

**PLANNING COMMITTEE REPORT**  
**ADDENDUM**

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	7 June 2022	NON-EXEMPT

Application number	P2021/2270/FUL
Application type	Full Application
Ward	Caledonian
Listed building	34B York Way - Grade II Adj. 5-35 Balfe Street - Grade II
Conservation area	Kings Cross Conservation Area (CA21) Adj. Keystone Crescent Conservation Area (CA14) Adj Kings Cross Conservation Area (LB Camden)
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (Kings Cross) Protected vistas - Parliament Hill summit to St Pauls Cathedral Protected vistas - Kenwood viewing gazebo to St Pauls Cathedral Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Article 4 Direction Flexible uses Article 4 Direction Office to residential
Licensing Implications	None
Site Address	34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1
Proposal	Refurbishment of existing building; 5 storey partial infill extension to eastern elevation, single storey extension to northern elevation and two storey roof extension with roof terrace to provide additional Office floorspace (Class E(g)(i)); reconfiguration and alterations of front and rear entrances to the western and eastern elevations; provision of one flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit at ground floor level; provision of cycle store and associated facilities at basement level and plant at basement and roof level with green roofs and other associated works. Listed Building Consent application: P2021/2360/LBC also submitted.

Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

## 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 on 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. BACKGROUND OF DEFERRAL

- 2.1 Planning application P2021/2270/FUL was presented at the Planning Committee meeting on 22 February 2022. The Planning Committee Report for this meeting is appended as **Appendix 2** for reference.
- 2.2 During the 22 February 2022 Committee Meeting, Members expressed concerns that the building is a floor too high and that a removal of a floor would give better proportion and reduce daylight and sunlight concerns. Members also commented that an improved affordable workspace, possibly with an extended lease from 10 to 20 years would be welcomed. The views of committee members are captured in the agreed minutes from this meeting. The minutes are appended to this report (see **Appendix 3**).
- 2.3 As such, the item was deferred in order for the applicant to review the massing of the building in order for betterments to the daylight and sunlight transgressions, in order to reduce perceived harm to neighbouring amenity and to reduce the heritage impacts. Clarification on the provision of cycle parking was also requested.
- 2.4 Since the 22 February 2022 Committee Meeting, the Applicant has submitted revised documents as follows:
  - 13601-A-L00-02-100-Rev P1 – Demolition
  - 13601-A-L00-07-050-RevP2 – Proposed Site Plan
  - 13601-A-L00-07-100-RevP2 - Proposed Ground Floor Plan
  - 13601-A-L00-07-104-RevP3 – Proposed Fourth Floor Plan
  - 13601-A-L00-07-105-RevP3 – Proposed Fifth Floor Plan
  - 13601-A-L00-07-106-RevP3 – Proposed Fifth Floor Gallery Plan
  - 13601-A-L00-07-107-RevP3 – Proposed Roof Plan
  - 13601-A-LXX-02-200-RevP1 – West Elevation Demolition
  - 13601-A-Z3-LXX-07-020-RevP2 – Proposed Site Plan
  - 13601-A-LXX-07-150-RevP2 – Proposed West Site Elevation
  - 13601-A-LXX-07-151-RevP3 – Proposed East Site Elevation
  - 13601-A-LXX-07-160-RevP2 – Proposed Site Section AA
  - 13601-A-LXX-07-161-RevP2 – Proposed Site Section DD
  - 13601-A-LXX-07-200-RevP2 – Proposed West Elevation
  - 13601-A-LXX-07-201-RevP4 – Proposed East Elevation
  - 13601-A-LXX-07-202-RevP3 – Proposed South Elevation
  - 13601-A-LXX-07-203-RevP3 – Proposed North Elevation
  - 13601-A-LXX-07-300-RevP3 – Proposed Section AA
  - 13601-A-LXX-07-301-RevP2 – Proposed Section BB
  - 13601-A-LXX-07-302-RevP3 – Proposed Section CC

- 13601-A-LXX-07-303-RevP2 – Proposed Section DD
- 0182c\_PR2-P-DT-AY-02\_RevC – Albion Yard Proposed Services Plan
- 0182c\_PR2-P-GA-AY-01\_RevC – Albion Yard Proposed Plan
- 0182c\_PR2-P-GA-JCAY-01\_RevC – Jahn Court/Albion Yard Threshold Proposed Plan + Sections
- Design & Access Statement Addendum B – May 2022
- Heritage and Townscape Statement Addendum May 2022
- Daylight, Sunlight and Overshadowing Report – May 2022 Version V1 – Ref: P2593
- Letter from Savills dated 5 May 2022

- 2.5 This addendum report addresses the reasons for the committee's deferral of this application and the consequential amendments to the proposal to address these. As such, the areas of assessment in regards to this application which have not been directly addressed in the addendum report still stand. The February Committee report has been appended. A period of approximately 4 months has passed since this application was last presented to members on 22<sup>nd</sup> February 2022. Officers have had due consideration to the most up-to-date Development Plan, as well as the Draft Local Plan which currently going through the Examination process. There have been no changes to the Development Plan or Draft Local Plan which would alter Officers' assessment of material planning considerations as outlined in the February Committee Report. There have also been no other material changes to the site nor its surroundings which was alter the Council's assessment.

### **3. FURTHER CONSULTATION UNDERTAKEN**

#### **Public Consultation Responses**

- 3.1 The Council has chosen to re-consult on the applications following receipt of amendments to the proposals. Given the previous consultation where the applications have previously been subject to statutory consultation including site and press notices, the Council has exceeded its statutory requirements for consultation through re-consulting at this stage.
- 3.2 The amendments to the applications amount to reductions to the proposals and therefore are not considered to be significant in the overall context of the applications. As such the 14-day re-consultation period is in line with the Council's Statement of Community Involvement. The 14-day re-consultation on the application began on 6 May 2022 until 20 May 2022.
- 3.3 Notwithstanding this, it is the Council's practice to continue to consider representations made up until the date of a decision. Any representations received after the publication of the Committee Report will be given due consideration, will be provided to Members prior to the Committee Meeting and a verbal update will be provided as part of the Officer's presentation.
- 3.4 Objections were received from 29 residents during this latest re-consultation period.
- 3.5 Representations have been received from a total of 40 residents submitting objections to the proposal during the course of the application. Further correspondence has been received by the Case Officer from a number of these objectors. Officers consider as the amendments amount to reductions, no new

material planning considerations have been raised, which haven't already been addressed in the appended 22 February 2022 Committee Report on section 8.9 (e.g. relating to building heights, impact on heritage assets, reductions to daylight and sunlight etc.). However, given that the scheme has been revised, officers have responded to the planning considerations that have been raised during the latest period of reconsultation. The main issues raised relate to:

- Impact on heritage assets of the height and massing (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. The scheme has been reduced in height and massing and officers note the reductions in the visibility as indicated in the images indicating the view from York Way and Albion Yard and the overall reductions in height and massing. The Council's Design and Conservation Officers and Historic England raised no objections to the previous scheme and have continued to raise no objections to the revised scheme. Officers consider the amendments to the scheme reduce the impact on heritage assets and provide an increased level of public benefits with increases in the percentage and lease terms of the proposed affordable workspace. Therefore the scheme is acceptable in accordance with the requirements of the NPPF and the development plan);
- Loss of daylight (**Officer comment:** In the committee report dated 22 February 2022 officers have considered the impacts of the proposals on the daylight, sunlight and overshadowing to the neighbouring residential properties. The amendments to the scheme result in a significant reduction in the impact of the proposals on the levels of daylight and sunlight to the neighbouring residential properties. Officers consider the impacts are acceptable. This is considered in detail below, in the reductions in impacts to Daylight section of this report).
- Applicant's consultation with residents; (**Officer comment:** The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents which have been considered in this latest assessment of the application.);
- Reduced cycle parking for residents from 65 to 10 secure spaces (**Officer comment:** Given that the lack of any formal consent or allocation for residential cycle parking, the provision of 10 dedicated cycle parking spaces for residents is considered to amount to an improvement on the existing situation and an overall benefit. This is considered in more detail in the assessment of this report and would be secured by condition in relation to the corresponding application ref: P2021/2269FUL).
- Forfeiting the existing social value being delivered by Impact Hub. (**Officer comment:** Officers have noted the comments made by the Impact Hub. The Impact Hub is not a Council run provider of affordable workspace and does not provide a policy compliant provision of affordable workspace. Whilst the operation of the Impact Hub may provide a degree of social value, officers consider that minimal weight should be given to these benefits in the overall assessment of the application. Officers have considered the increase in the percentage of Affordable Workspace now provided as part of the uplift and the increase in the length of the lease to 20 years. This is considered to provide a greater benefit than the

previous scheme, exceeds the adopted policy requirements and complies with the emerging policy requirements.)

- Claims that the proposed awnings on 34 York Way are not in character with the frontage. (**Officer comment:** Officers have considered the proposals in accordance with the Council's policies and guidance and in consultation with the Council's Design and Conservation Team and have not raised any objection to the proposals.)
- Claims there are accessibility issues from the proposed tables and chairs on York Way. (**Officer comment:** The placement of tables and chairs on the highway is a highways matter rather than a planning matter, and is therefore subject to separate legislation).
- Requests additional elements are added to the wording of the CEMP condition to include construction across the site should be restricted to 0900-16.00 only on weekdays and no Saturday working in addition to no working on Sundays and Bank Holidays. (**Officer comment:** The details of the Construction Environmental Management Plan are required to be submitted by condition (5) and will be discharged in consultation with the Council's Environmental Health Officer and Highways officers.)
- Requests that a Santander Cycle Station be situated on Caledonia Street in order to reduce crime. (**Officer comment:** The scheme includes the provision of 9no. on-street cycle parking stands on Caledonia Street adjacent to the gated entrance to Block B.)
- Has undertaken research to suggest there is a lack of demand for office accommodation in this area. (**Officer comment:** The adopted and emerging planning policy basis for the land use for the site has been considered in detail in the committee report dated 22 February 2022. There has been no material change to the Council's land use policies relevant to the scheme, since the publication of this report.)
- Requests a viability assessment to justify the scheme. (**Officer comment:** There is no planning policy requirement for the submission of financial viability information for the submitted application. No financial viability information has been provided within the applicant's submission and officers have not requested any such information.)
- Notes the daylight and sunlight report indicates that on 21 June, Albion Yard will lose 1-2 hours of sunlight in front of their windows. (**Officer comment:** The Council has assessed the results of the Daylight and Sunlight assessment against the requirements of the BRE guidance. At paragraph 3.3.17 of the (BRE Site Layout Planning for Daylight and Sunlight 2011) it states: "It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March." For the avoidance of doubt officers have applied the test to the publicly accessible yards. Whilst officers note that there would be some reduction in sunlight to part of Albion

Yard, during 1-2 hours on 21 June, there would be no loss of sunlight on 21 March and the scheme continues to comply with the BRE test for overshadowing. The scheme remains compliant and is acceptable in this regard.)

Islington Society:

- 3.6 In response to the further re-consultation and the revised description of the two planning applications P2021/2269 and P2021/2270 The Islington Society wishes to resubmit its objections to these schemes. The society believes that the revised submissions by the applicant do not address its concerns about the application's contraventions of the Conservation Area Guidelines, in particular the additional height and mass above the roof line of the surrounding historic locally listed buildings. The society accepts that the developer has made some effort to reduce the height of the new developments but these are insufficient to address its concerns. For example, while the developer has reduced the number of floors in the redeveloped "Times House" by one, the height of the proposed new building is only cut by a single metre. The society is also concerned that the application still does not retain the spirit of the highly successful early 2000s redevelopment of the area, particularly around Albion Yard and behind the Laundry Building. (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. Officers consider the amendments to the scheme reduce the impact on heritage assets. The impact on the conservation area is considered in the assessment below, in the reductions to roof extensions section).

## **UPDATED ASSESSMENT**

- 3.7 Following the deferral, the Applicant submitted revised elevation/floorplan/section drawings, revised landscape drawings, revised 'Daylight & Sunlight' reports, a Design & Access Statement Addendum, a Heritage and Townscape Statement Addendum and a cover letter setting out the extent of the amendments.
- 3.8 It should be noted that the scheme has not been amended beyond the following revisions outlined in this addendum report.
- 3.9 A summary of the amendments are as follows:

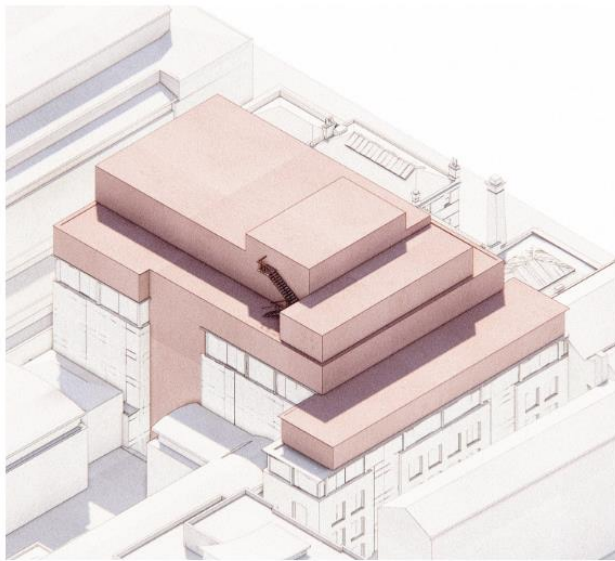
- The overall height of the proposed development has been reduced by 1.3 metres.
- The massing of the proposed roof extensions has been reduced at various levels as follows:
  - Fourth floor extension recessed by 2.8 metres from the northern elevation;
  - Fifth floor east infill extension recessed by 1.5 metres from the eastern elevation;
  - Fifth floor gallery and plant level recessed by 3.7 metres from the north and recessed by 1.1m to the east; and
  - Upper roof plant level recessed by 3.4 metres to the north and recessed by 3 metres to the east, as well as reduced in height by 1.3 metres.
- As a result of the amendments to the application, the proposed uplift in GIA floorspace has been reduced from 2,404sqm to 2,251sqm which equates to a reduction of 153sqm of floorspace from the previous scheme. This is not considered to raise conflict with the Council's land use policies.
- The affordable workspace is to be provided within Jahn Court on the ground floor. The proposed offer has increased to in excess of 10% of the floor area for 20 years on a peppercorn rent (increased from the previous offer of 10 years)
- A new more active frontage is to be provided to increase the vitality and interest to streetscene, including the introduction of glazed doors and retail canopies, to further improve the activation of York Way.
- Removal of the proposed flattening of the cobbles from east to west in Albion Yard. The scheme does retain the proposed flattening of the cobbles from the gated entrance to Ironworks Yard running north-south into Albion Yard to the rear entrance of Jahn Court.
- Provision of 10 dedicated secure cycle spaces within the basement of Times House for the residents of Regents Quarter to be secured by condition on the corresponding application.

3.10 These amendments are assessed in the following sections of this report.

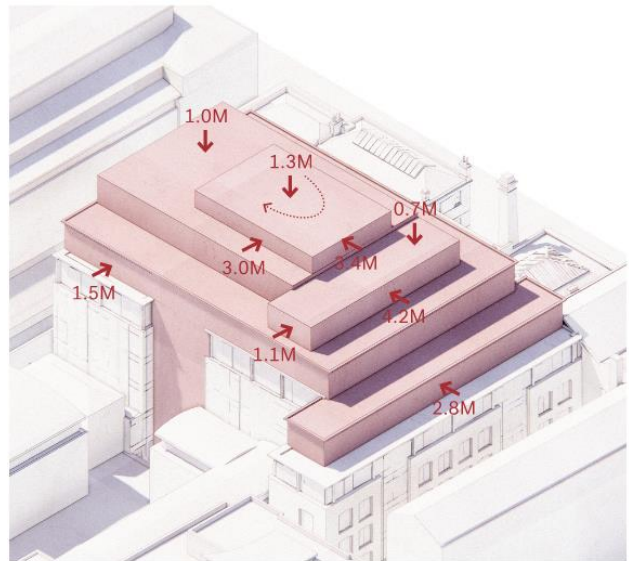
### **Reductions to Roof Extensions**

3.11 The reductions made to the height and massing are considered to respond to the concerns raised at Planning Committee:

- The height of the proposed roof extension would be reduced in the limited views of the building on York Way.
- The proposed roof extension and associated plant has been set back so that it is no longer visible in Albion Yard, save for the associated stair core.
- The proposed fourth floor extension to the north of the building has been set back so that it is no longer visible from Ironworks Yard.



PLANNING COMMITTEE SCHEME FEBRUARY 2022



REVISED PLANNING SCHEME MAY 2022

***Image 1 – Proposed and Revised changes to massing***

- 3.12 Image 1 shows a comparison between the height and massing of the proposed roof extensions on the previous scheme and those now proposed as part of the revised scheme. The image includes the dimensions of the reductions that have been made in height and massing.



PLANNING PROPOSAL



REVISED PROPOSAL

***Image 2 – Proposed and Revised – View from York Way***

- 3.13 Image 2 shows a comparison between the visibility and scale of the massing as proposed by the previous scheme and the latest scheme, as seen from York Way. Officers consider that when viewed from York Way, the height and massing that has been removed from the scheme responds to the reasons for the deferral of the application and is acceptable in accordance with policy and guidance.





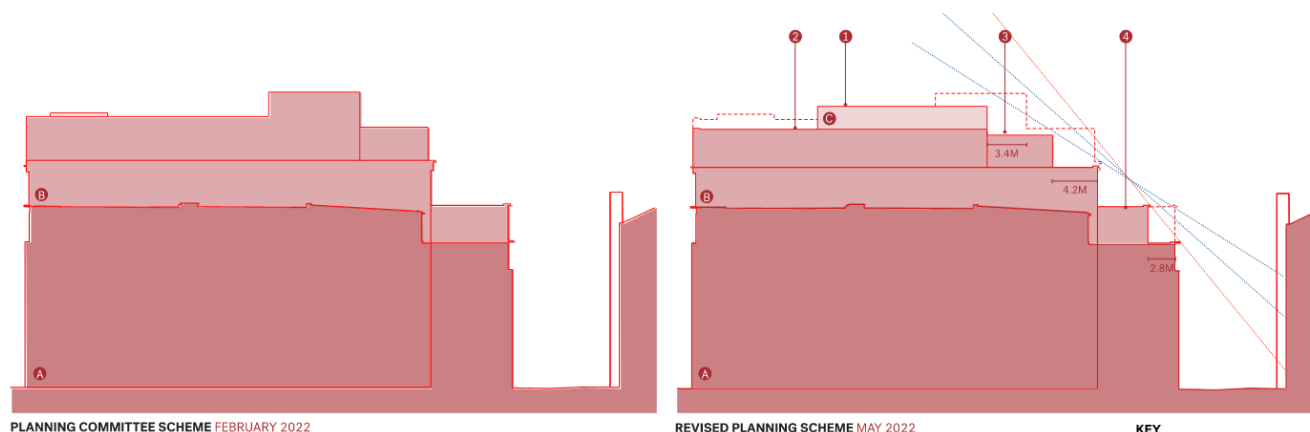
***Image 3 – Proposed and Revised View from Albion Yard***

- 3.14 Image 3 shows a comparison between the visibility and scale of the massing as proposed by the previous scheme and the latest scheme, as seen from Albion Yard. Officers consider that when viewed from Albion Yard, the height and scale of the massing that has been removed from the scheme, responds to the reasons for the deferral of the application and is acceptable in accordance with policy and guidance.
- 3.15 The proposed total height of the building following the proposed roof extensions has been reduced, and will therefore rise from 17.6m to 24.9m to the new top floor roof. This has been reduced from 25.9m as previously proposed. The proposed total height to the top of the plant has been reduced to 27.1m, down from 28.4m as previously proposed. This is an overall reduction in height of 1.3m, which amounts to 12% of the extension height, and a reduction in the volume of the extension by 1,300 cubic metres, which amounts to a 13% reduction in volume.
- 3.16 While there were no design or heritage objections from officers to the earlier iteration that was considered at committee, given the proposed reductions to height and mass, and the resulting beneficial impact to the amenity of the adjacent properties, together with the high quality of architecture demonstrated within the detailed designs, including innovative materiality, there are no design objections to the amended scheme design.
- 3.17 The combined impact of these reductions to height, bulk and mass reduces the visual impact of the extensions from multiple vantage points, which benefits the setting of the heritage assets thereby reducing the impact of the proposed changes on the historic environment.
- 3.18 The proposed fourth floor roof extension has been recessed from the northern elevation, which has reduced the visibility of this element from views within Ironworks Yard while the reductions to the fifth floor roof extension, reduces the visibility of the additional massing from views within Albion Yard save for the stair core.
- 3.19 Overall, the height and massing of the proposed extensions have been sufficiently reduced in scale resulting in the building being less prominent or no longer visible from the public realm. It is worth reiterating that no objections have been raised by the Council's Design and Conservation Officers, the Design Review Panel and Historic England. The revised proposals remain acceptable in heritage terms in line with the NPPF, London Plan Policy D3 and Policy HC1, and adopted Development

Management policies DM2.1 and DM2.3, and Emerging Local Plan policies, PLAN1, SP2, DH1, DH2, and DH3.

## Reductions in impacts to Daylight

- 3.20 The reduction in mass to the fourth storey has led to betterments, in the reductions to daylight and sunlight to neighbouring properties.



**Image 4 – Proposed and Revised North South Section**

- 3.21 In image 4, part A indicates existing massing, and part B indicates the proposed additional massing, and part C indicates the proposed massing recessed.
- 3.22 In the scheme presented to the planning committee on 22 February 2022, a total of 278 windows and 149 rooms to neighbouring properties were assessed, 42 (15.1%) of the windows and 12 (8.1%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).
- 3.23 Following the latest amendments to the scheme, the revised Daylight, Sunlight and Overshadowing Assessment confirms that of the same windows and rooms tested, now only 27 (9.7%) of the windows and 7 (4.7%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).
- 3.24 It is important to note that a number of windows and rooms would see a betterment to the reductions to neighbouring properties, albeit the reductions would remain beyond the BRE guidance. The reduced transgressions are reported to neighbouring properties at the Ironworks, the Copperworks, Albion Buildings, Albion Walk and Balfe Street. These are outlined further below with a comparison between the impacts of the previous scheme and the revised scheme:

Table 1 – The Ironworks		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
<b>Flat 4 (Lower &amp; Upper Ground Floor)</b>										
R1/10 - W1	LKD	10.9	10.76	27.9%	1.37%	37.5	14.9	14.8	19.6%	1.1%
R1/10 - W18	LKD	14.1	14.1	0						
R1/10 - W19	LKD	12.4	12.4	0						
<b>Flat 3 (Lower &amp; Upper Ground Floor)</b>										
R2/10 - W4	LKD	11.8	11.8	27.7%	0	28.3	12.7	12.5	17.2%	1.4%
R2/10 - W16	LKD	12.1	12.1	0						
R2/10 - W17	LKD	12	12	0						
<b>Flat 2 (Lower &amp; Upper Ground Floor)</b>										
R3/10 - W5	LKD	12.3	12.2	27.1%	0.24%	27.2	10.4	10.2	20.7%	1.9%
R3/10 - W14	LKD	12.3	12.3	0						
R3/10 - W15	LKD	12.1	12.1	0						
<b>Flat 8 (First Floor)</b>										
R1/11 - W1	Bedroom	14	12.4	34.5%	11.1%	13.7	13.2	10.1	43.3%	23.6%
R1/11 - W2	LKD	19.1	17.3	28.7%	9.6%					
<b>Flat 7 (First Floor)</b>										
R5/11 - W6	Bedroom	21	18.9	30.6%	10.2%	10.3	10.3	9.8	26.6%	5.3%
<b>Flat 6 (First Floor)</b>										
R6/11 - W7	Bedroom	20.5	18.6	30%	9.4%	9.3	8.8	6.8	45.8%	23.3%
<b>Flat 12 (Second &amp; Third Floor)</b>										
R1/12 - W1	Bedroom	28.8	28.8	28.7%	17.2%	13.6	12	12	9.8%	0
R1/13 - W1	LKD	34.5	28.9	23.9%	16.3%	52.7	51.5	51.1	1%	0.7%
R1/13 - W2	LKD	19.8	14.3	39.9%	28.1%					
R1/13 - W3	LKD	23.6	17.8	35.7%	24.6%					
R1/13 - W45	LKD	14	14	0						
R1/13 - W46	LKD	13.4	13.4	0						
R1/13 - W47	LKD	11.1	11.1	0						
R1/13 - W48	LKD	24.8	24.8	0						
R1/13 - W49	LKD	24.7	24.7	0						
<b>Flat 11 (Second &amp; Third Floor)</b>										
R5/12 - W5	Bedroom	30.4	24.6	31.8%	19%	76.7	75.5	75.5	0	0

R2/13 - W4	LKD	24	18	35.8%	24.6%	37.1	36.1	36	1.1	0.3
R2/13 - W5	LKD	24	18	36.3%	24.8%					
R2/13 - W6	LKD	24	18	36.7%	25%					
R2/13 - W7	LKD	24	18	37.3%	25.2%					
R2/13 - W8	LKD	24	18	37.4%	25.3%					
R2/13 - W9	LKD	24.1	18	37.6%	25.5%					
R2/13 - W10	LKD	24.1	18	37.7%	25.3%					
R2/13 - W11	LKD	24.2	18	37.6%	25.2%					
R2/13 - W12	LKD	24.2	18.2	37.4%	25%					
R2/13 - W38	LKD	4.5	4.5	0						
R2/13 - W39	LKD	0.5	0.5	0						
R2/13 - W40	LKD	1.3	1.3	0						
R2/13 - W41	LKD	14.8	14.8	0						
R2/13 - W42	LKD	14.6	14.6	0						
R2/13 - W43	LKD	14.5	14.5	0						
R2/13 - W44	LKD	14.3	14.3	0						
<b>Flat 10 (Second &amp; Third Floor)</b>										
R6/12 - W6	Bedroom	29.9	24.5	31.4%	18.3%	6.1	5.7	5.7	0	0
R3/13 - W13	LKD	24.3	18.3	37.1%	24.8%	37.6	36.6	36.4	1.1	0.6
R3/13 - W14	LKD	24.3	18.4	36.8%	24.5%					
R3/13 - W15	LKD	24.4	18.5	36.5%	24.2%					
R3/13 - W16	LKD	24.5	18.7	35.7%	23.5%					
R3/13 - W17	LKD	24.6	18.9	35.1%	23.1%					
R3/13 - W18	LKD	24.7	19.1	34.2%	22.4%					
R3/13 - W19	LKD	24.8	19.4	33.4%	21.7%					
R3/13 - W20	LKD	24.9	19.7	32%	20.9%					
R3/13 - W21	LKD	24.9	19.9	30.9%	20.1%					
R3/13 - W31	LKD	17.2	17.2	0						
R3/13 - W32	LKD	16.9	16.9	0						
R3/13 - W33	LKD	16.6	16.6	0						
R3/13 - W34	LKD	16.4	16.4	0						

R3/13 – W35	LKD	0.3	0.3	0						
R3/13 – W36	LKD	0.3	0.3	0						
R3/13 – W37	LKD	5.5	5.5	0						
<b>Flat 9 (Second &amp; Third Floor)</b>										
R4/12 – W22	LKD	24.5	19.8	<b>29.6%</b>	19.3%	59.7	59.1	59.1	0	0
R4/13 – W23	LKD	20.4	16	<b>33.7%</b>	<b>21.8%</b>					
R4/13 – W24	LKD	37.2	33.3	<b>16.3%</b>	10.3%					
R4/13 – W25	LKD	37.4	34.4	<b>12.2%</b>	8%					
R4/13 – W26	LKD	28.4	28.4	<b>0</b>						
R4/13 – W27	LKD	27.8	27.8	<b>0</b>						
R4/13 – W28	LKD	14.5	14.5	<b>0</b>						
R4/13 – W29	LKD	17.5	17.5	<b>0</b>						
R4/13 – W30	LKD	17.6	17.6	<b>0</b>						

Table 2 – The Copperworks

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
<b>Flat 3</b>										
R1/21 – W1	LKD	7.9	7.3	9.4%	7.3%	23.6	4.2	3.2	<b>28.2%</b>	<b>23.1%</b>
<b>Flat 9</b>										
R1/22 – W1	LKD	16.2	13.8	19.8%	14.5%	23.6	6.2	4.5	<b>28.8%</b>	<b>27%</b>
<b>Flat 14</b>										
R2/23 – W3	LKD	36	33.9	7.7%	5.8%	28.9	28.8	28.7	1%	0.3%
R2/23 – W4	LKD	26.4	23.1	<b>20.5%</b>	12.6%					
R2/23 – W5	LKD	28.5	26.4	14.4%	7.5%					

Table 3 – Albion  
Buildings

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
<b>Flat 2</b>										
R2/40 – W4	LKD	7.5	6.97	15.2%	6.44%	30.6	19.5	18.1	6.4%	7%
R2/40 – W5	LKD	9.1	6.8	31.4%	24.8%					
R2/40 – W6	LKD	21.1	20.3	4.6%	3.7%					
<b>Flat 8</b>										
R1/41 – W1	LKD	25.3	25.3	0	0	30.5	30.4	30.4	0.1%	0.2%
R1/41 – W2	LKD	16.8	15.36	13.7%	8.9%					
R1/41 – W3	LKD	14.5	12.5	20.7%	14.3%					
<b>Flat 7</b>										
R2/41 – W4	LKD	14.1	11.2	27%	20.4%	30.6	30.6	30.6	0	0
R2/41 – W5	LKD	14.1	10.5	32.2%	26%					
R2/41 – W6	LKD	27.1	25.4	7.2%	6.2%					
<b>Flat 13</b>										
R1/42 – W1	LKD	19.6	19.6	0	0	26.5	26.5	26.5	0	0
R1/42 – W2	LKD	19.7	19.7	0	0					
R1/42 – W3	LKD	20	20	0	0					
R1/42 – W4	LKD	21.4	21.4	0	0					
R1/42 – W5	LKD	22.2	19.8	16.4%	11.1%					
R1/42 – W6	LKD	20.7	17.3	23%	16.2%					
<b>Flat 12</b>										
R2/42 – W7	LKD	19.8	15.3	30.4%	22.9%	26.7	26.7	26.7	0	0
R2/42 – W8	LKD	19.5	14.1	35%	28%					
R2/42 – W9	LKD	23.3	20.8	12%	10.4%					
R2/42 – W10	LKD	22.4	20.7	9%	7.7%					
R2/42 – W11	LKD	22.8	21.1	8.4%	7.1%					
R2/42 – W12	LKD	23.1	21.6	8%	6.7%					

Table 4 – 2a Albion Walk

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
R1 / 341 - W1	LKD	11	7.9	28.5%	28.2%	33.2	33.2	33.2	0	0
R1 / 341 - W2		20.6	18.6	9.9%	9.7%					
R1 / 341 - W3		21.7	21.4	1.8%	1.6%					
R1 / W4		7.9	7.9	0	0					
R1 / W5		6.4	6.4	0	0					
R1 / W8		51.4	49.8	7.9	3%					
R1 / W9		73.4	71.8	4.8%	2.2%					

Table 5 – Balfe Street

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
<b>19 Balfe Street</b>										
R1/124 – W1		17.7	16.4	9.4%	7.3%	10.5	6.3	4.6	29%	26.2%
<b>21 Balfe Street</b>										
R1/134 – W1		19.8	18.5	8.3%	6.4%	9.5	5.6	4.3	31%	27%
<b>23 Balfe Street</b>										
R1/144 – W1		16.6	16	4.7%	3.7%	9.2	4.6	3.6	23.8%	21.8%

3.25 With regard to the 27 windows, the impacts are significantly reduced with most percentage reductions at 24% and 25% and no higher than 28%. In relation to the 7 rooms that do not meet the guidance in relation to No Sky Line test (NSL), the percentage reductions are no higher than 27%, which, when considered with the Vertical Sky Component Results, are considered to be acceptable give the site's central, dense and urban context.

### Overhang

3.26 As set out in paragraph 10.256 of the 22 February committee report, there are overhangs/balconies which restrict the quantum of skylight to the windows at third floor level. The BRE Guidance recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. Within Appendix 2A of the Applicant's 'Response to Daylight, Sunlight and Overshadowing Objections' document dated May 2022, a 'without overhang/balconies' scenario has been modelled, in which additional calculations of the VSC for both existing and proposed situations have been carried out, without the overhang/balconies above in place.



3.27 The results of this exercise indicates that the balconies do cause some harm to the quantum of skylight that windows would achieve at third floor levels. The table below shows the ‘without overhangs/balconies’ results alongside a comparison with the standard ‘with overhangs/balconies’ results highlighted above.

Table 6 – The Ironworks - Without overhangs		Vertical Sky Component – Assessment without overhang				Comparison with assessment including overhang
Room / Window	Room Use	Existing (%)	Proposed (%)	Previous Reduction – Overhang removed(%)	Revised Scheme Reduction – Overhang removed (%)	Revised scheme Reduction – Including Overhang (%)
<b>Flat 12 (Second &amp; Third Floor)</b>						
R1/13 - W1	LKD	34.5	28.9	23.9%	16.3%	16.3%
R1/13 - W2	LKD	28.75	23.2	27.4%	19.4%	28.1%%
R1/13 – W3	LKD	35.11	29.3	24%	16.5%	24.6%
R1/13 - W45	LKD	25.8	25.8	0	0	0
R1/13 - W46	LKD	24.7	24.7	0	0	0
R1/13 - W47	LKD	20	20	0	0	0
R1/13 - W48	LKD	24.8	24.8	0	0	0
R1/13 - W49	LKD	24.7	24.7	0	0	0
<b>Flat 11 (Second &amp; Third Floor)</b>						
R2/13 - W4	LKD	36.1	30.2	23.8%	16.3%	24.6%
R2/13 - W5	LKD	36.1	30.2	24.1%	16.4%	24.8%
R2/13 - W6	LKD	36.1	30.2	24.3%	16.5%	25%
R2/13 - W7	LKD	36.3	30.2	24.7%	16.7%	25.2%
R2/13 - W8	LKD	36.3	30.2	24.8%	16.7%	25.3%
R2/13 - W9	LKD	36.3	30.2	24.9%	16.9%	25.5%
R2/13 - W10	LKD	36.4	30.3	25%	16.8%	25.3%
R2/13 - W11	LKD	36.4	30.3	25%	16.7%	25.2%
R2/13 - W12	LKD	36.5	30.4	24.8%	16.6%	25%
R2/13 - W38	LKD	9.4	9.4	0	0	0
R2/13 - W39	LKD	3.8	3.8	0	0	0
R2/13 - W40	LKD	3.9	3.9	0	0	0
R2/13 - W41	LKD	26.4	26.4	0	0	0
R2/13 - W42	LKD	26.3	26.3	0	0	0
R2/13 - W43	LKD	26.2	26.2	0	0	0
R2/13 - W44	LKD	26	26	0	0	0
<b>Flat 10 (Second &amp; Third Floor)</b>						
R3/13 - W13	LKD	36.6	30.5	24.7%	16.5%	24.8%
R3/13 - W14	LKD	36.6	30.7	24.5%	16.3%	24.5%
R3/13 - W15	LKD	36.7	30.8	24.3%	16.1%	24.2%
R3/13 - W16	LKD	36.8	31	23.8%	15.7%	23.5%
R3/13 - W17	LKD	36.9	31.2	23.4%	15.4%	23.1%
R3/13 - W18	LKD	36.9	31.4	22.9%	15%	22.4%
R3/13 - W19	LKD	37	31.7	22.3%	14.6%	21.7%
R3/13 - W20	LKD	37	31.9	21.5%	14%	20.9%
R3/13 - W21	LKD	37	32	20.1%	13.5%	20.1%
<b>Flat 9 (Second &amp; Third Floor)</b>						
R4/13 – W22	LKD	36.1	31.3	20.1%	13.2%	19.3%
R4/13 – W23	LKD	29.3	24.9	23.4%	15.2%	21.8%
R4/13 – W24	LKD	37.2	33.3	16.3%	10.3%	10.3%



R4/13 – W25	LKD	37.4	34.4	12.2%	8%	8%
R4/13 – W26	LKD	28.4	28.4	0	0	0
R4/13 – W27	LKD	27.8	27.8	0	0	0
R4/13 – W28	LKD	22.0	22.0	0	0	0
R4/13 – W29	LKD	27.1	27.1	0	0	0
R4/13 – W30	LKD	27.8	27.8	0	0	0

3.28 Taking into account the secondary assessment without the building overhang, all these windows would be compliant with the VSC criteria.

### Impacts to Sunlight

3.29 In the scheme presented to the 22 February 2022, 214 windows have been assessed, of which 201 (93.9%) are BRE guidance compliant. Therefore only 13 (6.1%) neighbouring windows would have seen transgressions beyond the BRE guidelines.

3.30 Members are referred to paragraphs 10.212 to 10.233 of the original committee report for clarification on the BRE tests with regards to Daylight and Sunlight.

3.31 Following the revisions, all windows comply with the overall BRE guidance with regards to Sunlight to existing buildings.

3.32 This is shown in the table below:

Table 7: Sunlight Transgressions		Annual (APSH)					Winter (WPSH) (between 21 September and 21 March)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Previous Scheme Reduction Ratio (%)	Revised Scheme Reduction Ratio (%)	Existing (%)	Proposed (%)	Previous Scheme Reduction Ratio (%)	Revised Scheme Reduction Ratio (%)
<b>Ironworks</b>										
<i>Flat 1</i>										
R4/W9	LKD	32	32	0	21.9%	0	0	0	0	0
<i>Flat 4</i>										
R1/W1	LKD	28	27	1	35.7%	3.6%	0	0	0	0
<i>Flat 3</i>										
R2/W4	LKD	33	33	0	30.3%	0	0	0	0	0
<i>Flat 2</i>										
R3/W5	LKD	35	35	0	31.4%	0	0	0	0	0
<i>Flat 8</i>										
R1/W1	Bedroom	36	32	4	33%	11.1%	0	0	0	0
<i>Flat 12</i>										
R1/W1	Bedroom	63	56	7	20.6%	11.1%	14	7	92.9%	50%
<i>Flat 11</i>										
R5/W5	Bedroom	73	63	10	20.5%	13.7%	17	7	88.2%	58.8%
<i>Flat 10</i>										
R6/W6	Bedroom	72	63	9	23.6%	12.5%	16	7	93.8%	56.3%

		<b>The Copperworks</b>								
		<b>Flat 14</b>								
R2/W4	LKD	40	32	8	27.5%	20%	12	10	33.3%	16.7%
R2/W5		33	30	3	30.3%	9.1%	5	4	60%	20%

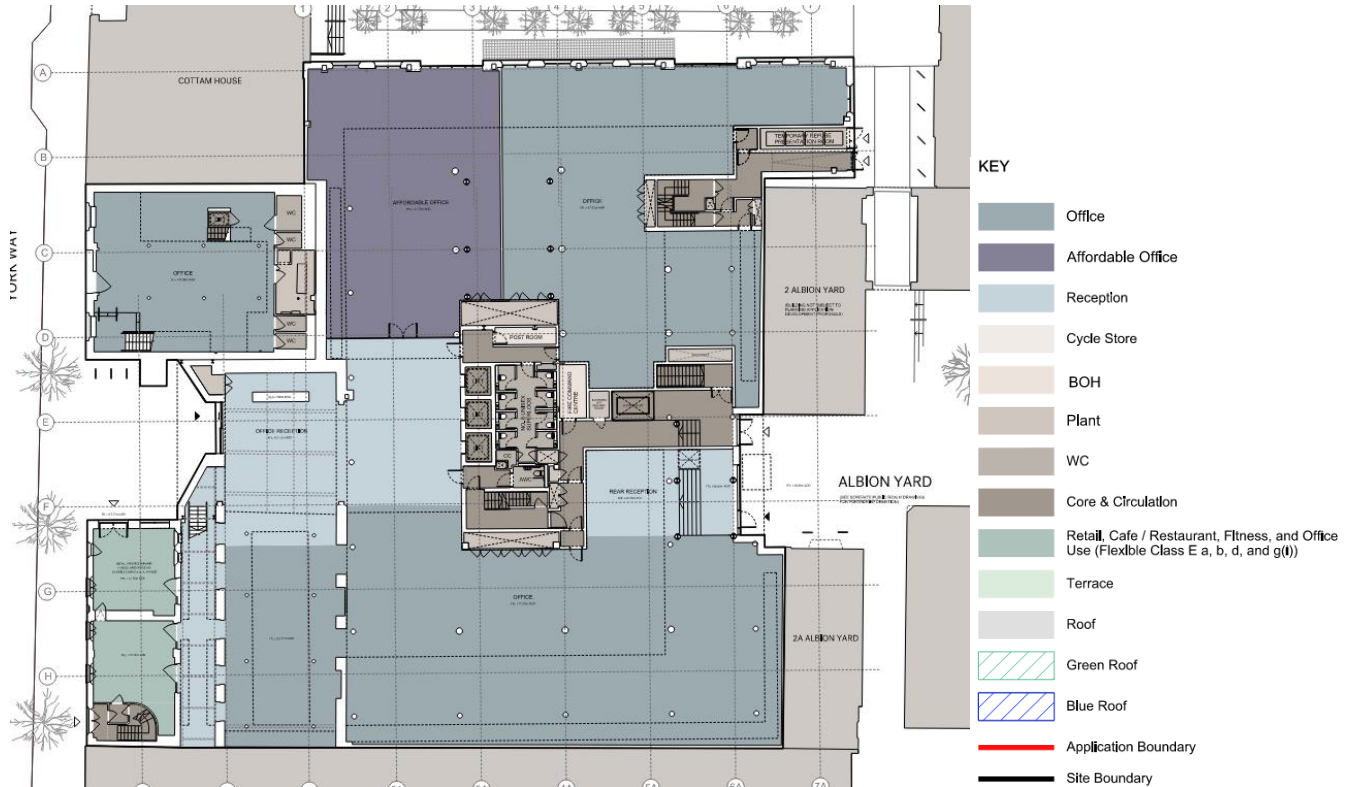
## Summary

- 3.33 A comprehensive assessment of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice.
- 3.34 While transgressions occur beyond BRE guidance with regard to daylight and sunlight, the overall quantum is considered low whilst the reductions themselves are considered to be minor given the circumstances and site context.
- 3.35 Transgressions weigh against the scheme but the weight given by officers is low following inspection of the results and the level of impact, and the context of the neighbouring properties affected. The BRE guidance must be viewed flexibly and considered with regard to the prevailing Central London urban context. As such, while there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and the impacts on neighbouring residential properties are not considered unduly or unacceptably harmful.
- 3.36 Officers consider the overall planning balance of the proposal at paragraphs 10.458-10.464 of the 22 February 2022 Committee Report at **Appendix 2**.
- 3.37 Overall, there has been a significant reduction in the impacts on the daylight and sunlight levels to the surrounding residential properties as result of the amended scheme, particularly in relation to Ironworks and The Copperworks. The proposals are considered to be in line with BRE standards and guidelines and Policy DM2.1 and Emerging Local Plan Policy PLAN1.

## Changes to Affordable Workspace

- 3.38 The scheme previously presented to committee, proposed to provide affordable workspace within the Hub Building at 34b York Way with an allocation of 388sqm (GIA) of floorspace, representing 10.4% of the combined uplift of office floorspace across both the Jahn Court application scheme and the Times House and Laundry Building application scheme under Ref: P2021/2269/FUL. It was proposed to provide this affordable workspace on a peppercorn rent for a period of 10 years.
- 3.39 Following amendments to both applications, the affordable workspace is now proposed to be provided separately for each application and is to be located on-site within each application scheme. It should be noted that cumulatively, should both schemes be approved, the total floorspace to be provided separately across each application amounts to 448.7sqm which when taken together would result in an uplift of (15%) in the total provision of affordable workspace from that proposed previously at 388sqm.
- 3.40 As a result of the revisions to the applications, the Hub Building at 34b York Way is intended to remain as market office accommodation.

- 3.41 For the current application, the affordable workspace is proposed to be located on the ground floor of the Jahn Court building. The area of this allocated space will be 241sqm and this represents 10.7% of the uplift in office floorspace proposed by the application. This is shown below (Image 5) on the revised ground floor plan.



**Image 5 – Revised proposed ground floor plan – Provision of Affordable Workspace**

- 3.42 The space will be open plan and is proposed to be fitted out to a Category A standard. The location on the ground floor of the main building enables access to the basement cycle storage and ground floor WC's. The lease length of the proposed affordable workspace offer has been increased from 10 years to 20 years on a peppercorn rent.
- 3.43 LB Islington's adopted affordable workspace Policy DM5.4 requires 5% of employment floorspace to be provided on a peppercorn rent for 10 years. The emerging Policy B4 requires 10% of floorspace to be provided for 20 years.
- 3.44 The revised offer therefore exceeds the adopted planning policy requirements as set out by London Plan Policy E3 and Policy DM5.4 and will be compliant with emerging planning policy.
- 3.45 The Council's Inclusive Economy Team has been consulted on the revisions to the proposals and have met with the applicant to discuss the amendments. The Inclusive Economy Team accepts the revised provision of affordable workspace.

### **Further Activation of York Way**

- 3.46 In order to further enhance the active frontage along York Way, it is proposed to open up the building façade of 34 York Way, by providing new door openings and awnings to this elevation, to provide greater prominence to this frontage and interface with York Way. The changes include lowering of the window cills and the introduction of glazed doors and retail canopies, and tables and chairs on the street. These amendments are shown in Image 6 below.



PLANNING COMMITTEE SCHEME FEBRUARY 2022



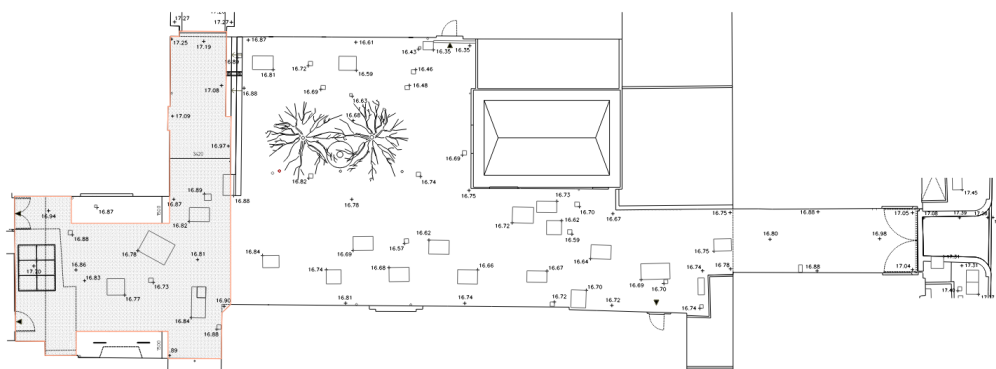
REVISED PLANNING SCHEME MAY 2022

**Image 6 – Revised York Way View - Further activation of York Way**

- 3.47 These proposed changes to further activate York Way, will have a beneficial impact on the street through introducing urban qualities and activities associated more with the pedestrian and pedestrian needs rather than the car and its dominance. The elevational treatment, including the selection and use of materials, remains of a high quality and is therefore supported by design officers.

### Flattening of Cobbles in Albion Yard

- 3.48 It is proposed to reduce the extent of proposed works to flatten the setts of cobbles which cover the east-west route within Albion Yard. This change has been made to the scheme to respond to resident's concerns that the new pathway will adversely impact on their amenity by the external area becoming more used and busy in close proximity to their properties.
- 3.49 The application scheme will continue to provide treated sanded setts along the north-south route of Albion Yard to facilitate improvements to accessible access, as shown in Image 7 below.



Proposed flat top cobbles  
128 sqm

### ***Image 7 – Reduced extent of proposed flattening of cobbles in Albion Yard***

- 3.50 The Council's Inclusive Design Officer has been consulted on the revised proposals and they have noted that whilst it is regrettable that the works to the east-west route through Albion Yard have to be removed from the scheme, it is understood that this is in part due to the proposed route's proximity to residents' homes, particularly in terms of cyclists potentially using the route. Routing the east-west route of flattened cobbles away from the residential building has been explored, but it was considered to cause harm to Albion Yard, a heritage asset. Therefore there are no objections to the removal of this aspect of the proposals.

### **Cycle Parking**

- 3.51 It is understood that some of the residents in the Regents Quarter have had access to the existing bike store within the courtyard in Block B which contains up to 65 spaces. However, there is no evidence of a formal allocation provided to residents as part of any previous planning consent and there is no evidence of a formal arrangement for residents.
- 3.52 In response to comments from residents, the applicant has provided the following statement (via email submitted by Nicola Forster dated 23 May 2022)

*'The residents within Regent Quarter do not have a formal allocation or quantum of dedicated cycle parking spaces within the Estate or under their lease agreements. However, Endurance Land are aware that some residents have been using an external cycle store on an informal basis within Block B of the Estate which services the commercial units.'*

*This facility is being removed as part of the proposals for the Times House and Laundry Building scheme and will be re-provided within the basement of the new development. Whilst this will not result in a loss of formally allocated cycle spaces for residents, Endurance Land are proposing to formally allocate 10 of these new cycle spaces for residents. These spaces will be provided within a secure location for the benefit of the residents.'*

*Other locations for the residents cycle parking were considered, including the basement of The Copperworks and the car park of Joiners Yard. However, these options were not considered to be appropriate by residents. Other options in the courtyards were also explored which were constrained in design and heritage terms.'*

*Endurance Land has confirmed that if there is additional demand for residents cycle spaces, they will continue to work with the residents to consider where additional provision can be provided within the Estate.'*

- 3.53 It is now proposed that the scheme provide 10 secure cycle parking spaces for residents which will be located within the basement of Times House to be secured by condition. Based on the revised scheme, the secure cycle parking provision remains at a total of 105 spaces to be provided for office workers, retail workers and now 10 of the spaces are to be allocated to the residents of the Regents Quarter.

- 3.54 As a result this would reduce the provision for the office and retail floorspace to 95 spaces. A London Plan policy compliant provision would require 103 spaces and therefore the scheme would provide 8 spaces less than this policy requirement. However, given the restrictions on the site and the attempts to find an alternative provision for residents, the minor shortfall for office and retail staff is not considered to harmfully undermine the sustainable transportation measures of the scheme. As such the scheme remains acceptable in this regard.
- 3.55 Given that the lack of formal allocation for residential cycle parking, and the lack of any policy requirement for such a provision, the provision of 10 dedicated cycle parking spaces for residents, is considered to amount to an improvement on the existing situation and an overall benefit of the scheme beyond the requirements of the development plan.

#### **4. CONSULTATION**

- 4.1 The applicant's submission provides details of further engagement with residents. It is understood that Endurance Land has held four further meetings with the Regent Quarter Residents Group since the 22 February Planning Committee meeting. It is understood that these meetings took place on:
- 29 March 2022
  - 21 April 2022
  - 28 April 2022
  - 4 May 2022.
- 4.2 The applicant states that the purpose of the meetings was to further consider resident's concerns relating to the development and to review whether any additional changes could be made to the scheme. The discussions have led to various changes being made to the scheme including:
- Reductions to the height and massing of the proposed roof extensions
  - Improvements to the Daylight and Sunlight impacts on the neighbouring residential properties from the previous scheme
  - Provision of new dedicated secure cycle parking spaces for residents
  - Removing the proposals to sand down the heritage setts adjoining the residential buildings in order to protect the resident's privacy and amenity; and
  - A commitment by Endurance Land to consider further management arrangements to improve the residential amenity of residents.
- 4.3 The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents. These are set out in paragraphs 3.1-3.6 of this report.

#### **5. CONCLUSION**

- 5.1 Following the deferral of the application at 22 February 2022 Committee Meeting, the applicant has revised the proposal by making reductions to the height and massing of the proposed roof extensions. This has led to betterments in the reductions in both the number and level of impacts to daylight and sunlight and reductions in the visibility of the roof extensions, reducing the impacts on the surrounding heritage assets.



- 5.2 The scheme has been amended to relocate the position of the proposed affordable workspace from The Impact Hub at 34b York Way to the Jahn Court building. The provision of affordable workspace is policy compliant with the adopted and emerging local plan including an increase to the length of the lease from 10 to 20 years.
- 5.3 In light of the amendments, officers have revisited the planning balance, noting the reduced impact on heritage assets as a result of the reduced height and massing which has reduced the visibility of the extensions, the reduced impacts on neighbouring amenity, the additional public benefits of an increase in the percentage of affordable workspace and the extension to the length of the lease. Overall, there is less conflict with policy DM2.1, and the increase public benefits outweigh the limited harm to heritage assets caused by the development. As a result, the proposals are considered to be acceptable in accordance with the requirements of the NPPF and the development plan.
- 5.4 Overall the amendments to the scheme are considered to have addressed the reasons for the deferral of the application at the planning committee on 22 February 2022.
- 5.5 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in **Appendix 1 – RECOMMENDATIONS**.
- 5.6 These replicate the original conditions, save for amended wording to some conditions as follows:
- Condition 2 has been amended to include the revised drawings and documents received since the 22 February 2022 Committee Meeting (those in **bold** are the revised drawings)
  - Condition 4 – Cycle parking compliance has been amended to include the revised drawings
  - Condition 13 – Noise Management Plan - has been amended to include the revised drawings
  - Condition 18 – Accessible Showers/WC has been amended to include the revised plan drawings
  - Condition 29 - Flat roofs (Compliance) has been amended to include the revised plan drawings
- 5.7 It is proposed to attach an additional condition (41) in the event that planning permission is not granted for the proposals submitted under application P2021/2269/FUL, to ensure that prior to the first occupation of the development hereby approved, details of the location of 10 no. secure cycle parking spaces are provided within Block C of the Regents Quarter for use by the residents of the Regents Quarter estate.

## 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 in relation to application P2021/2270/FUL 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 (those in **bold** have been revised from the previous committee report):

- A contribution towards provision of off-site affordable housing of: **£300,067.00**.
- **Provision of 241sqm of Affordable Workspace within Jahn Court for 20 years at peppercorn rent.**
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of **£26,237** to improve the prospects of local people accessing new jobs created in the proposed development.
- 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 for this application is £172,025.00, although further efficiencies via condition 23 may see this contribution reduced.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. 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 practice 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 (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of **£4,501** 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.
- The provision of 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures.
- Costs associated with delivering 9 short stay cycle parking stands within the public realm.
- 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.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.



- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Engagement Plan with named local schools.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 4 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), 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 the heads of terms as set out in this report to Committee.

## RECOMMENDATION B

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

### LIST OF CONDITIONS:

1	<b>Commencement (compliance)</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>
2	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site location Plan - 13601-A-Z3-LXX-00-001; Existing Site Plan (1:500) - 13601-A-Z3-L00-01-020; Existing Site Plan (1:200) - 13601-A-L00-01-050; Existing Ground Floor Plan - 13601-A-L00-01-100; Existing First Floor Plan - 13601-A-01-01-101; Existing Second Floor Plan - 13601-A-02-01-102; Existing Third Floor Plan - 13601-A-03-01-103; Existing Fourth Floor Plan - 13601-A-04-01-104; Existing Roof Plan - 13601-A-05-01-105; Existing Basement Floor plan - 13601-A-LB1-01-099; Existing West Site Elevation - 13601-A-LXX-01-150; Existing East Site Elevation - 13601-A-LXX-01-151; Existing Site Section AA - 13601-A-LXX-01-160; Existing Site Section DD - 13601-A-LXX-01-161; Existing West Elevation - 13601-A-LXX-01-200; Existing East Elevation - 13601-A-LXX-01-201; Existing South Elevation - 13601-A-LXX-01-202; Existing North Elevation - 13601-A-LXX-01-203; Existing Section AA - 13601-A-LXX-01-300; Existing Section BB - 13601-A-LXX-01-301; Existing Section CC - 13601-A-LXX-01-302; Existing Section DD - 13601-A-LXX-01-303;</p> <p>L00- Demolition - 13601-A-L00-02-099; <b><u>L00 - Demolition - 13601-A-L00-02-100 P1;</u></b> L01 - Demolition - 13601-A-L00-02-101; L02 - Demolition - 13601-A-L00-02-102; L03 - Demolition - 13601-A-L00-02-103; L04 - Demolition - 13601-A-L00-02-104; L05 - Demolition - 13601-A-L00-02-105; LB1 - Demolition - 13601-A-L00-02-099; <b><u>West Elevation - Demolition - 13601-A-LXX-02-200 P1;</u></b> East Elevation - Demolition - 13601-A-LXX-02-201; South Elevation - Demolition - 13601-A-LXX-02-202; North Elevation - Demolition - 13601-A-LXX-02-203; Section CC - Demolition - 13601-A-LXX-02-204; Section DD - Demolition - 13601-A-LXX-02-205;</p> <p><b><u>Proposed Site Plan (1:500) - 13601-A-Z3-LXX-07-020 P2; Proposed Site Plan (1:200) - 13601-A-L00-07-050 P2; Proposed Ground Floor Plan - 13601-A-L00-07-100 P2; Proposed First Floor Plan - 13601-A-L01-07-101 P1; Proposed Second Floor Plan - 13601-A-L02-07-102 P1; Proposed Third Floor Plan - 13601-A-L03-07-103; Proposed Fourth Floor Plan - 13601-A-04-07-104 P3; Proposed Fifth Floor Plan - 13601-A-L05-07-105 P3; Proposed Fifth Floor Gallery Plan - 13601-A-L06-07-106 P3; Proposed Roof Plan - 13601-A-RF-07-107 P3; Proposed Basement Plan - 13601-A-L00-07-100; Proposed West Site Elevation - 13601-A-LXX-07-150 P2; Proposed East Site Elevation - 13601-A-LXX-07-151 P3; Proposed Site Section AA - 13601-A-LXX-07-160 P2; Proposed Site Section CC - 13601-A-LXX-07-161 P2; Proposed West Elevation - 13601-A-LXX-07-200 P2; Proposed East Elevation - 13601-A-LXX-07-201 P4; Proposed South Elevation - 13601-A-LXX-07-202 P3; Proposed North Elevation - 13601-A-LXX-07-203 P3; Proposed Section AA - 13601-A-LXX-07-300 P3; Proposed Section BB - 13601-A-LXX-07-301 P2; Proposed Section CC - 13601-A-LXX-07-302 P3; Proposed Section DD - 13601-A-LXX-07-303 P2;</u></b></p>

	<p>Albion Yard Existing Plan 0182c_PR2-P-X-AY-01 rev B; 0182C-PR2-P-X-AY-02 Rev B; 0182C-PR2-P-X-JCAY-01 Rev B; 0182C-PR2-P-X-JCYW-01 Rev B; 0182C-PR2-P-X-IY-01 Rev B; 0182C-PR2-P-X-IY-02 Rev B; 0182C-PR2-P-X-IY-03 Rev B; <b><u>0182C-PR2-P-GA-AY-01 Rev C</u></b>; 0182C-PR2-P-GA-AY-02 Rev B; <b><u>0182C-PR2-P-DT-AY-02 Rev C</u></b>; <b><u>0182C-PR2-P-GA-JCAY-01 Rev C</u></b>; 0182C-PR2-P-GA-JCYW-01 Rev B; 0182C-PR2-P-GA-IY-01 Rev B; 0182C-PR2-P-GA-IY-02 Rev B; 0182C-PR2-P-GA-IY-03 Rev B; 0182c-PR2-P-GA-BlockC;</p> <p>Air Quality Assessment - Tetra Tech July 2021; Air Quality Dust Management Plan - Tetra Tech July 2021; Arboricultural Impact Assessment - TMA July 2021; Archaeological Desk Based Assessment - Savills August 2021; Biodiversity Net Gain Assessment and Urban Greening Factor Review - MKA Ecology July 2021; Construction Traffic Management Plan - RGP July 2021; Cover letter - Savills 2 Aug 2021; <b><u>Daylight sunlight and overshadowing report - Point 2 Surveyor May 2022 Version V1 – Ref: P2593</u></b>; Delivery and Servicing Management Plan - RGP July 2021; Design and Access Statement - Piercy and Company July 2021; Economic Benefits and Social Value Infographic July 2021; Flood Risk Assessment and Drainage Strategy Report - Arup July 2021; Framework Travel Plan - RGP July 2021; Geoenvironmental and Geotechnical Report - Campbell Reith July 2021; Health Impact Assessment Screening Form - Savills July 2021; Heritage and Townscape Statement - Turley July 2021; Noise Impact Assessment - Scotch Partners July 2021; Planning Statement - Savills July 2021; Preliminary Ecological Appraisal and Preliminary Roost Assessment - MKA Ecology July 2021; Public Realm report - Publica July 2021; Statement of Community Involvement - London Communications Agency July 2021; Sustainable Design and Construction Statement - Normal Disney and Young July 2021; Transport Statement - RGP July 2021; DRP Response Schedule 27.08.21; Letter from Point2 dated 8 October 2021; Noise Impact Assessment Addendum Revision 02 27 October 2021; Transport Statement Addendum October 2021 Ref: 19/4978/TN11; Energy Statement Responses to Planning Comments 18 October 2021; Heritage and Townscape Statement October 2021; NDY-G-SK-049[1.0]; Letter from Savills 8 December 2021; Regent Quarter - Affordable Workspace Statement November 2021; Letter from Savills 26 January 2022; Design &amp; Access Statement Addendum January 2022; Indicative Sightline Section Through Copperworks Building 13601-A-LXX-SK-203; Fire Planning Statement dated 3 February 2022 ref: 14220-004;</p> <p><b><u>Design &amp; Access Statement Addendum B – May 2022; Heritage and Townscape Statement Addendum May 2022; Letter from Savills dated 5 May 2022</u></b></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>Materials and Samples (Details)</b></p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Solid Brickwork (including brick panels and mortar courses)</li> <li>b) Entrance soffit</li> <li>c) Metalwork</li> <li>d) Metal cladding</li> <li>e) Glazed facades</li> <li>f) Window treatment (including sections and reveals);</li> <li>g) Roofing materials including roof extension facing;</li> <li>h) Balustrading treatment (including sections);</li> <li>i) Green Procurement Plan</li> </ul>

	<p>j) New entrance door on the ground floor of northern elevation of 34 Jahn Court for use in connection with the proposed Flexible Use unit,</p> <p>k) Any other materials to be used</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>4</b>	<p><b>Cycle Parking (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-L00-07-100 and <b><u>Proposed Ground Floor Plan 13601-A-L00-07-100-P2</u></b>, shall be covered, secure and comprise of no less than:</p> <ul style="list-style-type: none"> <li>- 125 secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points.</li> <li>- 9 short stay cycle stands for 18 cycle spaces;</li> </ul> <p>The secure bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible in proximity to the site and to promote sustainable modes of transport.</p>
<b>5</b>	<p><b>Construction and Environmental Management Plan (Details)</b></p> <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> <li>e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works;</li> <li>f) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction;</li> </ul>

	<p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbouring amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>The report shall assess the impacts during the preparation and construction phases of the development, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.</p> <p>No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.</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: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
<b>6</b>	<b>Green/Blue roofs (Details)</b>
	<p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <p>a) green roofs shall be biodiversity based with extensive substrate base (depth 120 - 150mm);</p> <p>b) laid out in accordance with plans hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower</p>

	<p>planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>d) Details of Blue Roof.</p> <p>e) Submission of a maintenance plan demonstrating how it will be maintained.</p> <p>The green/blue roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
<b>7</b>	<p><b>Light Spill Prevention (Details)</b></p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> <li>· Automated roller blinds;</li> <li>· Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>· Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
<b>8</b>	<p><b>Refuse and Recycling (Details)</b></p> <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.</p> <p>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; and</li> <li>c) any additional or separate refuse storage required for the flexible commercial uses, including Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) uses,</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>9</b>	<p><b>Bird and Bat Nesting Boxes (Details)</b></p> <p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of a minimum of 12 bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p> <p>The details approved shall be installed prior to the first occupation of the building, 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>10</b>	<p><b>Extract ventilation for restaurant use (Details)</b></p> <p>CONDITION: Notwithstanding the approved plans, the restaurant use (Class E(b)) hereby permitted under the Flexible Class E use, shall not commence unless details of extraction/ventilation system and odour assessment in relation to such use, is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the commencement of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
<b>11</b>	<p><b>Plant Equipment (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,T}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>The development shall be carried out strictly in accordance with the scheme prior to first occupation, 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 development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>12</b>	<p><b>Plant Equipment Post-Installation Verification (Details)</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>

<b>13</b>	<b>Noise Management Plan</b>
	<p>CONDITION: Prior to the first use of the fifth floor roof terrace hereby approved and indicated on Proposed Fifth Floor Plan drawing <b>13601-A-L05-07-105-P3</b>, a Noise Management Plan for use of the terrace, covering management of the space, hours of use, control of noise, and maximum numbers of users at any one time shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The use of the fifth floor roof terrace shall be conducted in accordance with the approved Noise Management Plan at all times.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
<b>14</b>	<b>Restricted use - roof terraces (Compliance)</b>
	<p>CONDITION: The fifth floor roof terrace hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p> <p>The roof terrace hereby approved shall not operate outside the hours of:</p> <ul style="list-style-type: none"> <li>- 0800 to 1800 hours Monday to Friday</li> </ul> <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected.</p>
<b>15</b>	<b>Restriction of PD rights - Class E to residential (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retains control over the change of use of the building in the future.</p>
<b>16</b>	<b>Restriction of office use (upper levels) (Compliance)</b>
	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of the ground floor unit specified under condition 18, the building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retains control over the change of use of the building in the future.</p>
<b>17</b>	<b>Restriction of flexible commercial uses (ground floor front unit) (Compliance)</b>



	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible unit on the ground floor level, except the permitted use(s) hereby approved:</p> <p>A) Ground floor front unit only - as shown on plan no. 13601-A-L00-07-100-P1;  Class E (a) – retail  Class E (b) – café/restaurant  Class E (d) - indoor sport, recreation or fitness  Class E (g)(i) - office</p> <p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific commercial use(s) only and retains control over the change of use of the building in the future.</p>
<b>18</b>	<p><b>Accessible Showers/WC's (Compliance)</b></p> <p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing no's Proposed Basement Plan 13601-A-L00-07-100; Proposed Ground Floor Plan <b><u>13601-A-L00-07-100-P2</u></b>; 13601-A-L01-07-101-P1; 13601-A-L02-07-102 P1; 13601-A-L03-07-103; <b><u>13601-A-L04-07-104 P3</u></b>; <b><u>13601-A-L05-07-105-P3</u></b>; and shall be available for users upon the first occupation of the development.</p> <p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
<b>19</b>	<p><b>Lifts (Compliance)</b></p> <p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>20</b>	<p><b>Hours of Operation (Compliance)</b></p> <p>CONDITION: The flexible uses on the ground floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u>  7am - 10pm Monday to Saturday  8am - 8pm Sundays</p> <p><u>Class E (b) – café/restaurant:</u>  7am - 10pm Monday to Thursday  7am - 11pm Fridays and Saturdays  8am - 9pm Sundays</p>

	<p><u>Class E (d) – indoor sport, recreation or fitness:</u>  7am - 10pm Monday to Saturday  8am - 8pm Sundays</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>
<b>21</b>	<b>No Plumbing or Pipes (Compliance)</b>
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
<b>22</b>	<b>No obscure glazing or vinyl graphics (Compliance)</b>
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>
<b>23</b>	<b>Energy (Details)</b>
	<p>CONDITION: Prior to commencement of superstructure works updated Energy information shall be submitted to the Local Planning Authority and approved in writing:</p> <ul style="list-style-type: none"> <li>a) Potential improvements to energy efficiency specifications;</li> <li>b) Potential increase to solar PV capacity.</li> <li>c) Details regarding solar PVs: <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels;</li> <li>- Design (including elevation plans);</li> <li>- PV specification / efficiency; and</li> <li>- How the design of the PVs would not adversely affect the provisions of green roofs on site</li> </ul> </li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.  The development shall be constructed in accordance with the updated energy information and retained as such permanently thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features are met.</p>
<b>24</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>

<b>25</b>	<b>Flattening of Cobbles (Details)</b>
	<p>CONDITION: Prior to commencement of superstructure works of the development hereby approved, the following details and samples shall be submitted to, and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>a) A sample flattened/adapted cobble stone;</li> <li>b) Details of the mortar/pointing;</li> <li>c) Section details showing the profile of the cobble stone and mortar when laid.</li> </ul> <p>The works shall be carried out prior to first occupation of the hereby approved development, and strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>26</b>	<b>Servicing and Delivery Plan (Flexible Use Unit) (Details)</b>
	<p>DELIVERY &amp; SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements for the proposed Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit, including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit 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>27</b>	<b>Crime Prevention (Details)</b>
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <ul style="list-style-type: none"> <li>a) Details of any new doors between the flexible use unit and the main office building should be single leaf and security rated at LPS 1175 SR2 or STS 202 BR2. The interconnecting doors between the flexible use unit and the main office building should have some form of access control in the form of an encrypted key fob with data logging to record usage. The interconnecting door be either PAS24:2016 or LPS 2081 security rated. The door should have an auto close feature to reduce the risk of this being propped or just left open. This should be single leaf. Maglocks (minimum of two placed top third and bottom third of frame with a pull weight of 600kg per plate) should be integral to the frame.</li> <li>b) Details of emergency egress should at this location should be provided and the means by which this is achieved. The new large window would also need to be security rated. The glazing would need to be a minimum of P4A or PAS24:2016 with enhanced glazing (dependant on manufacturer's guidelines) or an internal retractable grille to LPS 1175 SR2.</li> <li>c) Details of the London Cycle stands.</li> <li>d) Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system</li> </ul>

	<p>would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed.</p> <p>e) Details of Anti-graffiti treatments for exposed gable ends where appropriate.</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 interests of safety and security.</p>
<b>28</b>	<p><b>Review of Anti-social Behaviour (Details)</b></p> <p>CONDITION: Between 3 and 6 months following first occupation of the Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit hereby approved, a review of anti-social behaviour incidents and any proposed remediation measures to address security and safety within the courtyard adjacent to the front entrance to Jahn Court on York Way shall be submitted to the Local Planning Authority and approved in writing in consultation with the Metropolitan Police.</p> <p>Should the outcome of the review necessitate further measures to prevent anti-social behaviour, these measures shall be implemented in consultation with the Metropolitan Police, within 3 months of the date of the approval of the details and retained as such unless agreed in writing with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
<b>29</b>	<p><b>Flat Roofs (Compliance)</b></p> <p>CONDITION: The flat roof areas on the Proposed First Floor Plan shown on plan no. 13601-A-L01-07-101-P1 and the Proposed Fifth floor Gallery Plan shown on plan no. <b><u>13601-A-L06-07-106-P3</u></b> hereby approved, shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>30</b>	<p><b>Network Rail – Construction Methodology</b></p> <p>CONDITION: Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.</p> <p>The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The safety, operational needs and integrity of the railway. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
<b>31</b>	<p><b>Network Rail – Ground investigation</b></p>

	<p>CONDITION: No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.</p> <p>Such details to be approved in writing by the local planning authority in conjunction with Network Rail.</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 LPAs approval in writing.</p> <p>REASON: To ensure the maintenance of the safety, operational needs and integrity of the railway. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
<b>32</b>	<p><b>Tree Protection</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> <li>Location and installation of services/ utilities/ drainage.</li> <li>Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</li> <li>Details of construction within the RPA or that may impact on the retained trees.</li> <li>a full specification for the installation of boundary treatment works.</li> <li>a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</li> <li>Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</li> <li>A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</li> <li>a specification for scaffolding and ground protection within tree protection zones.</li> </ol>

	<ul style="list-style-type: none"> <li>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</li> <li>k. Boundary treatments within the RPA</li> <li>l. Methodology and detailed assessment of root pruning</li> <li>m. Reporting of inspection and supervision</li> <li>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
<b>33</b>	<b>Roof-Top Plant &amp; Lift Overrun (Details)</b>
	<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, including colour palette and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) lift overrun</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>34</b>	<b>Site Waste Management and Circular Economy (Compliance)</b>
	<p>CONDITION: The details and measures regarding the Site Waste Management and Circular Economy Statement within the submitted Sustainable Design and Construction Statement dated July 2021 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

<b>35</b>	<b>Fire Strategy (Compliance)</b>
	<p>CONDITION: The details and measures set out in the Fire Planning Statement dated 3 February 2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Safety Strategy would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
<b>36</b>	<b>Hours of opening – Gates (Compliance)</b>
	<p>CONDITION: The opening hours of the gates to Block C shall continue to operate as outlined in the decision notice for P000434(S106A) unless revised opening hours are submitted to and agreed in writing by the Local Planning Authority.</p> <p>For the avoidance of doubt, the permitted hours of opening of the gates to Block C are as follows:</p> <p>0800-1800 on Monday to Saturday inclusive and 1000-1800 on Sundays from 1 October to 31 March each year (but excluding in both cases Christmas Day, Boxing Day and New Year's Day);</p> <p>0800-1900 on Monday to Saturday inclusive and 1000-1900 on Sundays from 1 April to 30 September each year,</p> <p>Or such other periods as may from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>37</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design and the measures shown in the drawings hereby approved shall be implemented prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>38</b>	<b>Future connection to a district energy network (Compliance)</b>
	<p>CONDITION: The details of the plant room allocated for the future connection to a district energy network shall be provided prior to first occupation of the development 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>

	REASON: To ensure the facility is provided and allows for the future connection to a district heating system.
<b>39</b>	<b>Surface Water Discharge (Compliance)</b>
	<p>CONDITION: Prior to the occupation of the development hereby approved, in accordance with the submitted details, flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer, and maintained as such throughout the lifetime of the development.</p> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates</p>
<b>40</b>	<b>Air Quality Assessment</b>
	<p>CONDITION: During the construction of the development hereby approved, the proposals shall achieve a Non-Road Mobile Machinery score of at least Stage IV as outlined in the Air Quality Assessment and dust management plan, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.</p>
<b>41</b>	<b>Resident Cycle Parking (Details)</b>
	<p>CONDITION: In the event that planning permission is not granted for the proposals submitted under application P2021/2269/FUL, prior to the first occupation of the development hereby approved, details of the location of 10 no. secure cycle parking spaces to be provided within Block C of the Regents Quarter for use by the residents of the Regents Quarter estate, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The secure bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible in proximity to the site and to promote sustainable modes of transport.</p>



## List of Informatives:

<b>1</b>	<b>S106</b>
	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.
<b>2</b>	<b>Definition of 'Superstructure' and 'Practical Completion'</b>
	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.
<b>3</b>	<b>Car-Free Development</b>
	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.
<b>4</b>	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>5</b>	<b>Construction works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>6</b>	<b>Highways Requirements (1)</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u><a href="#">. All agreements relating to the above need to be in place prior to works commencing.</a></u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u><a href="#">streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</a></u></p>

	<p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p>
<b>7</b>	<p><b>Highways Requirements (2)</b></p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
<b>8</b>	<p><b>Highways Requirements (3)</b></p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>

<b>9</b>	<b>Secured by Design</b>
	You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.
<b>10</b>	<b>Fire Safety</b>
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on <a href="mailto:BuildingControl@islington.gov.uk">BuildingControl@islington.gov.uk</a> .
<b>11</b>	<b>Thames Water – Ground Water</b>
	A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a> . Please refer to the Wholesale; Business customers; Groundwater discharges section
<b>12</b>	<b>Thames Water – Surface Water</b>
	With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a> .
<b>13</b>	<b>Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS</b>
	The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "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." Reason: The proposed

	works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a> . Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
<b>14</b>	<b>Draft Travel Plan</b>
	The draft Travel Plan to be submitted as part of the discharge of the Planning Obligations shall include measures to remind cyclists that cycling is prohibited within the block, and to promote responsible cycling to the site, and to discourage inappropriate cycling the wrong way down York Way and Balfe street.
<b>15</b>	<b>Network Rail</b>
	<p>Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.</p> <p>Given the proximity of the site to operational railway tunnels and the nature of the works proposed, it is imperative that the below requirements are met prior to any work commencing on site.</p> <p>The relationship between the work proposed and the York Road Curve railway tunnel is unclear from the information submitted. The developer must provide a survey showing the position of this work in relation to the tunnel. Additionally, the documentation provided in support of this application indicates that the design will result in increases in loads on Network Rail assets beneath and adjacent to the site. Detail relating to this design and loading must be agreed with our Asset Protection Team (details below) prior to work commencing on site. The developer will also be required to liaise with our Asset Protection Team during construction works. Early engagement with Network Rail to address these points is strongly recommended.</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <ul style="list-style-type: none"> <li>" The type and method of construction of foundations</li> <li>" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary. Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</li> </ul> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rail's tunnels or railway land.</p> <p>Works in Proximity to the Operational Railway Environment Development Construction Phase and Asset Protection</p>

	<p>Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.</p> <p>Additional Requirements</p> <p>Tunnels</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <p>" The type and method of construction of foundations</p> <p>" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary. Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rail's tunnels or railway land.</p>
<b>16</b>	<b>Network Rail</b>
	<p>Fail Safe Use of Crane and Plant</p> <p>All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following.</p> <p>Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.</p> <p>Excavations/Earthworks</p> <p>All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.</p> <p>Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising</p>

from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

#### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

#### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

#### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

#### ENCROACHMENT

	<p>The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p>Access to the Railway</p> <p>All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p>
<b>17</b>	<b>Trees</b>
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <ul style="list-style-type: none"> <li>BS: 3998:2010 Tree work – Recommendations.</li> <li>BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.</li> </ul>
<b>18</b>	<b>Transport for London</b>
	<ul style="list-style-type: none"> <li>- To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic.</li> <li>- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.</li> <li>- Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.</li> </ul>

## **APPENDIX 2: 22 FEBRUARY 2022 COMMITTEE REPORT**



