



## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	19 May 2016	<b>NON-EXEMPT</b>

Application number	P2016/0199/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> <li>- Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia</li> <li>- Employment Growth Area (Development Management Policies)</li> <li>- Kings Cross &amp; Pentonville Road Key Area (Core Strategy)</li> <li>- Article 4 for Flexible Uses</li> <li>- Controlled Parking Zone</li> <li>- Not located within the Central Activities Zone (CAZ)</li> <li>- Within 200 metres of RS2 Crossrail 2</li> <li>- Site within 100m of a TLRN Road</li> <li>- LV7 Local view from Dartmouth Park Hill</li> <li>- Within 50m of New Rover Conservation Area</li> <li>- Within 50m of Chapel Market/Baron Street Conservation Area</li> </ul>
Licensing Implications	Not Applicable
Site Address	4-8 Rodney Street, London, N1 9JH.
Proposal	Redevelopment of the site to provide for a mixed use development comprising of 2,601 square metres (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sq m on existing 1,605 sq m office floorspace) and 1,208 square metres (GEA) of Use Class D1 education floorspace, including the erection of a part 5/part 6-storey

	building fronting Rodney Street with associated outdoor learning terrace at 6-storey level, along with partial demolition of the building to the rear and ground floor extensions covering the plot of the site, part 2/part 3-storey extensions adjoining the retained building to the rear of the site with external terrace areas at 2nd storey, 3rd storey and roof level, along with associated access and servicing/parking arrangements along Rodney Street.
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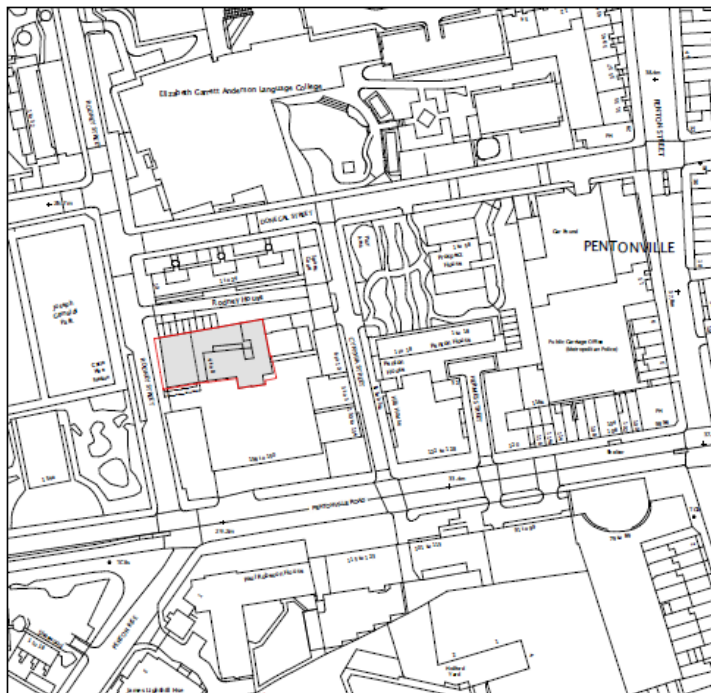
Case Officer	John Kaimakamis
Applicant	c/o Agent
Agent	Turley Associates

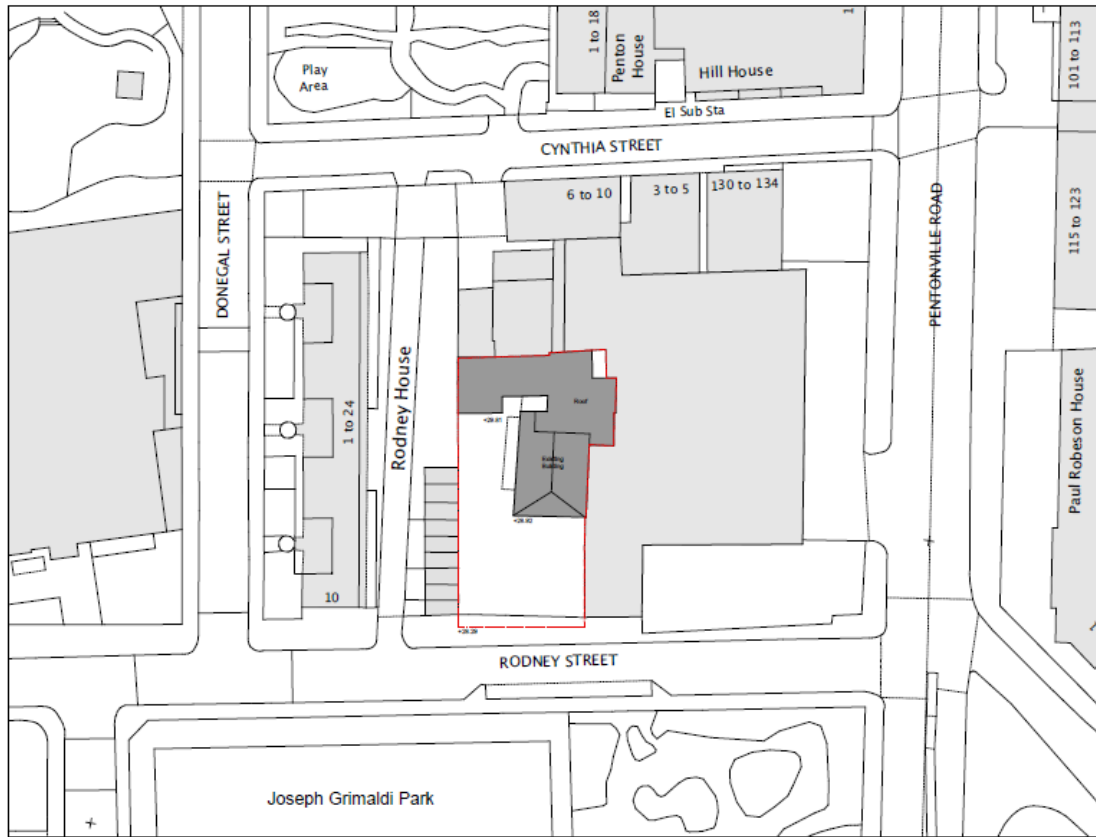
**1. RECOMMENDATION**

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

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

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





### 3. PHOTOS OF SITE/STREET





#### 4. SUMMARY

- 4.1 The proposed mixed use scheme for business floorspace and a school is considered appropriate and acceptable.
- 4.2 In general terms, an office-led mixed use development is broadly consistent with the sites policy context. There is no in-principle objection to an element of D1 use given the objectives for the site allocation and Employment Growth Area are met. The provision of the school at this location would offer a number of policy benefits specific to this proposal. In weighing up the scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school, it is considered that the proposal would be broadly consistent with the development plan policies.
- 4.3 The design of the building including its height, scale, appearance and relationship to street scene is acceptable, subject to appropriately worded conditions to secure aspects of the detailed design of its external appearance and materials to be of a high quality. The scheme maximises the efficient use of the site and in this location with an excellent public transport accessibility rating.
- 4.4 The proposals do result in the loss of sunlight and daylight to the properties to some south facing windows of Rodney House, in excess of the BRE guidelines. The design of those buildings themselves worsen the degree of losses (recessed windows to Rodney House). The proposed building opposite Rodney House is appropriate in townscape terms and as such balancing the

townscape and other benefits against the sunlight and daylight losses to these properties, the harm to these properties is on-balance accepted.

- 4.5 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 4.6 No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 4.7 The application is supported by a comprehensive s106 planning agreement and contributions related to and mitigating impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is acceptable subject to conditions, informatives and the s106 legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is located on the eastern side of Rodney Street near the junction with Pentonville Road and is positioned approximately halfway between Kings Cross (to the west) and Angel (to the east) London Underground stations which are both within walking distance of the site.
- 5.2 To the rear of the application site there is a part 4, part 5-storey building with the fifth level covering part of the site given the lower ground floor level and different levels across the site. The existing building contains approximately 1,600 (GEA) square metres of office space and contains a forecourt to the front of the site. The application site sits between a vehicle hire garage and printing works to the south on Rodney Street and a row of garages to the north which serves Rodney House, a residential block.
- 5.3 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating ([www.webptals.org.uk](http://www.webptals.org.uk)). The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Circle and Hammersmith and City lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 5.4 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).

- 5.5 The site is not located within a conservation area, whilst the building is not statutorily listed, nor is it a scheduled monument. The site is not located within but adjoins the boundary of the Central Activities Zone.

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

- 6.1 The proposal as originally submitted sought planning permission for the redevelopment of the site, which included a new part-5/part-6 storey building to the front of the site, ground floor extensions covering the plot of the site, and part-2/part-3 storey extensions adjoining the existing building to the rear of the site.
- 6.2 The new building to the front of the site includes an outdoor learning terrace at 6-storey level for the education use, whilst the buildings to the rear of the site contained four external terrace areas at 2nd storey, 3rd storey and roof level. Following the submission of revised plans, two of these terraces adjoining the residential properties at Rodney House to the north have been omitted.
- 6.3 The new buildings would provide for 2,601 square metres (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sq m on existing 1,605 sq m office floorspace) and 1,208 square metres (GEA) of Use Class D1 education floorspace.
- 6.4 All servicing arrangements along with pick up/drop off of students will take place in front of the site along Rodney Street. The proposal as originally submitted included a parking lay-by space at the front of the site, however this element of the scheme has been omitted following the submission of revised plans.

## **7. RELEVANT HISTORY**

### **Planning Applications**

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

#### **Front Part of the Site**

- 7.2 P100915: Development of vacant car park site to construct a five-storey building comprising two B1 units on the ground floor and eight flats on the upper floors (7 x 2 bed and 1 x 1 bed) was granted consent on 18 January 2012. This permission lapsed earlier this year in January.

#### **Rear Part of the Site**

- 7.3 P2014/1129/PRA: Prior Approval application for change of use of Business Centre, 4-8 Rodney Street of existing B1[a] office floorspace to fourteen (14) residential units Class C3 [8 X 1 bedroom, 5 X 3 bedroom, 1 x 3 bedroom] was granted consent on 15 May 2014. This prior approval consent was granted on the basis of new regulations introduced by central government in 2013.

#### 7.4 Other Relevant Planning Applications

- 7.5 P2014/1017/FUL: 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street): (Adjoining Site)

Planning permission for comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a setback floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a setback 5th. Planning permission was granted on 12 December 2014.

#### Enforcement

- 7.6 Not Applicable

### 8. **CONSULTATION**

#### Public Consultation

- 8.1 Letters were sent to occupants of 145 adjoining and nearby properties on 05 February 2016. A site notice and press advert were displayed on 11 February 2016. The public consultation of the application therefore 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 no objections had been received from the public with regard to the application.

#### External Consultees

- 8.3 **Historic England (Greater London Archaeology Advisory Service)** recommended that no archaeological requirement was necessary. They concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are necessary with regard to archaeological considerations.
- 8.4 **Thames Water** stated that the developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. They have recommended a condition (*Condition 32*) requiring details of impact piling method statement, and an informative relating to minimum pressure in the design of the development.
- 8.5 **Transport for London** have stated that the development is car free and consider that there will be no adverse impacts upon the TLRN or SRN. They have stated that all servicing is proposed from Rodney Street and TfL would

expect a Delivery and Service Plan (DSP) to be secured by condition (*Condition 27*). In terms of construction impacts, TfL requests that the applicant commits to ensuring that all vehicles travelling to site during construction are at least FORS Silver accredited. TfL considers that way-finding in the area could be enhanced with additional Legible London signage and a site specific contribution may be requested. The level of cycle parking proposed fails to comply with London Plan (2015) standards. Cyclist facilities (showers, lockers and changing areas) should be provided for staff and students (*Condition 25*). It is TfL's view that the development is unlikely to have an adverse impact upon bus capacity. They have stated a travel plan will be required, to be agreed by the Council, in consultation with TfL, prior to first occupation of the development. They add that the site is also in the area where S106 contributions for Crossrail will be sought. They have raised concerns with the proposed inset bay along Rodney Street to act as a mini bus and taxi/private hire vehicle drop off and pick up facility. TfL is concerned with the capacity of this facility in addition to pedestrian manoeuvrability generally. TfL expects that this facility is designed to ensure that a wheel chair can be deployed and for pedestrians to pass with no street clutter. Traffic orders will need to be introduced to carefully manage delivery timings.

### **Internal Consultees**

- 8.6 **Access Officer** requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Whilst further information was provided that clarifies these matters, a condition is recommended requesting details to be provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met. (*Condition 9*)
- 8.7 **Design and Conservation Officers** have stated that it is felt that with the current design of the main front building, the top floor does not appear to relate to the main façade below and as proposed is considered inappropriate. They go on to add that although the materials and proportions do indeed relate to that of the front elevation, the floors below are a consistent symmetrical block with a strong horizontal emphasis and the top storey addition is considered to unbalance the front elevation. Of particular concern are the views from within the park opposite. They felt that if an additional fifth floor extension is to be considered acceptable, it should be pushed further back so as to reduce visibility and the impact on the overall street scene. The adjoining development (yet to be completed) appears to have been deliberately stepped down as it heads north up Rodney Street and so for this building to then step up again seems illogical and unjustified. A suggestion was made that it may be possible to break the main façade up into three bays, divided by a vertical strip of a different material (perhaps opaque glazing) or by a slight recess (various options should be explored). Concerns were raised regarding the blank flank wall fronting Rodney House. Although a pattern is proposed to the concrete, there are still considerable concerns over the large expanse of blank, flat flank wall and its impact on Rodney Street and particularly Rodney House. It is felt that more interest and depth should be added to this elevation to reduce its impact. (*Condition 7*)



- 8.8 **Energy Conservation Officer** has recommended a condition to state they will target at least 18% reduction in total CO2 but investigate further options to improve on this given it falls short of the Council's target of 27% and provide evidence that they have maximised all opportunities. Have also recommended a condition requiring the submission of a feasibility study into being supplied with low carbon heat from the neighbouring 130 Pentonville Road development, and appropriate S106 clauses for a Shared Heat Network (if viable) is made (*Condition 22*). The on-site CHP proposed is acceptable provided that a shared heat connection is not possible and viable.
- 8.9 **Public Protection Division (Noise Team)** have recommended conditions with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable demolition, ground works and construction proposed in order for the methods and mitigation to be carefully considered (*Condition 10*). Finally, conditions are recommended to limit the hours of use and maximum number of persons on these terraces at any given time to mitigate against the impact of noise that may arise from the use of these areas (*Conditions 11,12*).
- 8.10 **Public Protection Division (Land Contamination)** have stated that Phase I and Phase II studies have been carried out. The site is currently proposed to be excavated to basement level across the whole site. With the elevated levels of lead, BAP and dibenzo(a)pyrene, they advise a contaminated land condition is applied to any permission granted. (*Condition 15*)
- 8.11 **Spatial Planning and Transport (Transport Officer)** support the fact that the development is car free, however have requested further details with regard to cycle parking numbers that can be provided on site to meet policy standards along with servicing and delivery plan in accordance with the requirements of local policies (*Conditions 23, 24, 25, 26 and 27*). Have raised objections along with the local Highways Authority to the proposed drop off and pick up area along Rodney Street on the basis that the need for this bay has not been demonstrated and the current restrictions on Rodney Street do not prevent the development from dropping off and picking up pupils. Additionally, they have stated objections to the width of the bay given it would require the Council to adopt some of the footway. This bay is now no longer being considered as part of the proposal.
- 8.12 **Street Environment Division** have requested further details with regard to refuse and recycling (*Condition 26*).
- 8.13 **Sustainability Officer** has stated that further details are required with regard to sustainable urban drainage systems, green/brown roofs, rainwater harvesting, materials and bird and bat boxes. They support commitment to achieving 'Excellent' BREEAM rating and recommend a condition for this to be secured, whilst they also support the commitment to reduce the notional baseline water efficiency level by 55%. A Site Waste Management Plan to be conditioned. (*Conditions 16, 17, 18, 19, 20 and 21*)

## **Other Consultees**

- 8.14 The Design Review Panel, which consists of a panel of architects, urban designers, landscape architects and other relevant professionals commented on the scheme in October 2015 during the pre-application stage. A summary of their comments is quoted below and their response in full is attached under Appendix 3.
- 8.15 The panel members were very supportive of the ambition of the project and felt that the principle of introducing new buildings to compliment the Chocolate Factory was an interesting idea. The Panel felt that the new buildings adjoining and around it would create very rewarding juxtapositions. The Panel were generally supportive of the material approach and simple elegant building, but felt that the detail would enrich it further and therefore that the detailing of this building was very important. Panel members acknowledged that the daylight/sunlight issue needed to be resolved between architects and Islington. In terms of urban design and massing and the contribution to the streetscape the panel were supportive.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

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

- Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia
- Employment Growth Area (Development Management Policies)
- Kings Cross & Pentonville Road Key Area (Core Strategy)
- Article 4 for Flexible Uses
- Controlled Parking Zone
- Not located within the Central Activities Zone (CAZ)
- Within 200 metres of RS2 Crossrail 2
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area

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

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

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

### Land-use

10.2 The application site is allocated in the Site Allocations DPD as set out above in allocation KC1. The allocation is purposefully broad within the parameters of the council's strategic priorities for the site and wider area (see also Core Strategy Policy CS6). The allocation for "*mixed use redevelopment, including employment and residential uses*" is not intended to be exhaustive or exclude the possibility of D1 use within the allocation boundary.

10.3 There is a stated objective to intensify office-led development and to this end the Allocation as a whole must deliver uplift in office floorspace. A comprehensive scheme across the whole allocation is unlikely as the site is split between different landowners, with a recent major planning permission covering the majority of the allocation site (referred to hereafter as 'the Groveworld site'). The objective of the Allocation was to deliver uplift and intensification in office floorspace.

10.4 A key objective of Islington's Local Plan is to provide for employment growth with business floorspace making up a significant proportion of this. Policies consequently seek to maximise opportunities for the provision of new business space, particularly within Town Centres and Employment Growth Areas (EGAs); this has been further magnified by a significant further loss of business floorspace as a result of permitted development rights. There is a strong policy basis for business-led development on this site.

10.5 Core Strategy Policy CS6 identifies that the King's Cross area will be expected to accommodate jobs growth, with York Way and Pentonville Road the principle locations for office-led mixed use development to achieve this. Although this part of the site is along Rodney Street it is identified as being within a commercial corridor within the Core Strategy

and the focus on office-led mixed use development is applicable. SMEs are particularly encouraged.

- 10.6 Development Management Policy DM5.1 requires in Employment Growth Areas, where redevelopment of existing business floorspace is proposed: *“the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations”*. It is noted that the ‘front part of the site’ is not contained within the Employment Growth Area, however the Site Allocation (KC1) covers the entire site and within the allocation and justification it requires *“as part of any redevelopment there should be a net increase in office floorspace (subject to viability)”*.
- 10.7 The supporting text to Policy DM 5.1 states that *“Within Town Centres and Employment Growth Areas, where proposals involve the Change of Use or redevelopment of existing business floorspace, applicants must demonstrate that the amount of proposed business floorspace has been optimised. For major developments, where there is no viable potential for business floorspace above the existing amount, evidence in the form of a market demand analysis (either standalone or forming part of a viability assessment), produced by a suitably qualified and impartial organisation, is required to be submitted. In making its assessment, the council will also have regard to other planning considerations, including London Plan policies on mixed use development. See Appendix 11 for more details.”*
- 10.8 Site Allocation KC1 identifies Nos. 4-8 Rodney Street alongside the adjacent Groveworld Site as part of the same allocation. The allocation is for mixed use redevelopment, including employment and residential uses, with any future redevelopment resulting in a net increase in office space (subject to viability). It is noted that the Groveworld site has a separate permission for mixed use development and is therefore likely to come forward for development separately. Nevertheless the objective of the allocation (consistent with the above policy context) is to deliver an uplift and intensification of office space.
- 10.9 Policy DM 5.1 is relevant given the sites location within an EGA. Part A is clear that proposals for redevelopment are required to incorporate the maximum amount of business floorspace reasonably possible on site. It is stated that the proposal would represent a 58% uplift in B1(a) office space .
- 10.10 In terms of the overall balance and mix of uses, considered in GIA, 2207m<sup>2</sup> of business floorspace represents around two thirds of the overall 3301m<sup>2</sup> of floorspace when the D1 use is included. The proposal can be considered business-led, reflecting its location in an Employment Growth Area. A scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school would be broadly consistent with the development plan policies.

- 10.11 DM Policy 5.1, part F, sets out the requirements for the design of new business floorspace to allow for future flexibility. Paragraph 5.10 of Development Management Policies clarifies what will be expected in terms of flexible design features to help ensure adaptability to changing economic conditions and occupants (including small and medium businesses), this includes:
- adequate floor to ceiling heights (at least 3 metres of free space);
  - Strategic lay-out of entrances, cores, loading facilities and fire escapes to allow a mix of uses;
  - Grouping of services, plumbing, electrics, cabling, communications infrastructure and circulation;
  - Flexible ground floor access systems, and
  - Good standards of insulation.
- 10.12 A key issue in considering the design of the B1 space, consistent with DM Policy 5.1, is the extent to which the B1 and D1 uses could function independently should the tenants change as well as to ensure that the sensitive school use is clearly separate from the main general office accommodation. As such, the scheme requires a clear distinction between the B1 use floor areas and the D1 school use areas, so that they are two independent planning units. Should the Anna Freud Centre depart the site in terms of using it for its central offices but still maintain the school on the site, the layout and floorplans would require to be clearly separated so as to not prejudice the B1 use floorspace being occupied by any potential or future occupier. The floorplans submitted show a distinction between the uses whereby the areas shaded in blue are B1 office floorspace and the areas shaded in green represent the D1 school use floorspace. This is to be conditioned so as to ensure that the arrangement would work as two separate planning units (*Conditions 3 and 4*).
- 10.13 The planning statement suggests that the B1 space has been designed flexibly to enable subdivisions and amalgamations. The floorplans suggest a very specific arrangement for the needs of the occupants and the co-location of the two uses on the same site. There is a strong policy emphasis on the provision of space suitable for SMEs as set out in Core Strategy Policy 6, Core Strategy Policy S13 and DM Policy 5.4. DM 5.4, part A, in particular sets out that within EGAs major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for SMEs. The planning statement highlights, part E of DM5.4, which looks to offset the provision of public education use against the overall floorspace requirement. The educational floorspace accounts for a third of the overall floorspace. This would effectively offset the overall increase in B1 floorspace.
- 10.14 However, a particular consideration will be how the floorspace can work for SMEs and multiple tenants should the tenant change. Therefore, clarification via condition will be sought how specifically the B1 unit could work flexibility for multiple tenants and SMEs. The applicant's submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and

design, however the submitted floorplans have areas that could accommodate business floorspace divided into units of 90sqm (GIA) or smaller. This would allow for suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided due to the constraints of the site. Therefore, a condition is recommended requiring the submission of floorplans demonstrating how 5% of the business floorspace could be subdivided to provide accommodation for such enterprises (*Condition 5*).

- 10.15 With regard to the proposed D1 education floorspace, Policy DM4.12 is very supportive of new social and community infrastructure provision, which the proposed school would represent. The school would be re-locating from a site in the immediate area, and provides a valuable service in this locality, which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:
- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
  - ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
  - iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
  - iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*
- 10.16 In general terms, an office-led mixed use development is broadly consistent with the sites policy context. There is no in-principle objection to an element of D1 use given the objectives for the site allocation and EGA are met. It is understood that the school is relocating from White Lion Street.
- 10.17 In terms of location and character (criteria i) and iv) this location on the very fringe of the CAZ, with a PTAL of 6B (the highest possible) is considered to be very convenient for the community it would serve – being currently located in close proximity - and is accessible by a significant range of sustainable transport modes. Criteria ii) and iii) are assessed elsewhere in this report under sections relating to accessibility and neighbourhood amenity.
- 10.18 Therefore it is possible to say that the provision of the school at this location would offer a number of policy benefits specific to this proposal. As it is, in weighing up a scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school, it is considered that the proposal would be broadly consistent with the development plan policies.

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

- 10.19 London Plan policies seek for development proposals to achieve the maximum intensity of use compatible with local context, the design principles in chapter 7 of the London Plan and with public transport capacity. The Islington Core Strategy Policy CS6F states that *'The area's historic character will be protected and enhanced with high quality design encouraged to respect the local context of Kings Cross and its surroundings'*.
- 10.20 Islington's Site Allocations document states *"Future uses and design should respect the amenity of residential properties within the vicinity of the site. Frontages should be positioned along the site boundary and be active frontages, particularly along Pentonville Road."* It goes on to state that *"the setting of nearby conservation areas must be conserved and enhanced and views up Penton Rise and along Pentonville Road must be maintained"*.
- 10.21 Core Strategy Policy CS9E states: *"New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported"*.
- 10.22 The proposal consists of a new part-5/part-6 storey building to the front of the site, ground floor extensions covering the plot of the site, and part-2/part-3 storey extensions adjoining the existing building to the rear of the site. The proposals were subject to lengthy pre-application discussions and in principle the proposed 5 storey building is considered acceptable. Additionally, the extensions adjacent to the Chocolate Factory are also considered acceptable, whilst the retention of the existing building to the rear (Chocolate Factory) are seen as appropriate.
- 10.23 However, Council's Design officers have raised concerns with the six-storey extension proposed to the new building at the front of the site. They consider that the top floor does not appear to relate to the main façade below and as proposed is considered inappropriate. They go on to add that although the materials and proportions do indeed relate to that of the front elevation, the floors below are a consistent symmetrical block with a strong horizontal emphasis and the top storey addition is considered to unbalance the front elevation. They felt that if an additional fifth floor extension is to be considered acceptable, it should be pushed further back so as to reduce visibility and the impact on the overall street scene.
- 10.24 They consider that further work is required in order to improve the design of the roof top addition and in order to consider a sixth storey acceptable in principle. They consider the proposed sixth storey and its impact on the overall building design as undesirable and as such object to the roof top addition. They recommended that the architect should explore options



where the top addition is set back as far as possible, without compromising the school's funding, in order for officers to assess the potential reduction in the impact of the roof addition.

- 10.25 Furthermore, Design officers consider that a more lightweight, frameless glazed structure is most likely to be the most appropriate treatment for this top storey. This would help reduce the visual impact of this storey in relation to the adjoining building and the impact on the main façade of the proposed building on this site. Where solid areas are required, opaque/semi-opaque glass could be used.
- 10.26 In response, the applicant revised the proposal to introduce more glazing to the sixth-storey extension. Additionally, further information was put forward stating that the floorspace area achieved by the extension as part of the whole school achieved a minimum amount of education floorspace that was required in order to secure funding from the ESF and that any reductions in floorspace could jeopardise this funding. The constraints of the site do not allow for additional education floorspace to be placed at the rear of the site, as this part of the application site is within the Employment Growth Area and would also potentially jeopardise any uplift in business floorspace. It should also be noted that the proposed sixth-storey extension would be less taller than the adjoining approved consent at the Groveworld site to the site. Given the above, it is not considered that the objections raised by Design officers in this instance with regard to the extension would warrant refusal of the application. Given the funding of the school is also dependant on the amount of education floorspace required, on balance it is not considered that the harm caused by the sixth-storey extension would outweigh the planning benefits derived from this employment-led mixed use development.
- 10.27 Design officers have also raised concerns with regard to the blank flank wall fronting Rodney House. Although a pattern is proposed to the concrete, there are still considerable concerns over the large expanse of blank, flat flank wall and its impact on Rodney Street and particularly Rodney House. It is felt that more interest and depth should be added to this elevation to reduce its impact.
- 10.28 These concerns were also highlighted by the Design Review Panel, who stated that “that this wall was a significant challenge, but believed this could be overcome with further development. Panel members felt that this aspect needed a sophisticated response and, although the architects indicated that they have begun addressing this, the Panel advised that further consideration and detailed studies are required to demonstrate a good outlook is provided for Rodney House. The Panel felt that the treatment to the flank wall should be carefully considered to ensure that it will age as intended.” As such, this is to be secured via the imposition of a condition should permission be granted (*Condition 7*).
- 10.29 In addition to the above, further conditions are recommended with regard to design detail elements and materials so as to ensure the proposed scheme results in an acceptable appearance and delivers a high quality design

(*Condition 6*). Furthermore, details of the roof top extension will be requested via condition to ensure this structure is more lightweight and frameless (*Condition 8*).

- 10.30 In summary, the site has a number of constraints due to the site allocation and the need to secure education funding on the basis of a minimum level of education floorspace. In this context, it is considered that the proposal would be in the form of a contemporary design and it would sit comfortably and harmoniously integrate with the site and within the streetscene and not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings.

### **Accessibility**

- 10.31 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 10.32 Such requirements are also required by Islington Core Strategy CS12 and Accessible Housing SPD. Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.33 Council's Access officers requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. These considerations related to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.
- 10.34 The applicant has provided further information which clarifies these matters, however this was in a written form and no detailed plans with these matters submitted. Therefore, a condition is recommended requesting details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met (*Condition 9*).

### **Neighbouring Amenity**

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

### **Daylight**

- 10.36 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 10.37 In respect of impact upon light and overshadowing, the application is supported by a Daylight, Sunlight and Overshadowing technical assessment. Daylight impacts to residential neighbours have been considered using the Vertical Sky Component (VSC). Sunlight impacts to neighbours are considered using Annual Probable Sunlight Hours (APSH). These tests are detailed in the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) referred to in policy DM 2.1.
- 10.38 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 10.39 The BRE guidance identifies three methods which can be used to assess the impact of developments on the daylight received by affected dwellings. The 'Vertical Sky Component' assessment (VSC) is a measure of the amount of daylight available at the centre point to the external pane of a window. However this assessment does not take into account room dimensions or other windows which may also provide daylight to the room. A good level of daylight is considered to be 27%. Daylight will be adversely affected if after a development the VSC is both less than 27% and less than 0.8 of its former value.
- 10.40 *Vertical Sky Component (VSC)*
- 10.41 The daylight/sunlight report submitted with the application considered the impact of the proposals on the daylight received of adjoining sites. The residential properties to the north at Rodney House were considered along with the Primary School to the east at No. 10 Cynthia Street.
- Rodney House
- 10.42 A total of 96 individual windows serving 69 rooms were considered at Rodney House across 5 levels of the building. In total 17 windows out of the 96 considered had a VSC less than the BRE recommended level of 27% and a loss of greater than 20% of its former value.
- 10.43 Specifically:

- Ground Floor: All 3 windows on this floor below VSC 27% would have losses less than 20% of its former value in accordance with the recommended levels of the BRE Guidelines.
- First Floor: 12 out of 24 windows on this floor serving 15 rooms would have would have losses between 22~53% of its former value. These rooms serve kitchen/living/dining room areas along with bedrooms. Some of these windows are set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot windows, then all windows would come under losses of less than 20% of its former value in accordance with BRE recommended levels of transgressions.
- Second Floor: 5 out of 36 windows on this floor serving 27 rooms would have losses between 22~53% of its former value. These rooms serve kitchen/living/dining room areas along with bedrooms. The 5 windows affected on this floor are windows set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot windows, then all windows would come under losses of less than 20% of its former value in accordance with BRE recommended levels of transgressions.
- Third & Fourth Floors: All 36 windows on this floor below VSC 27% would have losses less than 20% of its former value.

#### No. 10 Cynthia Street (Primary School)

- 10.44 A total of 25 individual windows serving 11 rooms were considered at the Primary School and all windows to this building below VSC 27% would have losses less than 20% of its former value in accordance with the recommended BRE guidelines.

#### *Daylight Distribution (No Sky Line)*

- 10.45 The 'no sky line' method assesses the impact which a development will have on the position in an affected room where the sky is no longer visible. This method takes into account room dimensions in the calculations.

#### Rodney House

- 10.46 A total of 69 rooms were considered at Rodney House across 5 levels of the building. In total 8 rooms (serving bedrooms or kitchen/living/dining areas) out of the 69 considered had a reduction in the amount of direct daylight they receive in excess of 20% of their former value. The losses ranged between 22% and 32%.
- 10.47 Specifically:

- Ground Floor: Two of the 3 rooms on this floor had a reduction in the amount of direct daylight they receive in excess of 20% of their former value with losses of 22% and 29% respectively.
- First Floor: 5 out of 15 rooms on this floor had a reduction in the amount of direct daylight they receive in excess of 20% of their former value with losses of 27%, 26%, 32%, 27% and 25% respectively. Some of these rooms are set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot rooms, then only one room at 29% would transgress the recommended levels and all other rooms would come under losses of less than 20% of its former value in accordance with BRE recommended levels.
- Second Floor: Only 1 room out of 15 rooms on this floor would have a reduction in the amount of direct daylight they receive in excess of 20% of their former value with a marginal loss of 21%. Given this room is set in from the frontage, making an allowance for this circumstance and squaring off the undershot room, then the loss would come under less than 20% of its former value in accordance with BRE recommended levels.
- Third & Fourth Floors: All 27 rooms on this floor would have losses less than 20% of its former value.

#### No. 10 Cynthia Street (Primary School)

- 10.48 A total of 11 rooms were considered at the Primary School and all rooms to this building below would be less than 20% of its former value in accordance with the recommended BRE guidelines.

#### Sunlight

- 10.49 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year and windows facing eastwards or westwards will only receive sunlight for some of the day. In order for rooms to achieve good sunlight the BRE target criteria is that rooms should receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter. Where rooms receive less than the recommended APSH then the BRE guidance states that reduction of more than 20% would be noticeable.
- 10.50 Rodney House
- 10.51 A total of 96 individual windows serving 69 rooms were considered at Rodney House across 5 levels of the building. No windows would have a year round APSH at less than the overall 25% threshold and a loss of more

than 20% of its former value. However, 7 of the 96 windows would have a reduction in winter sunlight to figures below the recommended 5% and in excess of 20% of its former value. It should be noted that these windows are very small supplementary windows to rooms which contain other windows that would benefit from appropriate winter sunlight. Additionally, when one makes allowances that they are also recessed then the reductions would fall within the recommended levels of the BRE guidelines.

- 10.52 It is not considered that the above transgressions in relation to sunlight figures for this property would warrant refusal of the scheme. In light of the above, the proposals are therefore not considered to result in any undue loss of sunlight to adjoining dwellings.

No. 10 Cynthia Street (Primary School)

- 10.53 Only one window at first floor level would have a reduction of over 20% of its former value in terms of winter sunlight but this window would still have over 5% of the recommended level of winter sunlight.

Summary

- 10.54 The proposal would result in some daylight losses that are greater than 20% of the existing levels and to a lesser extent some losses in terms of sunlight, however the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character at this site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 10.55 Therefore, this situation requires a balance to be struck. It is considered that making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of a new school and uplift in employment floorspace on the site is finely balanced but that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of the facing residential occupiers.
- 10.56 Further, these losses of daylight and to a lesser extent sunlight as a result of these proposals, the recessed window positions have an impact on their ability to receive good amounts of light. When making allowances for the recessed windows, the levels of transgressions are minimal and within the recommended BRE guidelines. For the reasons set out above, the impacts are considered, on balance to be acceptable.
- 10.57 Noise and External Amenity Terrace Areas
- 10.58 As submitted, the new building to the front of the site includes an outdoor learning terrace at 6-storey level for the education use, whilst the buildings to the rear of the site contained four external terrace areas at 2nd storey, 3rd storey and roof level. Following concerns raised by planning officers

with regard to the amount of terrace areas with particular regard to those adjacent to Rodney House, revised plans were submitted with two of these terraces adjoining the residential properties at Rodney House to the north omitted.

- 10.59 These concerns related to the scale and number of outdoor terrace areas proposed by the development and the potential long hours of operation. A large terrace area in close proximity to residential with use until 23:00 would more than likely lead to complaints and significant impacts upon the nearby residential. Nevertheless, the proposal has been revised to take into account the above concerns and now proposes the outdoor learning centre with two external terrace areas for the business use at 2<sup>nd</sup> storey level and roof level.
- 10.60 The development as submitted proposes no limit to the number of people on the terraces or management of the terraces proposed. The submitted Noise Assessment offers figures for people using each of the terraces. It is noted that Building Control have advised that the spaces could accommodate more than the figures tested within the submitted Noise Assessment, and therefore it is difficult to see how representative these figures are. The sound power spectrum for one person's voice is comparable to the ANSI standard for a raised voice leaving aside the Lombard effect or alcohol if later at night and seems reasonable.
- 10.61 The Noise Assessment submitted states LBI "does not specify any noise criteria for entertainment noise during the day and evening but specifies that venues expected to apply for an entertainment licence should ensure that emitted noise is inaudible within nearby noise sensitive premises after 2300hours". However, the Council's licensing guidance for entertainment noise does include day time levels. Additionally, the Noise Assessment quotes that LBI "specifies that potential noise from industrial and commercial uses within residential areas should be assessed in accordance with BS4142:1997 and states that complaints will be likely where there is a difference of around +10dB or more between the measured background noise level and rating level". Whilst the Council would advise using the methodology of 4142, the Council does not accept that a 10dB increase in noise level due to the terrace use would be an acceptable impact.
- 10.62 The noise model within the Noise Assessment predicts that without mitigation people noise from the terraces would exceed the background noise levels by 10dB. This would be an unacceptable impact for residential neighbours. Therefore mitigation would be required to reduce this impact to an acceptable level, which will require an acoustic barrier, control of numbers on the terraces and limitation of hours of use and a management plan for the spaces. The two remaining terrace areas to the business floorspace are located away from the residential properties and due to the design of the building enclosing these areas, would not require further visual barriers that would add to the bulk of the building. However, to mitigate the impact of the terraces conditions limiting the maximum number of users will be imposed on the business terraces to no more than 20 and

60 persons respectively, whilst the outdoor learning centre will be limited to a maximum number of 20 persons (*Condition 11*). Furthermore, the business floorspace external areas will be limited to use between 8am and 7pm, whilst the outdoor learning centre for the school will be limited to use between 8am and 4pm (*Condition 12*). Finally, a condition requesting the submission of a Noise Management Plan will also be imposed (*Condition 10*).

### **Sustainability**

- 10.63 London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.64 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 10.65 The BREEAM pre-assessments submitted demonstrate that both the office and education parts of the development would be capable of achieving a BREEAM 'Excellent' rating, which is supported and in accordance with planning policies requiring all development to meet the highest standards of design and construction. It is recommended that the requirement to achieve a BREEAM 'Excellent' rating is required by condition (*Condition 16*).
- 10.66 The proposal includes a commitment to reduce notional baseline water efficiency performance level by 55%, which is supported. The use of low fixtures and fittings proposed are also supported. The BREEAM assessment refers to the provision of rainwater harvesting to service WCs, which is supported, however no details are provided and these are to be sought via the imposition of a condition (*Condition 17*).
- 10.67 London Plan policy 5.3 and Core Strategy policy CS10 require developments to embody the principles of sustainable design and construction. As part of this proposal consideration has been given to the use of sustainably sourced, low impact and recycled materials. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided. These details are to be sought via condition seeking a Site Waste Management Plan setting out how these targets will be achieved (*Condition 18*).
- 10.68 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires



existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. The existing site is of no biodiversity or ecology value and although the proposed buildings would occupy 100% of the site, thereby precluding any potential for mature tree planting, proposals to create accessible terraces with associated soft landscaping would represent an improvement over the existing situation. Two green roofs are proposed, whilst the omission of two terraces from the proposal provides further opportunity to maximise green/brown roofs across the site. A condition shall be imposed for details of the proposed green roofs along with further details demonstrating that green roofs have been maximised across the site (*Condition 21*). It is considered that the two omitted amenity terrace areas provide the potential for further green roofs as part of the proposal. Further, the provision of bird and bat boxes across the site will be sought via condition (*Condition 20*).

- 10.69 Planning proposals are required to prioritise sustainable drainage solutions before relying on hard engineered solutions such as that which is proposed. Green/brown roofs are one SUDS option amongst others that should be fully explored before the drainage strategy with attenuation tank is relied upon. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given two amenity terrace areas opposite Rodney House have been omitted from the scheme under revised plans, these two areas provide further opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A revised drainage strategy will be sought via condition in order for the quantity and quality standards of DM Policy 6.6 to be met (*Condition 19*).
- 10.70 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation.

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

- 10.71 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 10.72 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010.

- 10.73 The Energy Report presents the base line (2013 regs) regulated carbon emissions and the reductions at proposed which aim to achieve a 41% reduction in relation to London Plan policy which is supported. However, with regard to Islington Core Strategy Policy, the applicant provided further details with regard to the breakdown of unregulated and total carbon emissions at each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions.
- 10.74 The total reduction in CO2 emissions is 18%, which is short of the council's target for 27%. Therefore, a condition is to be included to state that a target of at least 18% reduction in total CO2 will be achieved but further investigation into options to improve on this to be exhausted with evidence and justification that all opportunities have been maximised (*Condition 22*).
- 10.75 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.76 In this instance, a contribution of £48,392 is secured towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).
- 10.77 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:
- BE LEAN
- Energy efficiency standards*
- 10.78 The Energy Report proposes a number of energy efficiency measures for the new build and refurbished retained building which is supported, including best practice u-values for thermal elements, best practice air tightness, MVHR with mixed mode ability, passive cooling design and measures. LED lighting is proposed throughout to target 70 lm/W.
- 10.79 The Energy Report Jan-16 provides evidence that dynamic thermal modelling has been carried out in accordance with council policy.
- BE CLEAN
- District heating*
- 10.80 The site is not within 500m of an existing or planned heat network. It is however within an area of opportunity where district heating is anticipated to be developed in the short-medium term as evidenced in the Energy Masterplan study. However energy officers agree with the conclusion of the

Energy Report that it is not currently feasible for connection to a heat network.

*Combined Heat and Power*

- 10.81 The Energy Report proposes CHP with gas boilers with heating delivered through an underfloor system.

*Shared Energy Network*

- 10.82 The Energy Report does not consider any opportunities for shared heating with other local sites. The site is located next to a recently approved development at 130-154 Pentonville Road (ref: P2014/1017/FUL) for a mixed use development (offices, hotel) which proposes a CHP energy centre. It is recommended that the applicant investigates the viability of being supplied with heat from this CHP energy centre rather than creating a new energy centre, in accordance with council policy DM Policy 7.3. This is to be secured via the section 106 agreement.

**BE GREEN**

*Renewable energy technologies*

- 10.83 The Energy Report states solar photovoltaics could be installed and a system of 6.9kWp of 20 high efficiency 345W monocrystalline PV panels, which requires around 32m<sup>2</sup> of unshaded roof area subject to viability.
- 10.84 In summary it is considered that the preferred option of connecting to a shared network (subject to feasibility) is considered appropriate, and should this prove unfeasible then the option of a Gas CHP with additional energy measures to achieve a Council target of 27% under a revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

**Highways and Transportation**

- 10.85 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 10.86 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).

- 10.87 There is an existing cycle hire docking station opposite the site with a capacity of 30 cycles, which is currently experiencing high demand. Additionally, the site has excellent links to local cycle networks.

#### Vehicular Parking

- 10.88 The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development.

#### Cycle Parking

- 10.89 Development Management Policy 8.4 (Walking and Cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For schools, cycle parking should be provided at a rate of one space per seven members of staff and one space per 10 students.
- 10.90 The proposal includes the provision of 25 cycle parking spaces: 15 spaces in the basement of the building (accessed via lift) and 5 Sheffield stands in the forecourt area to provide 10 spaces. The amount of cycle parking does not meet the requirements of Development Management Policy 8.4 and Appendix 6 of the Development Management Policies, which require 28 spaces for the office use and 5 for the education use.
- 10.91 Whilst the 10 outdoor spaces in front of the building are a welcome addition, they do not meet the qualitative tests of Part C of DM Policy 8.4, which requires cycle parking to be secure, sheltered, integrated and adequately lit and therefore only 15 spaces meeting this element of the proposal have been provided. The floorplans highlight that areas within the site would be available to increase the provision of cycle parking within the site. The Sheffield stands may be retained for visitor use.
- 10.92 Therefore, should planning permission be granted a condition requesting the provision of 28 cycle spaces for the B1 use and 5 spaces for the D1 use within the building will be imposed, along with the necessary details meeting the requirements of the above policy. Additionally, the cycle provision will be required to include an adequate element of parking suitable for accessible bicycles and tricycles. Student cycle/tricycle parking should also be located on-site and meet the qualitative tests. The applicant has submitted information stating that the type of school being provided does not usually have students who cycle to the school. However, the planning permission being sought is for a D1 use and should the school be vacated by the intended occupier at a future date and another school operator take its place, then the above provision would be required and hence the suitability of the condition (*Conditions 23 and 24*).
- 10.93 A condition requesting cyclist facilities (showers, lockers and changing areas) should be provided for staff and students of both the office and school uses shall also be secured in accordance with the comments provided by TfL (*Condition 25*).

## Refuse and Recycling

- 10.94 Storage is appropriately located within the development for both uses proposed at the front of the site at ground floor level and bins would be wheeled to the kerb-side of Rodney Street for collection. However, no details have been submitted with regard to whether an adequate number of bins and type of bins have been provided for the extent of floorspace being proposed. Furthermore, refuse and recycling arrangements are not clear and these details along with the number and type of bins are to be secured by conditions (*Condition 26*).

## Servicing and Deliveries

- 10.95 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The proposals for delivery and servicing do not accord with this policy.
- 10.96 However, on-site servicing was considered at pre-application stage and it was not considered practical for this site from a design perspective and it would conflict with the 3 key design objectives:
- a) Frontages should be positioned along the site boundary and be active frontages in accordance with the KC1 Site allocation. The length of the frontage is limited and the creation of a servicing bay at ground floor level would conflict with design principles. Furthermore, it would impact on optimising the development potential of the site; and
  - b) The need to respect the established building lines along Rodney Street;
- 10.97 Further, provision of off-site servicing on site would be at the expense of maximising the employment floorspace on the site and the benefits associated with the provision of a school on the site.
- 10.98 Therefore, it is considered that sufficient justification has been provided to demonstrate the benefits of not providing on-site servicing.
- 10.99 The applicant has identified positions on Rodney Street that could accommodate the office and residential servicing. The proposal has been revised to remove the parking/drop off bay to the front of the site to address other highway concerns detailed further below. As such, servicing and deliveries would take place within existing kerbside controls on Rodney Street. Highway officers have stated that the levels of servicing expected to be generated by the totality of these proposals could be accommodated within existing restrictions.

10.100 Nevertheless, a delivery and servicing plan is secured by condition to ensure that the development has no adverse impact on the highway. This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies SPD (*Condition 27*).

### Highways

10.101 The proposal as submitted included a designated drop-off/pick-up bay at the front of the site, which could also be used as a parking space. The Local Highways Authority raised objections to the proposed drop off and pick up area along Rodney Street on the basis that the need for this bay had not been demonstrated and no restrictions on Rodney Street would prevent minibuses from dropping off and picking up pupils, parents and carers from the single yellow lines on the eastern side of the road. Further, the current restrictions along Rodney Street would not inhibit servicing and deliveries or take place to the proposed buildings.

10.102 A further concern by the Local Highways Authority related to the proposed width of the public highway footpath as it was below the minimum standard width at its narrowest point due to the proposed drop-off bay, and as such was not acceptable. In order to achieve an acceptable width, this would have required the Council to adopt some of the footway, however this was not considered an acceptable solution considering that the need for a drop-off bay and the narrowing of the footway had not been fully justified. Given the current restrictions along Rodney Street would not have an impact on the proposed usage of the school and offices, the parking drop-off bay was omitted from the scheme with amended plans submitted.

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

- The provision of 3 accessible parking bays or a contribution of £6,000 towards bays or other accessible transport initiatives given 3 accessible parking bays cannot be provided on site or on street.
- Submission of a final Travel Plan
- The repair and re-instatement of the footways and highways adjoining the development. Cost to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

### Contaminated Land

10.104 The applicant has submitted an initial desktop survey that was carried out on the potential for contaminated land at the site. Council's Pollution Project Team have reviewed the report and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. As such, they have recommended the

Council's standard land contamination condition be applied should planning permission be granted (*Condition 15*).

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

- 10.105 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 10.106 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 10.107 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 10.108 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 10.109 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 10.110 The application site is located outside of the Central Activities Zone (CAZ) boundary and therefore collection of a Crossrail contribution is not required.

- 10.111 The Mayoral Infrastructure Levy does apply to this development however the total payable would be adjusted to show the education use relief. This is an estimate however and must be arrived at through formal CIL charging processes. An informative is attached providing guidance on this process.
- 10.112 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.
- 10.113 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

### **Other Matters**

- 10.114 The applicant has put forward a section 106 obligation whereby 50% of school placements would be reserved for Islington residents. In the event LBI do not require 50% of placements in a given year, then these placements would be offered elsewhere.
- 10.115 Whilst in this instance the offer is beyond policy requirements, it is considered a positive benefit to the proposal given it would be offered in perpetuity as part of being secured under the legal agreement.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The redevelopment of this site to provide an employment led mixed use scheme with business floorspace and a school would be appropriate in this highly accessible location. The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of surrounding buildings or the character or appearance of the surrounding area.
- 11.2 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing. Suitable cycle storage facilities have also been secured.
- 11.3 Whilst the proposed development would cause some demonstrable harm to the amenities of any neighbouring occupiers in terms of loss of daylight and sunlight, on balance the harm to these properties is considered acceptable given the townscape and other benefits that would be derived from the scheme.
- 11.4 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.



## **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Facilitation, during the construction phase of the development, of the following number of work placements:
4. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/15).  
If these placements are not provided, LBI will request a fee of £10,000.
5. Compliance with the Code of Construction Practice, including a monitoring fee of £919 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
6. The provision of an additional number of 3 accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.
7. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £48,392
8. 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.

9. Submission of a Green Performance Plan.
10. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

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

11. 50% of school placements would be reserved for Islington residents. In the event LBI do not require 50% of placements in a given year, then these placements would be offered elsewhere

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

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	CONDITION: The development hereby approved shall be carried out in

	<p>accordance with the following approved plans:</p> <p>Drawing Nos. 649-PL-001 Rev D; 649-PL-002 Rev C; 649-PL-003 Rev D; 649-PL-008 Rev C; 649-PL-009 Rev E; 649-PL-010 Rev E; 649-PL-011 Rev E; 649-PL-012 Rev D; 649-PL-013 Rev D; 649-PL-014 Rev E; 649-PL-015 Rev A; 649-PL-020 Rev A; 649-PL-021 Rev A; 649-PL-022 Rev A; 649-PL-023 Rev A; 649-PL-024 Rev A; 649-PL-025 Rev A; 649-PL-026 Rev A; 649-PL-027 Rev A; 649-PL-028 Rev A; 649-PL-029 Rev A; 649-PL-030 Rev D; 649-PL-031 Rev C; 649-PL-032 Rev B; 649-PL-033 Rev C; 649-PL-034 Rev C; 649-PL-035 Rev B; 649-PL-040 Rev C; 649-PL-041 Rev D; 649-PL-042 Rev D; 649-PL-050 Rev B; 649-PL-051 Rev B; 649-PL-052 Rev B; 649-PL-053 Rev B; 649-PL-054 Rev B; 649-PL-055 Rev B; 649-PL-060 Rev A; 649-PL-061 Rev A; 649-PL-062 Rev A; 649-PL-063 Rev A; 649-PL-064 Rev A; 649-PL-065 Rev A and 649-PL-066 Rev A.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Class B1 Use Restrictions – A Single Planning Unit</b></p> <p>CONDITION: The B1 (Business) floorspace shall be confined to the areas shaded in blue on the approved plans list and shall be strictly limited to uses within Use Class B1(a) and B1(b). No planning permission is hereby granted for purposes within Use Class B1(c) – for any industrial process – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
<b>4</b>	<p><b>Class D1 Use Restrictions (Excluding Place of Worship) – A Single Planning Unit</b></p> <p>CONDITION: The D1 (non-residential institutions) floorspace shall be confined to the areas shaded in green on the approved plans list and shall be strictly limited to uses within Use Class D1 (a - g). No planning permission is hereby granted for purposes within Use Class D1 (h) – place of worship – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of an unfettered place of worship in this location may have impacts, which should be subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
<b>5</b>	<p><b>Micro and small enterprises (Details)</b></p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for</p>

	<p>occupation by micro and small enterprises.</p> <p>Should the applicant (Anna Freud Centre) vacate the B1 single planning unit, then the above details of the development shall be carried out strictly in accordance with the details so approved prior to the occupation of any subsequent occupier of the B1 single planning unit and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<b>6</b>	<b>Materials – Further Details Required</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Pre-cast concrete panelling;</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials;</li> <li>d) all glazing;</li> <li>e) balustrading treatment (including sections);</li> <li>f) All louvered area;</li> <li>g) Soffit details; and</li> <li>h) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>7</b>	<b>Typical Elevations</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the design and treatment of the entire north elevation shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include a better articulated elevation with more depth and interest.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>8</b>	<b>Roof Extension – Design Detail</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the detailed design of the sixth storey roof extension including the type of glazing</p>

	<p>and sealing of the glazing shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>9</b>	<b>Inclusive Design</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
<b>10</b>	<b>Noise Management Plan</b>
	<p>CONDITION: A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The NMP shall identify measures to reduce the impact of the noise on the community. The NMP shall be submitted to and approved prior to the commencement of the use to which this consent relates. The NMP shall be fully implemented and operated at all times in accordance with the approved details.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
<b>11</b>	<b>Outdoor Terrace Areas – Restrictions on Use</b>
	<p>CONDITION: The maximum number of persons accommodated at any one time on the outdoor terrace areas shall not exceed the following: Terrace 2: 30 Terrace 5: 60 Outdoor Learning Centre: 20.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
<b>12</b>	<b>Outdoor Terrace Areas – Restrictions on Use</b>
	<p>CONDITION: The outdoor spaces shall not be used outside the following times: Terrace 2 and 5: 0800-1900 hours</p>

	<p>Outdoor Learning Centre: 0800-1600hours.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
<b>13</b>	<b>Construction Environmental Management Plan</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>14</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
<b>15</b>	<b>Contaminated Land</b>
	<p>CONDITION: Details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>a) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a).</p> <p>REASON: Given the history of the site the land may be contaminated,</p>

	investigation and potential remediation is necessary to safeguard the health and safety of future occupants.
<b>16</b>	<b>BREEAM</b>
	<p>CONDITION: Evidence confirming that the development achieves a BREEAM rating (2008) of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <p>a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and</p> <p>b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation.</p> <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>17</b>	<b>Rainwater recycling (Details)</b>
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>18</b>	<b>Green Procurement Plan (Site Waste Management Plan)</b>
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>



<b>19</b>	<p><b>Sustainable Urban Drainage System (SUDS)</b></p> <p>CONDITION: No development shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> <li>i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>ii. include a timetable for its implementation; and</li> <li>iii. provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.</li> </ul> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>20</b>	<p><b>Nesting Boxes (Details)</b></p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>21</b>	<p><b>Green/Brown Biodiversity Roofs</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>22</b>	<p><b>Renewable Energy</b></p> <p>CONDITION: A revised Energy Strategy, which shall provide the energy measures contained within the submitted (updated) Energy Strategy for no less than a 18% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013, and investigating additional energy efficiency measures to reduce regulated and unregulated carbon emissions each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>23</b>	<p><b>Visitor Cycle Parking Provision</b></p> <p>CONDITION: Details of the visitor's cycle parking, which shall comprise no less than 10 spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development</p>

	<p>hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.</p>
<b>24</b>	<b>Cycle Parking Provision</b>
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 28 spaces for the B1 Use and 5 spaces for the D1 use.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
<b>25</b>	<b>Cycle Facilities</b>
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
<b>26</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> <li>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</li> <li>b) a waste management plan</li> </ul> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>27</b>	<p><b>Delivery &amp; Servicing Plan</b></p> <p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>28</b>	<p><b>No Plumbing or Pipes</b></p> <p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
<b>29</b>	<p><b>Lifts</b></p> <p>CONDITION: All lifts serving the development hereby approved shall be installed and operational prior to the first occupation of the building.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that adequate access is provided to all floors.</p>
<b>30</b>	<p><b>Roof-Top Plant &amp; Lift Overrun</b></p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure;</li> <li>c) lift overrun; and</li> <li>d) photovoltaics</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the</p>

	lift overruns do not have a harmful impact on the surrounding streetscene.
<b>31</b>	<b>No Obscuring of Ground Floor Frontage</b>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>32</b>	<b>Piling Method Statement – Thames Water</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p> <p><i>The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</i></p>

**List of Informatives:**

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

	<p>development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b>  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Thames Water</b>
	<p>INFORMATIVE: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>5</b>	<b>Car-Free Development</b>
	<p>INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
<b>6</b>	<b>Roller Shutters</b>
	<p>ROLLER SHUTTERS: The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

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

### **2. Development Plan**

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

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

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

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

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 London View Management Framework

Policy 7.12 Implementing the London View Management Framework

Policy 7.13 Safety, security and resilience to emergency



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

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

### **Spatial Strategy**

Policy CS6 (King's Cross)

### **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 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.20 Geological conservation  
Policy 7.21 Trees and woodlands  
Policy 7.22 Land for food  
Policy 7.23 Burial spaces

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

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

Policy CS15 (Open Space and Green Infrastructure)  
Policy CS16 (Play Space)  
Policy CS17 (Sports and Recreation Provision)

### **Infrastructure and Implementation**

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

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

### **Design and Heritage**

**DM2.1** Design  
**DM2.2** Inclusive Design  
**DM2.3** Heritage  
**DM2.4** Protected views  
**DM2.5** Landmarks

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

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

### **Employment**

**DM6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **Energy and Environmental Standards**

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

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

**Health and open space**

**DM6.1** Healthy development  
**DM6.2** New and improved public open space  
**DM6.3** Protecting open space  
**DM6.4** Sport and recreation

**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) Site Allocations June 2013zxcbg**

**KS1** Pentonville Road, Rodney Street and Cynthia Street

**3. Designations**

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

- Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia
- Employment Growth Area (Development Management Policies)
- Kings Cross & Pentonville Road Key Area (Core Strategy)
- Article 4 for Flexible Uses
- Controlled Parking Zone
- Not located within the Central Activities Zone (CAZ)
- Within 200 metres of RS2 Crossrail 2
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New Rover Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design (Oct 2012)
- Conservation Area Design Guidelines
- Inclusive Landscape Design (Jan 2010)
- Inclusive Design in Islington (Feb 2014)

**London Plan**

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

- Planning Obligations & S106 (Nov 2013) Framework
- Islington Urban Design Guide (Dec 2006)
- Streetbook (Oct 2012)
- King's Cross Neighbourhood Framework (July 2005)

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