secured by Condition 21). The proposal also includes a further 6 rooms which are capable of future adaptation. The proposal is therefore fully in accordance with policies 4.5 and DM4.11 (Part B (vii)). Two wheelchair accessible parking spaces are proposed at basement level, which is consistent with the previous application, and the Section 106 agreement includes a contribution of £48,000 to be spent by the council towards the provision of accessible parking bays or alternative accessible transport measures.
- 10.31 The proposed amendments to the internal layout of the hotel have had no material impact upon the high level of accessibility of the scheme in general. The tenth floor is accessible via the Worship Street lift core, an accessible WC is provided at tenth floor level, and the entrances to the terraces are flush, as requested by the Inclusive Design officer. The addition of a restaurant does not affect the original evacuation strategy; the evacuation lift will serve the tenth floor. It should also be noted that the revolving door on the Finsbury Square elevation approved under P122324 has now been removed from the scheme, providing a far more inclusive solution.

## **Neighbouring amenity**

- 10.32 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.

### *Daylight and sunlight*

- 10.33 The applicant has submitted a Daylight and Sunlight report assessing the impacts of the new roof level extensions on the daylight and sunlight received by three residential flats (at fifth, sixth and seventh floor level) at 34 Worship Street. These are the only residential properties likely to be affected by the proposal. A total of 20



windows (or, more accurately, window *panes*) were tested. The applicant's chosen methodology follows guidance contained in the Building Research Establishment's 'Site Planning for Daylight and Sunlight' document (2011). Three tests have been used to assess natural light impacts, namely the Vertical Sky Component (VSC), No Sky Line Contour (NSL or NSC) and Annual Probable Sunlight Hours (APSH)/Winter Probable Sunlight Hours (WSPH) tests.

- 10.34 The BRE guidance advises that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. In this case, 9 of the windows tested retain a VSC greater than 27% and all of them retain at least 0.8 times their former value, with all the windows in the seventh floor flat experiencing no reduction in VSC. With regard to NSL, all rooms are in accordance with BRE guidance, with the exception of room 4 on the fifth floor, which is believed to be a living room. This room retains 0.7 times its former NSL values under the conditions created by the new proposal. Although this is technically a failure of the BRE guidance, this room passes VSC testing. Given the urban environment in which this development is located, and the fact that this unit passes VSC, this can be accepted.
- 10.35 The applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, as required by the BRE guidance. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants would notice a loss of sunlight. Of the 20 windows tested, 14 would receive more than 25% APSH with at least 5% of those hours in the winter. Two further windows – R3, W03 on the fifth floor and R3, W06 on the sixth floor – retain at least 0.8% of their existing sunlight. These 16 windows therefore fully pass the BRE guidance.
- 10.36 The remaining 4 window panes (labelled W04-07) serve the living room (Room 4) on the fifth floor of 63-69 Wilson Street. It is noted that this room was not tested at the time of the original application, most likely because its window faces just outside 90 degrees of due south and, in line with the BRE guidance, strictly does not require further sunlight testing. Notwithstanding this, these window panes all receive less than 25% ASPH under the existing (pre-development) site conditions, with W04 and W05 both receiving 15%, W06 receiving 9% and W07 receiving 4%. The window is recessed and its sunlight is severely affected by the return wall of the office directly adjacent to it.
- 10.37 Objectors have commented that there appears to be discrepancies between the daylight and sunlight report submitted with application P122324, and that submitted with the current application. A comparison of the two documents reveals that they use different methods of assessment, with the first report testing the window apertures as whole, and the latest report testing the individual panes within those apertures. When working out an average from the 'split pane' test results, discrepancies were noted between the two 'existing' baseline figures used. The applicant has been asked to clarify this, and the explanation they have provided is that, at the time of the original application, the neighbouring flats were under construction and scaffolding was in place, and therefore the testing model was built by reference to external observation (behind scaffolding), a partial survey, and the planning drawings for the development at 63-69 Wilson Street. When updating the

assessment last year, a detailed measured survey of the residential windows was undertaken and the modelling was updated to ensure the highest level of accuracy.

- 10.38 For the avoidance of doubt, this explanation is accepted by officers and it is considered that the report by Eb7 dated 31 July 2015 is the relevant assessment. This is a new application and must be assessed on the information accompanying it (which, in this instance, is also more up-to-date and accurate). The report dated 31 July 2015 is consistent with BRE guidelines. However, in order to directly address the objector's concerns, a comparison has been made between the existing VSC at the time of P122324, and the proposed VSC under the new application, using an average of the four figures for each window as per the most recent report. This reveals that the two windows of concern – W2 and W3 at fifth floor level – would retain and 0.77 and 0.72 of their former values respectively. This would still be acceptable, given the flexibility deliberately afforded by the BRE guidance in respect of urban environments such as this.

#### *Sense of enclosure and outlook*

- 10.39 The impact of the additional storeys on the neighbouring residential properties was assessed under application P122234 and it was concluded that nearby residential properties would not be affected to a significant degree. Although residents of 34 Worship Street would look out onto a taller building, the new and rebuilt storeys would not extend out beyond the floor plate of the building's existing massing and would remain approximately 20 metres away from the nearest windows and roof terraces at 34 Worship Street. Although further massing has been added at ninth and tenth floor level, this would not result in any adverse impacts in terms of sense of enclosure or outlook.

#### *Overlooking and loss of privacy*

- 10.40 Paragraph 2.14 of Islington's Development Management Policies states that to protect privacy for residential development and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. In this instance, the only residential properties that might be overlooked from the new tenth floor restaurant are, again, the residential properties at 34 Worship Street. The windows and terraces of these flats are located 20 metres away. Notwithstanding this, the applicant proposes to obscurely glaze the entire eastern elevation at tenth floor, which can be guaranteed by condition (Condition 24) and has created a 'staff corridor' along this side of the restaurant, so that chairs and tables will not be situated directly alongside the windows. Obscured balustrades are proposed on either side of the new terrace at tenth floor level, and a condition is recommended requiring details of these balustrades to be submitted to and approved by the local planning authority prior to first use of the restaurant (Condition 23).

- 10.41 At ninth floor level, a new window is proposed in the return wall of the building, facing diagonally towards the flats at 34 Worship Street, but this would have no adverse impacts on privacy over and above that caused by the windows in the spine of the building at ninth floor, which have already been assessed under the terms of P122324. During the assessment of that application, it was concluded that there would be no adverse impacts due to the fact that there was a distance of 20 metres between the windows of the hotel and the windows at 34 Worship Street. The Inspector, in para. 62 of his decision dated 03 November 2014, also notes that

*'hotel rooms would usually be occupied in the evenings and overnight as opposed to an office which generally would not. However hotel rooms are more unlikely to be occupied during the day. There is a possibility that there could be more people in the rooms in the evenings when nearby residential occupiers want to use their terraces but on the other hand, there would be far less during the hours of daylight when the sun is strongest. Overall, whilst the concern is understood, I do not find the probable impact to amount to such a disadvantage to nearby occupants as to weigh against the scheme'.*

10.42 In conclusion, it is considered that there would be no adverse impacts upon the privacy of residential occupiers arising from the proposal.

#### *Noise and disturbance*

10.43 The estimated capacity of the restaurant and ancillary bar is 218 people, with capacity for a further 108 people on the terrace. Consequently, there is the potential for noise and disturbance to the occupiers of the flats at 34 Worship Street.

10.44 The applicant has submitted a Noise Impact Assessment in relation to noise breakout from the restaurant to the neighbouring residential properties (and to the hotel rooms below). This has been scrutinised by the council's Noise Officer who has advised that, as the restaurant is on a higher level than the neighbouring properties, a certain amount of screening will be provided, and the properties are some distance away. However, he has recommended a condition controlling the opening hours of the restaurant and terrace. Proposed Condition 22 requires cessation of the use of the terrace at 10pm on any day, and cessation of the tenth floor restaurant use at 11pm Sunday to Thursday and midnight Friday and Saturday. This is consistent with Islington's standard licensing hours.

10.45 This application, like the former, proposes plant in the light wells at lower floor levels. Whilst some plant has been removed from ninth floor to make room for the new hotel suites, a rooftop plant enclosure is still proposed. A condition is attached controlling the noise emitted from any plant on the site, which was also attached to the Inspector's decision. Condition 20 of the Inspector's decision, which deals with extraction for the catering uses approved under application P122324, shall also be re-attached and re-worded to cover the proposed tenth floor restaurant. Cumulatively, the proposed conditions will ensure an acceptable level of amenity for neighbouring residents in terms of noise and disturbance.

#### **Highways and transportation**

10.46 Policy DM8.2 of the Development Management Policies provides, *inter alia*, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.

- 10.47 The applicant proposes to carry out all delivery and servicing from Worship Street, where a single yellow line permits loading at any time. Lifts at the rear of the building, conveniently accessible from Worship Street, will allow for the transportation of deliveries within the building. This arrangement is the same as that approved under application P122324, which was considered acceptable given the relatively low levels of traffic on Worship Street. The applicant's Transport Statement predicts that the addition of a restaurant to the scheme would attract a maximum of 4 additional servicing trips per day, which would be scheduled to arrive outside of the peak hours on the highway network. The increase in servicing trips associated with the development is therefore considered to be minimal, and would not have an adverse impact over and above that caused by the approved scheme. A condition requiring the submission of a Delivery and Servicing Plan to ensure that the proposed scheduling of deliveries can be managed safely and efficiently on the existing highway network will be required by condition (see Condition 10).
- 10.48 Policy DM8.5 (Part B) provides that new development shall be car-free. This application proposes no vehicle parking, with the exception of two disabled parking spaces, as per the consented proposal. It is therefore considered to be consistent with Policy DM8.5.
- 10.49 Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. The development proposes cycle parking spaces in the basement of Royal London House, in a separate and step-free enclosure, however the quantum of cycle parking spaces is not specified. In accordance with Appendix 6 of the Development Management Policies, a total of 27 spaces would be required for the development as now proposed (18 spaces for the hotel and 9 for the restaurant). The applicant has confirmed that a total of 27 spaces can be accommodated in the proposed enclosure, and has agreed to a condition requiring their provision prior to first occupation (Condition 19).

### **Energy conservation, sustainability and biodiversity**

- 10.50 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies
- 10.51 The London Plan sets out a CO<sub>2</sub> reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Council policy (Policy CS10) requires onsite total CO<sub>2</sub> reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible and 30% where not possible. These targets

have been adjusted for Building Regulations 2013 to 39% where connection to a decentralised energy network is possible, and 27% where not possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.

- 10.52 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.53 The proposed development is expected to achieve a reduction of 783 tonnes of CO<sub>2</sub> against the baseline figure. This represents a reduction of 42% on total regulated emissions, which is compliant with policy. The remaining carbon dioxide emissions are to be offset with a payment of £722,169, to be secured via a Section 106 agreement.
- 10.54 Whilst the distribution pipework for Citigen comes close to the site, the available connection points are over 500 metres away and therefore connection to a DEN is not proposed. The application proposes an on-site Combined Heat and Power System (CHP) providing hot water, alongside heat to central ventilation and other areas. Heating and cooling to individual rooms will be provided via a VRV system. This is consistent with the previous application and is supported by the council's energy team, as is the installation of 40 solar photovoltaic panels on the roof, which represents a greater coverage than proposed under application P122324. The submitted Energy Statement explains in detail how the site can be 'future proofed' for connection to a local heat network and this will be secured through the Section 106 agreement, as per the previous application.
- 10.55 Policy DM 7.4 (Part A) of the Islington Development Management Policies states that 'major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding'. The applicant has submitted a BREEAM position report which confirms that the projected BREEAM score for the development is currently 75.86%, which would achieve an 'Excellent' rating. A condition will therefore be attached to this consent requiring the attainment of BREEAM 'Excellent' (Condition 6).
- 10.56 Council policy requires applications for major developments to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed. In this case, dynamic thermal modelling has not been undertaken, as this was not carried out at the time of the planning application; however, details *would* need to be provided under the terms of current council policy. It is considered that in this particular case, this can be addressed by the imposition of a condition requiring details of passive design and other design measures incorporated within the scheme (in accordance with the cooling hierarchy) to ensure adaptation to higher temperatures (taking climate change projections into account), and mitigation of



overheating risk, to be submitted to and approved in writing by the Local Planning Authority prior to construction of the extensions hereby permitted (Condition 25).

- 10.57 A draft Green Performance Plan (GPP) has been submitted with the application and this has been accepted by the council's Energy Team. More specific performance targets and indicators will need to be established through a full GPP to be secured via the Section 106 agreement.
- 10.58 The applicant has provided a site waste management statement within the approved Construction Management Plan, which is considered acceptable. The Green Procurement Plan approved by the council under ref: P2015/0321/AOD remains applicable to this development, and compliance with the Plan will again be secured by condition (Condition 9).
- 10.59 Policy 7.19 of the London Plan provides that development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policy CS15 of the Core Strategy requires development to maximise opportunities to 'green' the borough through measures such as planting, green roofs, and green corridors. Policy DM6.5 requires that developments must maximise biodiversity benefits, and in particular should maximise the provision of green roofs as far as reasonably possible, and that new-build developments should use all available roof space for green roofs, subject to other planning considerations.
- 10.60 Due to the site coverage of the existing building, there are very few opportunities to enhance the site's biodiversity value. However, this proposal represents an improvement on the previous scheme, which proposed no green roofs at all (although a condition was attached by the Inspector requiring further details to be submitted to show how green roofs could be accommodated on the site). This scheme proposes new green roof areas at ninth, tenth and roof level, and is considered to increase the site's currently-limited biodiversity interest. The provision of these green roof areas, and measures to ensure that they meet the standards in the council's Environmental Design SPD, is covered by proposed Condition 7.
- 10.61 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6, is recommended (Condition 26).

### **Other planning issues**

#### *Waste and recycling*

- 10.62 The approved waste storage arrangements (6 x 1,100 litre Eurobins with a waste compactor located in the basement) is sufficient capacity to absorb the additional waste from the restaurant. The council's waste and recycling team have not objected to this proposal.

### *Construction process*

- 10.63 Construction pursuant to application P122324 is currently under way. A Construction Management Plan (CMP) has already been approved under Condition 15 of that consent (Ref: P2015/0185/AOD). The applicant has submitted a revised CMP with this application reflecting the changes to the scheme; however it is almost identical to the CMP approved under the aforementioned reference. It is therefore considered that, rather than require the re-submission of the CMP, a condition can be attached which requires compliance with the most recent document (Ref: SGP/RLH/002, see Condition 15).

### **Planning Obligations, Community Infrastructure Levy and Local Finance Considerations**

#### *Community Infrastructure Levy*

- 10.64 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing. The affordable housing is exempt from CIL payments.
- 10.65 Islington CIL of £685,825, and Mayoral CIL of £110,200 would be payable in relation to the proposed development.

#### *Section 106 agreement*

- 10.66 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The clauses in this Section 106 agreement will be 'rolled forward' from the agreement signed on 07 October 2014. The only substantial change is that the carbon offsetting payment has been increased to £722,169. Following discussions with the Section 106 team and the applicant, it has been agreed that all other clauses in the existing agreement will remain the same. These are listed, in full, in Appendix 1 (Recommendation A) below.
- 10.67 It should be noted that the vast majority of the financial contributions pursuant to the Section 106 agreement dated 07 October 2014 have already been paid, and a number of the non-financial measures have already been put into motion by the applicant. The amounts already paid are to be deducted from the amounts listed above.

## **11.0 SUMMARY AND CONCLUSION**

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

11.2 The benefits of the proposed development (including the high quality design, accessibility and employment training measures offered) have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space and the potential adverse impacts on neighbouring properties, which in officers' view can be suitably controlled by condition). In the final balance of planning considerations, and having regard to the Inspector's decision of 03 November 2014, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

*Conclusion*

11.3 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:

#### *Financial contributions:*

- A Hospitality Training Contribution of £200,000 (payable in phases) to be spent by the council towards the provision of hospitality training at venues within the local area for Local Residents who are not in employment;
- A contribution of £48,000 (forty eight thousand pounds) to be spent by the council towards the provision of accessible parking bays or alternative accessible transport measures;
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £722,169;
- A Local Resident Hotel Employee contribution of £125,000;
- An Employment and Training Contribution of £39,463 to be spent by the council towards improving the prospects of local people accessing new jobs;
- A 'Taxi Area' contribution of £7,500 to be spent by the council towards the creation of an improved taxi and private car hire drop-off and pick-up area at the front of the Hotel; and
- A Training and Employment Initiatives Contribution of £60,537 to be spent by the council towards training and employment initiatives for Local Residents who are not in employment.

#### *Other employment and training measures:*

- Compliance with the Code of Employment and Training;
- Facilitation, during the construction phase of the development, of 13 construction trade apprenticeships, for local residents recruited through BEST. Each placement must last a minimum of 13 weeks. If these placements are not provided, a fee of £5,000 is to be paid to the council for each apprenticeship, up to an aggregated amount of £65,000;
- A total of 24 work experience placements to be provided within the Montcalm Hotel Group for Local Residents who may be identified by BEST, such placements to each are of no less than four (4) weeks in duration and no less than 12 hours within each such week;
- An annual programme for the mentoring of Hotel Trainees by the Staff Mentors at Local Community Centres which shall comprise no less than six (6) mentoring sessions in each calendar year;
- Provision of unwanted staff uniforms, kitchen whites and catering equipment to local community centres (such as St Luke's Community Centre) for use in their training courses; and
- A Recruitment Programme for the ongoing recruitment of staff at the Hotel

from local unemployed residents and from the BTEC Hospitality Course.

### *Standard clauses*

- A Code of Construction Practice monitoring fee of £1,500, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection;
- Compliance with the council's Code of Local Procurement;
- 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
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a draft travel plan and full Travel Plan no later than six months after first Occupation of the Development.
- Submission of a Green Performance Plan.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.
- Cessation of the first planning permission (P122324).

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

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



## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p><b>Location plans</b></p> <p>05106_B1_00_001_P3 05106_B1_00_002_P4</p> <p><b>Existing/consented plans</b></p> <p>05106_B1_02_0002 P4    Basement 05106_B1_02_0001 P6    Lower ground 05106_B1_02_000 P4    Ground 05106_B1_02_001 P4    First 05106_B1_02_002 P2    Second 05106_B1_02_003 P2    Third 05106_B1_02_004 P2    Fourth 05106_B1_02_005 P2    Fifth 05106_B1_02_006 P2    Sixth 05106_B1_02_007 P2    Seventh 05106_B1_02_008 P2    Eighth 05106_B1_02_009 P4    Ninth 05106_B1_02_010 P4    Tenth 05106_B1_02_011 P3    Roof 05106_B1_04_100 P1    Finsbury Square contextual elevation 05106_B1_04_101 P1    Worship Street contextual elevation 05106_B1_04_102 P2    Finsbury Square elevation 05106_B1_04_103 P2    Worship Street elevation 05106_B1_04_104 P2    East Lightwell elevations 05106_B1_04_105 P2    West Lightwell elevations 05106_B1_05_006 P5    Longitudinal Section</p>

**Proposed plans**

05106_B1_02_0002P_P2	Basement
05106_B1_02_0001P_P4	Lower Ground
05106_B1_02_000P_P1	Ground
05106_B1_02_001P_P2	First
05106_B1_02_002P_P2	Second
05106_B1_02_003P_P2	Third
05106_B1_02_004P_P2	Fourth
05106_B1_02_005P_P2	Fifth
05106_B1_02_006P_P2	Sixth
05106_B1_02_007P_P2	Seventh
05106_B1_02_008P_P2	Eighth
05106_B1_02_2209P_P3	Ninth
05106_B1_02_2210P_P4	Tenth
05106_B1_02_2211P_P1	Roof
05106_B1_04_100P_P1	Finsbury Square contextual elevation
05106_B1_04_101P_P1	Worship Street contextual elevation
05106_B1_04_102P_P2	Finsbury Square elevation
05106_B1_04_103P_P2	Worship Street elevation
05106_B1_04_2200P_P2	West Lightwell elevations
05106_B1_04_2201P_P2	East Lightwell elevations
05106_B1_05_007P_P2	Detailed Longitudinal Section BB

**Other documents**

Planning Statement (Jon Dingle, December 2015)  
 Design and Access Statement (5Plus, August 2015)  
 Heritage Statement (Turley Heritage, October 2015)  
 Economic Regeneration Statement (Jon Dingle, December 2015)  
 Addendum Letter (CBRE, December 2015)  
 Report to Savills (Mendip Capital, August 2012)  
 Transport Statement (Motion, July 2015)  
 Travel Plan (Motion, December 2015)  
 Energy Statement (Focus, April 2016)  
 Position Report Nr. 5 (Focus, November 2015)  
 Waste Management Plan (Jon Dingle, 17 December 2015)  
 Noise Impact Assessment (SRL, July 2015)  
 Daylight & Sunlight Report (Eb7, July 2015)  
 Daylight & Sunlight Explanatory Note (Eb7, 11 March 2016)  
 Ventilation Strategy (KUT)  
 Lift Strategy and covering letter (HCD Group, December 2015)  
 Construction Management Plan (SGP Contracts, December 2015)  
 Supplementary Statement of Community Involvement (Jon Dingle, December 2015)

REASON: For the avoidance of doubt and in the interest of proper planning.

**3 Materials and samples (Details)**

CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on

	<p>the four additional storeys hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p> <p><b><i>The details approved by the Local Planning Authority on 22 September 2015 (Ref: P2015/3558/AOD) are deemed to form the approved details for this condition.</i></b></p>
4	<p><b>Design details (Details)</b></p>
	<p>CONDITION: Full design details at a scale of not less than 1:20 of the following elements shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the relevant parts of the development:</p> <ul style="list-style-type: none"> <li>a) the proposed entrance canopy</li> <li>b) the window reveals and frameless glass doors</li> <li>c) the Worship Street automatic door opening mechanism</li> <li>d) the proposed glass box structure at tenth floor level.</li> </ul> <p>The development shall be carried out in accordance with the details so approved and shall be retained as such thereafter.</p> <p>REASON: To ensure that access arrangements and the street level external appearance of the buildings are acceptable in the conservation area and contribute positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.2, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
5	<p><b>CCTV cameras and external lighting (Details)</b></p>
	<p>CONDITION: Details of security measures (including CCTV) and any general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on the additional storeys hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2015, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
<b>6</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>7</b>	<b>Green roof (Details and Compliance)</b>
	<p>CONDITION: Details of the green roofs at ninth, tenth and roof level shall be submitted to and approved in writing by the Local Planning Authority prior to their installation on site. The green roofs shall:</p> <ul style="list-style-type: none"> <li>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); and</li> <li>b) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The green roofs shall not be used for any purpose other than essential maintenance or repair, or escape in the case of emergency.</p> <p>REASON: To safeguard residential amenity, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
<b>8</b>	<b>Rainwater recycling (Details)</b>
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the four additional storeys hereby approved. The rainwater recycling system shall be carried out in accordance with the details so approved, shall be installed and operational prior to the first occupation of the building and shall be retained and maintained as such thereafter.</p>

	<p>REASON: To ensure the sustainable use of water in accordance with policies 5.1 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.1 of Islington's Development Management Policies 2013.</p>
<b>9</b>	<p><b>Green procurement plan (Details)</b></p>
	<p>CONDITION: Prior to the commencement of development a Green Procurement Plan will be submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability. The development shall be constructed in accordance with the approved Plan.</p> <p>REASON: To ensure sustainable procurement of materials this minimises the negative environmental impacts of construction.</p> <p><i><b>The details approved by the Local Planning Authority on 01 April 2015 (Ref: P2015/0321/AOD) are deemed to form the approved details for this condition.</b></i></p>
<b>10</b>	<p><b>Delivery and Servicing Plan (Details)</b></p>
	<p>CONDITION: A Delivery and Servicing Plan detailing servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>These details should include:</p> <ul style="list-style-type: none"> <li>a) location, vehicle sizes, times and frequency;</li> <li>b) confirmation that deliveries will take place between the hours of 10.00 and 16.00 (i.e. outside the AM and PM peaks); and</li> <li>c) details of any proposed measures to decrease potential servicing demand.</li> </ul> <p>The development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety, free-flow of traffic and amenity of neighbouring occupiers.</p>
<b>11</b>	<p><b>Servicing Hours (Compliance)</b></p>
	<p>CONDITION: No service vehicle movements to or from the hotel may take place between the hours of 23.00 and 07.00.</p> <p>REASON: To ensure that servicing arrangements do not adversely impact upon residential amenity.</p>
<b>12</b>	<p><b>Waste Management and Recycling Strategy (Details)</b></p>
	<p>CONDITION: Details of the waste management and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first</p>

	<p>occupation of the development. The development shall not be operated otherwise than in accordance with the details of the approved waste management and recycling strategy.</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>13</b>	<b>Energy/Carbon dioxide reduction (Compliance)</b>
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy Statement (Focus, April 2016) hereby approved which shall together provide for no less than a 42% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2010 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
<b>14</b>	<b>Roof top plant and structures (Details)</b>
	<p>CONDITION. Details of any roof-top plant and structures shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing. The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that Local Planning Authority may be satisfied that the roof-top structures do not have a harmful impact on the surrounding street scene and conservation area.</p>
<b>15</b>	<b>Construction Management Plan (Compliance)</b>
	<p>CONDITION: All works of construction shall take place in accordance with the Construction Management Plan dated December 2015 (SGP Contracts Ltd) unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>16</b>	<b>Fixed plant noise (Details)</b>
	<p>CONDITION: The hotel use hereby approved shall not commence until full details of the means of ventilation for the building have been submitted to, and approved by the Local Planning Authority. The details shall include predicted plant noise levels and existing background noise conditions, to demonstrate that noise from the proposed equipment will not exceed a level higher than 5db (A) below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the</p>



	<p>nearest affected window of the nearest affected residential property. The ventilation plant shall be installed and maintained in accordance with the approved details. 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 operation of fixed plant does not impact on residential amenity.</p>
<b>17</b>	<b>External plumbing and pipes (Compliance)</b>
	<p>CONDITION: Unless otherwise shown on the approved drawings no plumbing, down pipes, rainwater pipes or foul pipes shall be fixed to the external elevations of the building hereby approved.</p> <p>REASON: External plumbing and pipes would detract from the appearance of the building.</p>
<b>18</b>	<b>Disabled parking (Compliance)</b>
	<p>CONDITION: The disabled parking spaces shown on drawing 05106_B1_02_0002P shall be provided prior to the first occupation of the development and appropriately line-marked and thereafter kept available for the parking of authorised vehicles for the disabled at all times.</p> <p>REASON: In the interest of ensuring the provision of an appropriate number and standard of disabled parking spaces in accordance with policy DM8.5 of Islington's Development Management Policies 2013.</p>
<b>19</b>	<b>Bicycle parking (Compliance)</b>
	<p>CONDITION: The bicycle store shown on drawing 05106_B1_02_0002P shall contain no less than 27 cycle parking spaces and shall be provided prior to the first occupation of the development hereby approved. The bicycle store shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure an adequate amount of secure bicycle parking is available and easily accessible on site, and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>

<b>20</b>	<b>Flues and extraction (Details)</b>
	<p>CONDITION: Details of proposed flues/extraction/filtration systems for the tenth floor restaurant, the ancillary restaurant and bar, and all associated kitchen areas shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the relevant part of the development.</p> <p>The flues/extraction/filtration systems shall be carried out in accordance with the details so approved, installed and operational prior to the first occupation of the building and maintained as such in accordance with the manufacturer's recommendations.</p> <p>REASON: In the interest of protecting amenity and the appearance of the resulting building.</p>
<b>21</b>	<b>Wheelchair accessible rooms (Compliance)</b>
	<p>CONDITION: The 27 wheelchair accessible rooms shown on the drawings hereby approved shall be fully fitted as such prior to first occupation of the hotel and shall be permanently retained thereafter.</p> <p>REASON: To ensure that the development is inclusive in accordance with policies Policy 4.5 of the London Plan and Policy DM4.11 (Part B (vii)) of the Islington Development Management Policies.</p>
<b>22</b>	<b>Use of restaurant and terrace (Compliance)</b>
	<p>CONDITION: The A3 unit on the tenth floor hereby approved shall not operate outside the hours of:</p> <p>07:00 - 23:00 Sunday to Thursday 07:00 - 00:00 Friday and Saturday</p> <p>The terrace at tenth floor level shall not be used by customers outside the hours of 07.00 – 22.00 on any day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>23</b>	<b>Balustrades at tenth floor level (Details)</b>
	<p>CONDITION: Details of the materials to be used in the construction of the balustrades at tenth floor level shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site. The balustrades shall be implemented in accordance with the details so approved and retained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

<p><b>24</b></p>	<p><b>Obscure glazing in east elevation (Compliance)</b></p> <p>CONDITION: The windows at tenth floor level in the eastern elevation shall be obscurely glazed as shown on drawing 05106 B1_04_2201P and shall be permanently maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p><b>25</b></p>	<p><b>Climate Change Adaptation: Overheating (Details)</b></p> <p>CONDITION: Details of passive design and other design measures incorporated within the scheme (in accordance with the cooling hierarchy) to ensure adaptation to higher temperatures (taking climate change projections into account) and mitigation of overheating risk shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the additional storeys hereby approved.</p> <p>These details shall include the results of dynamic thermal modelling of the development under the higher future temperatures projected as a result of climate change to demonstrate that the likelihood of high internal temperatures during hot weather has been minimised. The modelling shall be undertaken in accordance with the Environmental Design Supplementary Planning Document (2012) and the Greater London Authority Guidance on Preparing Energy Assessments (2016) as updated from time to time.</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 adapting to climate change and to secure sustainable development, in accordance with Development Management Policy DM7.5</p>
<p><b>26</b></p>	<p><b>Sustainable Urban Drainage (Details)</b></p> <p>CONDITION: Notwithstanding the plans submitted, details of a drainage strategy for a sustainable urban drainage system and its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume for the 1 in 100 year storm plus 33% climate change allowance 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 prior to the first occupation of the development. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear maintenance plan for the system.</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 the sustainable management of water in accordance with London Plan Policy 5.13, Core Strategy Policy CS10 and Development Management Policy DM6.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Section 106 Agreement</b></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>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>3</b>	<p><b>Thames Water</b></p> <p>Your attention is drawn to informatives and advice included in Thames Water's comments of 29 April 2016.</p>

## **APPENDIX 2 - RELEVANT POLICIES**

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

### **1 National Guidance**

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

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

### **2 Development Plan**

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

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

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

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

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.18 Green infrastructure: the network of open and green spaces

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

Policy 6.15 Strategic rail freight interchanges

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

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.20 Geological conservation

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

### **Infrastructure and Implementation**

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

## C) Development Management Policies June 2013

### Design and Heritage

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM2.5** Landmarks

### 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

**DM4.11** Hotels and visitor accommodation

**DM4.12** Social and strategic infrastructure and cultural facilities

### Employment

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

### Health and open space

**DM6.1** Healthy development

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

**DM6.6** Flood prevention

### Energy and Environmental Standards

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

**DM7.2** Energy efficiency and carbon reduction in minor schemes

**DM7.3** Decentralised energy networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

### Transport

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

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

### Infrastructure

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## D) Finsbury Local Plan June 2013

**BC8** Achieving a balanced mix of uses

**BC10** Implementation

**BC28** Site Allocation

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

#### Islington Local Plan

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

#### London Plan

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



