

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building Directorate
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING COMMITTEE		AGENDA ITEM NO:
Date: 22 February 2022		
Application number	P2021/2270/FUL	
Application type	Full Planning Application	
Site Address	34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1	
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	
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.
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Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

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

- A) 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; and
- B) subject to the conditions set out in Appendix 1.

2. SITE PLAN

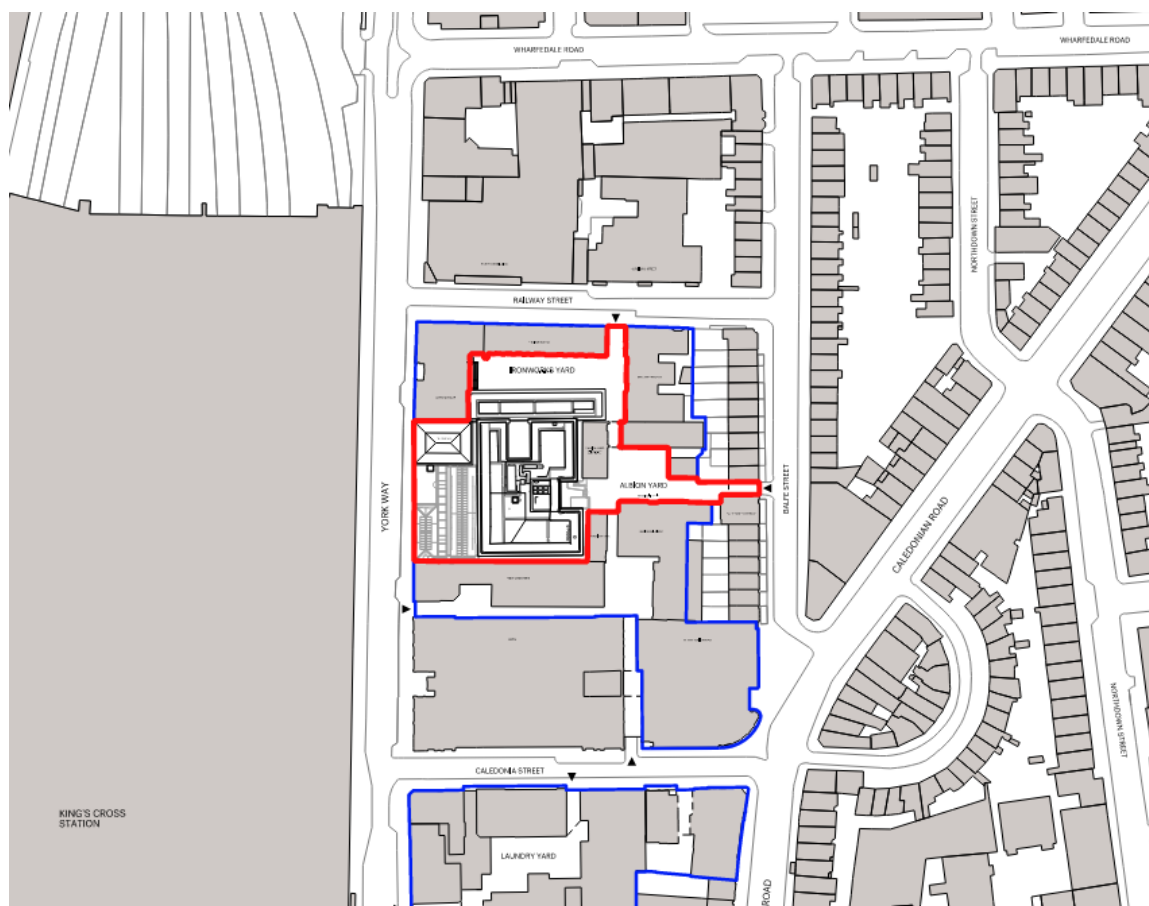


Fig 2.1 Site Plan. Application site outlined in red.

3. PHOTOS OF SITE AND SURROUNDINGS

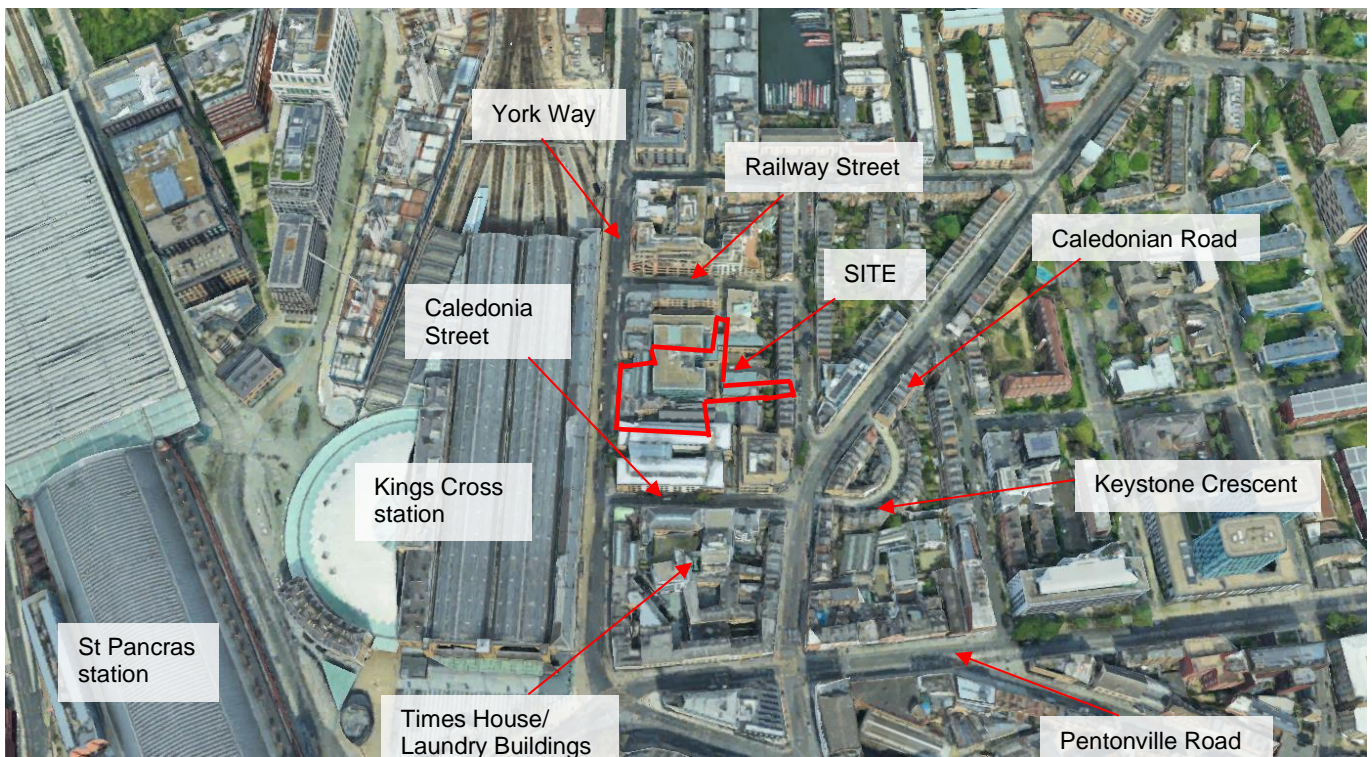


Image 1 - Aerial view

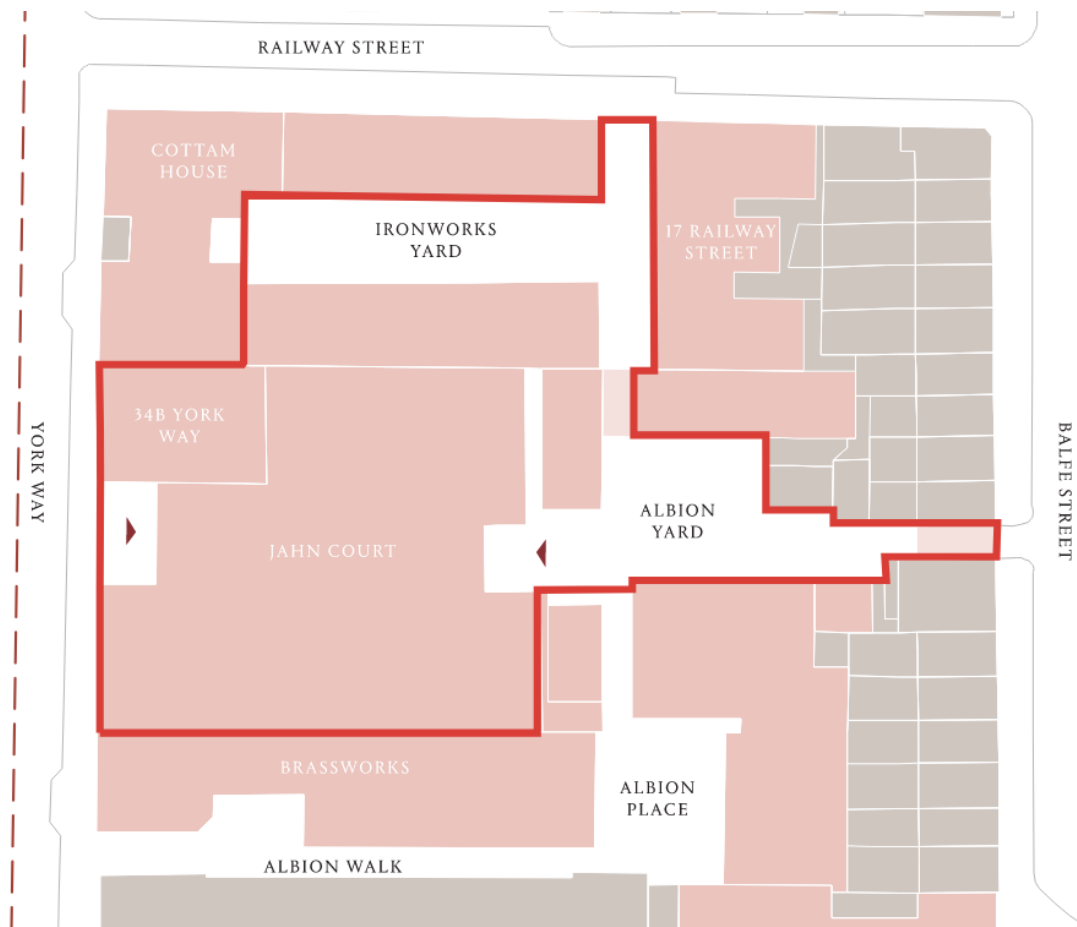


Image 2 - Site Plan



Image 3 - Existing front elevation (looking south)



Image 4 - Existing front elevation (looking north)



Image 5 - Existing rear elevation and Albion Yard (looking west)



Image 6 – Albion Yard/Rear of Jahn Court Existing



Image 7 – Albion Yard and gates on to Balfe Street



Image 8 - Albion Yard (looking east)



Image 9 - Ironworks Yard (looking west)



Image 10 - Ironworks Yard (looking east)



Image 11 - Railway Street entrance (looking south)

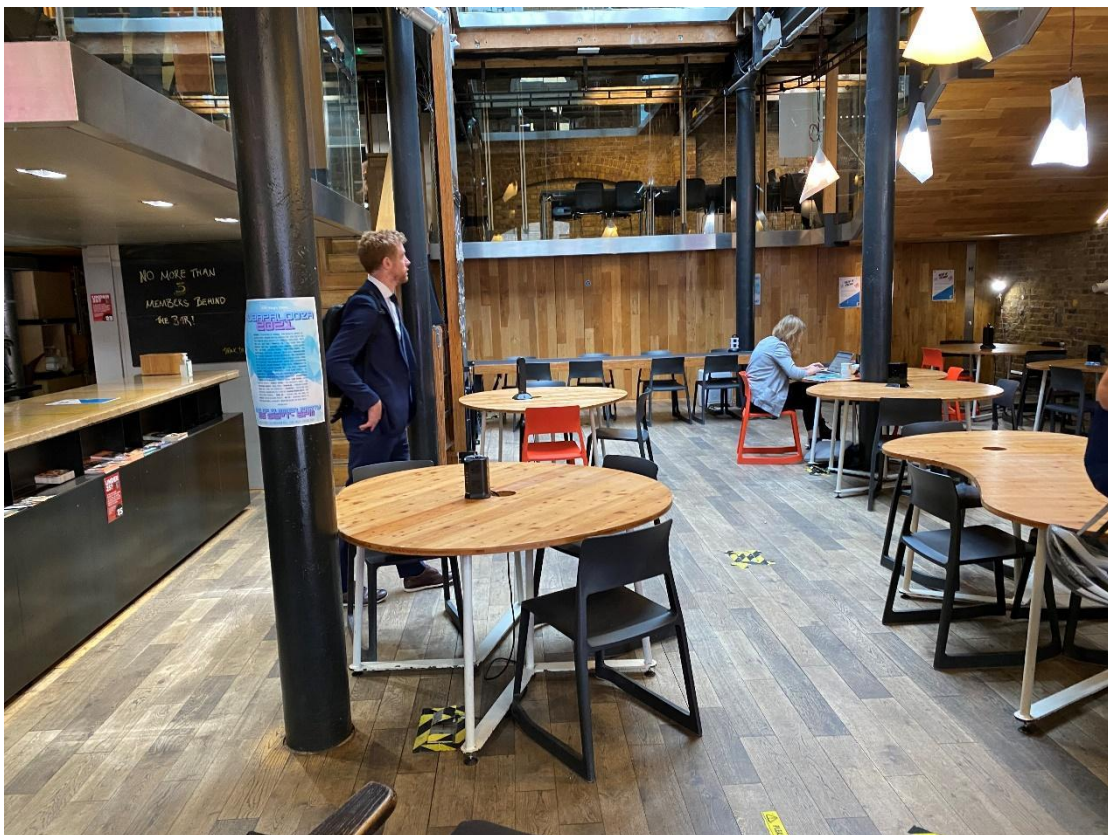


Image 12 - The Hub building (Grade II Listed)

4. SUMMARY

- 4.1 This planning application seeks permission to refurbish and extend the existing buildings in this city block within the Regent's Quarter, by building at both roof level and infilling at the rear of the Jahn Court building at 34 York Way to create a ground plus seven storey building, which provides an uplift of 2,404.7sqm (GIA) of commercial floorspace. The development also proposes to introduce flexible class E retail, café/restaurant, fitness and office uses at ground floor level, with office floorspace retained and extended on the upper floors.
- 4.2 The application is one of two linked applications for the redevelopment of the Regent's Quarter. A separate application (ref: P2021/2269/FUL) has been submitted for the extension and refurbishment of the southern block B known as Times House and Laundry Buildings adjacent to this site, to provide additional office and commercial floorspace. The applications are under consideration at the same time, with separate s106 Agreements.
- 4.3 The site is located within the designated Central Activities Zone (CAZ) and within an Employment Growth Area, where the principle of the proposed commercial development with provision of additional employment floorspace is supported and accords with the spatial strategies of the Development Plan in particular for the Kings Cross area. Officers consider that the proposed development would positively contribute to the commercial character of Kings Cross and support the strategic priority of the CAZ to maximise delivery of office floorspace where appropriate.
- 4.4 The proposed development would create additional height and massing on site and would inevitably increase the visual prominence of the buildings within the site. The additional height, particularly where it faces Kings Cross Station has been designed to be recessed into the site and constructed of glass to ensure a subordinate appearance to the more solid brick heritage buildings (including a carefully chosen colour palette to minimise its visual prominence). However, having carefully assessed the visual and heritage impact, it is considered that the proposed development would not cause a large degree of harm to the character and appearance of the area. It is concluded that the proposals would cause less than substantial harm to the King's Cross Conservation Area and the surrounding heritage assets, including the Grade I Kings Cross Station and the grade II listed buildings at 34b York Way and 5-35 Balfe Street. In design terms, the proposed extensions and alterations to the existing building would result in improvements to its overall appearance and its relationship to the wider public realm. The harm to heritage assets will be weighed in the planning balance, but does count against the scheme.
- 4.5 The proposal would also include energy and sustainability measures including the creation of green/blue roofs, installation of 73no. solar panels, attenuation tanks, and future proofing for connection to a district energy network, to ensure that the proposal would maximise energy efficiency and the sustainable design of the site.
- 4.6 The proposed development is not considered to have an unacceptable impact on nearby residential properties or the area in terms of loss of privacy, overlooking, or noise impacts, subject to appropriate planning conditions. The daylight/sunlight assessment shows that some of the neighbouring properties would be affected by the

development. Amendments to the scheme were sought to reduce some harm and whilst impacts remain in excess of BRE guidance, taking into account the location of the site, the number of neighbouring windows affected and the degree of harm, this is viewed as not so materially harmful having regard to the dense urban and built up surrounding context as to warrant the refusal of planning permission.

- 4.7 Having consulted with the Inclusive Economy Team on the affordable workspace requirement, officers have secured high quality affordable workspace on site at 34b York Way. The level of floorspace proposed (388.sqm (GIA)) exceeds the requirement within the adopted Development Plan (representing almost 10% of the floorspace uplift across the two planning applications (the other being the Times Square and Laundry Buildings site) and is considered to weigh in favour of both applications.
- 4.8 The servicing arrangements propose amendments to the existing bays on York Way to create 2no. dedicated loading bays. Refuse collection is to be undertaken 2-3 times weekly from Railway Street and Balfe Street by a private waste removal contractor outside of peak hours. The development is otherwise car free and would be secured as such. Additionally a financial contribution towards improvements to the public realm surrounding the site has been agreed with the applicant.
- 4.9 Officers consider that the public benefits of the scheme including the provision of affordable workspace which exceeds the requirement within the adopted Development Plan, outweigh the limited harm caused from the development to neighbouring amenity in relation to loss of daylight (VSC) and loss of sunlight to properties in The Ironworks, in the overall planning balance as well as the less than substantial harm caused to the setting of adjacent listed buildings and to the character and appearance of the Kings Cross Conservation Area.
- 4.10 Overall, the application is considered to largely accord with the Development Plan policies, and is therefore recommended for approval subject to appropriate conditions and planning obligations as set out in Appendix 1 of this report

5. SITE AND SURROUNDINGS

- 5.1 The site is part of the Regent Quarter estate, which comprises two city blocks of buildings within the Kings Cross area.
- 5.2 The application site is located within the city block known as 'Block C', is irregular in shape and sits north of Caledonia Street, south of Railway Street, east of York Way (A5200) and west of Balfe Street. The site as identified by the red line boundary (not the whole city block) measuring approximately 60 – 70 metres wide by 70 metres deep with a northern and western street frontage.
- 5.3 The site comprises of the existing part 3, part 5 storey office building known as Jahn Court at 34 York Way, and the 3 storey office building at 34b York Way, as well as the outdoor spaces of Albion Yard and Ironworks Yard.
- 5.4 Jahn Court (34 York Way) - The building itself has an existing floor area of 7,881.5 sqm (GIA) (8,270.2sqm including the Hub) of Use Class E(g)(i) office space. The building comprises a three storey brick rectangular block which fronts York Way,

which then connects to an infilled glazed façade entrance of the same height. Behind the entrance abuts a glazed five storey office block.

- 5.5 34b York Way – This Grade II Listed Building is comprised of a two-storey rectangular building facing west onto York Way. The building fabric also includes a large chimney which abuts the southern elevation of the building. The current use of the building is a co-working space (Use Class E(g)(i) and occupied by the Impact Hub Kings Cross. This building comprises 388.7sqm (GIA) of floorspace.
- 5.6 Albion Yard - Albion Yard is comprised of an external courtyard space of stone cobbled paved hardstanding, 2 trees and 3 external lamp posts. The yard serves the buildings within the yard (Albion Buildings, 1-10 Albion Yard, and 2A Albion Walk) which are in residential use. Additionally, the yard serves Jahn Court and includes a ground floor access route through the adjoining terrace onto Balfe Street. It also provides an access route to York Way, which runs to the south and adjacent to the Brassworks building to the south.
- 5.7 Ironworks Yard - Ironworks Yard is also comprised of an external courtyard space with paving, tiled hardstanding and 9 trees. The yard serves the buildings adjacent to it, including Jahn Court to the south, Cottam House to the west (office building above retail/café on ground floor) Ironworks (residential) to the north and the Copperworks (residential above offices) to the east. It also provides an access route through to Albion Yard (above), York Way and Railway Street.
- 5.8 The main entrance into the site is to the western elevations from York Way, with gated pedestrian entrances to the rear of the site into Ironworks Yard from Railway Street to the north, and into Albion Yard from Balfe Street to the east and from Caledonia Street to the south.
- 5.9 The site is surrounded by a mixture of commercial and residential uses, including residential uses within Block C, to the north and east of the site boundary in buildings known as The Ironworks, The Copperworks, Albion Yard, Albion Walk and Albion Buildings. Residential units are also located to the east of the site at 5-35 Balfe Street.
- 5.10 The majority of the site is located within the Kings Cross Conservation Area (CA21) and a small part of the Albion Yard entrance sits within the Keystone Crescent Conservation Area (CA14). The site includes the Grade II Listed Building at 34b York Way. The site is located within the setting of a Grade I Listed building at Kings Cross Station, and the Grade II Listed buildings at 5-35 Balfe Street.
- 5.11 Officers note the description in the local listing document '*Register of Locally Listed Buildings and Locally Significant Shopfronts April 2010*' for 34 York Way ref: 1598 states:
'Formerly Henry Pontifex Copper and Brass Works, 1866. Unusually coherent surviving example of mid-Victorian factory complex in Central London. Two storey stock brick office to front with three storey warehouse behind. Beyond this is main workshop with.'
- 5.12 Officers also note the description of the locally listed building for 36 - 40 York Way ref: 1601 states:

'Developed circa 1856 as corrugated iron factory for the St. Pancras Ironworks. Four storey, 11 bay brick range to Railway Street and three storey range to York Way with pediment/gables of 1890s. Stock brick with red brick dwellings. Important contribut'

- 5.13 Based on these descriptions, officers believe that the building at 32 York Way is locally listed rather than 34 York Way, as shown on the Council's mapping system, and that the Ironworks building forms part of the locally listed building at Cottam House at 36 - 40 York Way.
- 5.14 Therefore the site sits adjacent to the locally listed Grade A building at 32 Jahn Court, and local listed Grade C buildings at Albion Yard and Albion Buildings, and locally listed Grade B buildings adjoin the north west of the site at Cottam House and the Ironworks at 36-40 York Way.
- 5.15 The site is located within the Central Activities Zone (CAZ), an Employment Growth Area.
- 5.16 The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) (on a scale of 1 to 6 where 1 representing the lowest levels of accessibility to public transport and 6 the highest). Kings Cross and St Pancras Station is the closest underground station and is adjacent to the site on the opposite side of York Way, to the west of the site.
- 5.17 The prevailing character of the surrounding buildings is typically mixed with some late Victorian and Georgian buildings along the main eastern arterial routes of Balfe Street. This northern block (Block C) has a quieter and more residential character (subject to this application) when compared to the southern block (Block B - subject to the associated planning application), which has a more vibrant and commercial character.
- 5.18 The site is located adjacent to the administrative boundary with London Borough of Camden which lies immediately to the west of the site on the opposite side of York Way.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal is for the creation of 2,404.7 sqm of additional office floorspace under (Class E(g)(i)) through extensions and internal alterations. This is largely provided through the combination of a five storey partial infill extension to the eastern elevation of Jahn Court from ground to fourth floor level, a single storey extension to the northern elevation at fourth floor level, and a two storey roof extension at fifth and sixth floor levels.
- 6.2 The proposals include the provision of 89sqm of flexible retail (Class E(a)), Cafe/Restaurant(b), Fitness(d) or Office(g)(i) floorspace through alterations and change of use to create a unit at ground floor level fronting onto York Way.
- 6.3 Further works include the creation of a roof terrace at fifth floor level for the users of the additional office floorspace and refurbishment of the existing building, the reconfiguration and alterations of the front and rear entrances to the western and eastern elevations.

- 6.4 The works also include reconfiguration within the existing basement, providing 125 cycle spaces and 18 short stay spaces and associated shower and changing facilities, as well as additional plant equipment. Works are proposed at roof level with the provision of 73no. solar panels, and green roofs. Public realm works are also proposed to flatten the cobbles in the courtyard at Albion Yard to provide improved accessibility for wheelchair users. A plant room would be provided both at sixth floor level and at rooftop level.
- 6.5 The scheme includes the installation of a 'JAHN' sign on the western elevation of 34 York Way in the historical signage bracket.
- 6.6 Bin storage is also located at basement level. The proposal would be car free.
- 6.7 An application for Listed Building Consent ref: P2021/2360/LBC to 34b York Way has also been submitted.

Revisions:

- 6.8 During the course of the application the scheme has seen minor amendments in response to consultation responses from residents, consultees and ward Councillors.
- 6.9 Minor changes have taken place to the fire escape through the addition of an external staircase at fifth floor level.
- 6.10 In response to consultation responses from residents, the proposed 2no. Class E flexible office/fitness use units facing onto Ironworks Yard have been removed, with the floorspace remaining as office use. The proposed entrance doors facing Ironworks Yard have also been removed and will be replaced with windows.
- 6.11 In response to consultation responses from residents, regarding the landscaping proposals within Albion Yard and Ironworks Yard, the proposed pergola structure within Albion Yard, seating in both Albion and Ironworks Yards and raised planters in both Albion and Ironworks Yard, have all been removed from the scheme.
- 6.12 In response to comments from ward Councillors, the scheme has been revised to provide greater animation to York Way through the introduction of 1no. active flexible use unit for Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit (89sqm). The unit is located on the ground floor of 34 York Way and fronts onto York Way. As part of these works, the most northern door facing York Way will be glazed to provide a suitable entrance from York Way. The frosted glazing on the ground floor windows facing York Way will also be removed to improve the active frontage. These works are also considered to provide increased surveillance and security for the front courtyard area of the site and the main entrance to Jahn Court.
- 6.13 It is also proposed to amend the ground floor entrance to The Hub Building at 34b York Way. This would provide a more active entrance onto York Way and improve the affordable workspace offer. The details of the revised entrance door are proposed to be secured by condition on the associated Listed Building Consent application P2021/2360/LBC.

- 6.14 A further revision has been made in response to concerns over the amenity impacts on the residential properties at the southern end of the Copperworks building, in terms of daylight, outlook and enclosure, through a reduction in the extent of the fourth floor roof extension by setting back the extension approximately 2.7 metres from the eastern elevation. Revised CGIs and aerial massing views, have been submitted reflecting the revision to the massing at fourth floor.
- 6.15 An updated Daylight and Sunlight report has been submitted indicating the improvements from the fourth floor set-back to Jahn Court. The results indicate improvements to the results for Flat 9 and Flat 3 of the Copperworks, and a beneficial effect on the results for some of the windows to the Ironworks and Albion Buildings.
- 6.16 An amended Fire Statement has been submitted in response to comments from the Council's Building Control Officer.



Image 13 - Proposed Western Elevation (York Way)

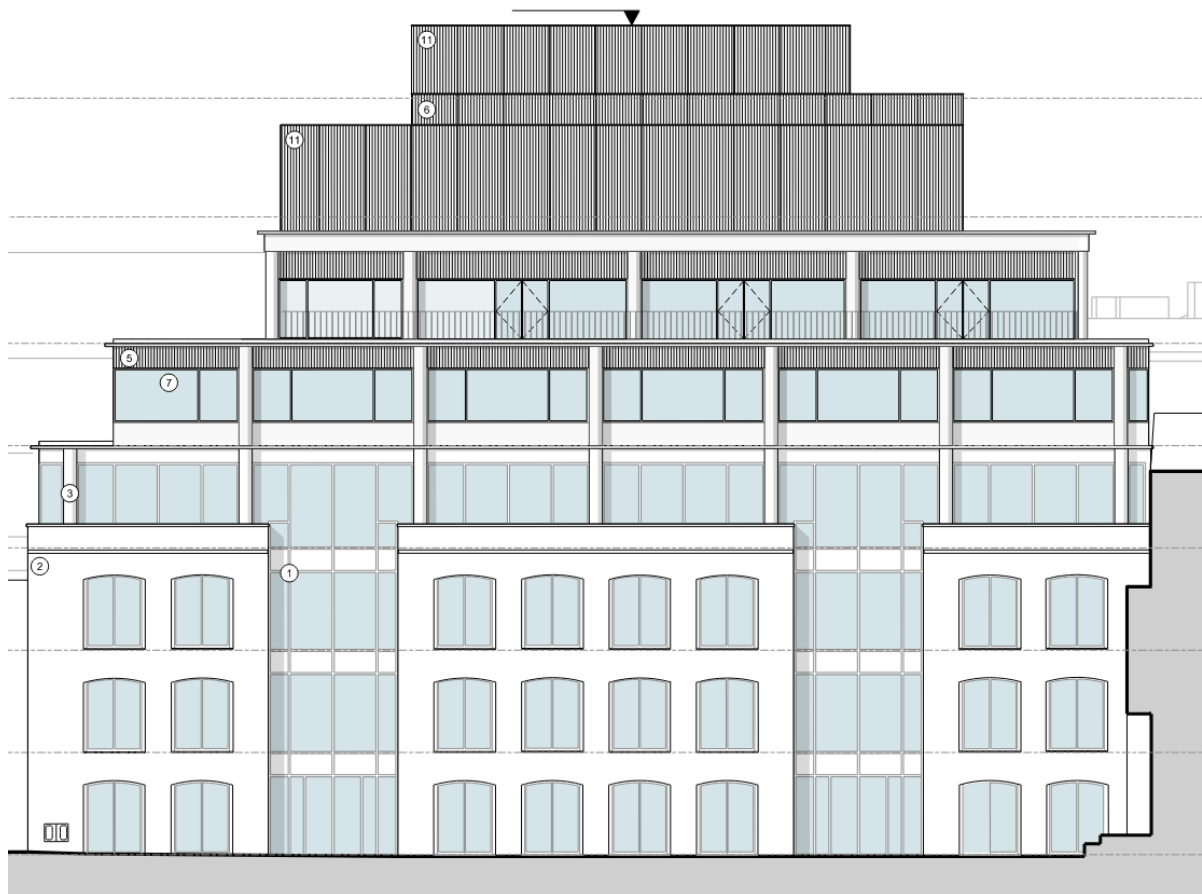


Image 14 - Proposed North Elevation (Ironworks Yard)



Image 15 - Proposed Eastern Elevation (Albion Yard)



Image 16 - Proposed Southern Elevation

7. RELEVANT HISTORY

7.1 The following history is considered most relevant to the application site.

Planning Permission

7.2 **Application ref:** P000434

Redevelopment and refurbishment in connection with provision of 8,815 sq.m. of B1 office space, erection of 266 bed hotel, 138 residential units, two no live/work units, A1, A2, A3 uses, gymnasium and gallery, 19 car parking spaces, pedestrian links and security gates, including demolition, refurbishment, associated landscaping and traffic works.

At: Bravington's & Albion Yard Railway block, (site bounded by: Pentonville Road, Caledonian Road, Balfe Street, Railway Street & York, 39-45 (odd) Wharfedale Road),
N 1

Decision: Approved 10/06/2002

7.3 **Application ref:** P022525

Revisions and extensions to the previously approved redevelopment and refurbishment scheme approved on 10th June 2002 (Ref: P000434) to provide 5020m2 of B1 office accommodation in two buildings (one a refurbished basement and three storey building; one a new basement and five storey building); a range of food and drink and mixed use commercial and showroom accommodation (A1, A2, A3, Sui- generis); nine residential units (five x 1 bed and four x 2 bed) and elevational alterations to ground floor of 13-17 Caledonian Road.

At: 2-10 CALEDONIA STREET, AND GROUND FLOOR 13-17 CALEDONIAN RD,
N1

Decision: Approve 04/04/2003

7.4 **Application ref:** P031100

Part refurbishment and part redevelopment for office (Class B1), retail (A1,A2 and A3) and showroom (sui-generis) uses and associated new access plant landscaping and other related works - variation to scheme approved 4th April 2003 Ref: P022525.

At: 10, Caledonia Street, and rear 7 Caledonian Road London, N1

Decision: Approved 05/12/2003

7.5 **Application ref:** P050311

Revisions to planning permissions P000434 (as amended by P022525 and P031100) to provide revised restaurant and office accommodation and public space.

At: York Curve Buildings B11 & B12 Block B, Land bounded by York Way, Caledonian Road, Pentonville Road and Caledonia Street, London N1

Decision: Approved 09/05/2005

7.6 **Application ref:** P000434(S106A)

S106A application to modify planning obligations of S106 Agreement P000434, dated 5th June 2002, to vary the definition of the Prescribed Hours of the Block C Internal Walkways.

At: Block C, Regent Quarter, Kings Cross (site formerly known as Albion Yard, bound by Caledonia Street, Caledonian Road, Balfe Street, Railway Street and York Way), Islington, London, N1 9DB

Decision: Approved 29/11/2012

- (i) the Internal Walkways in Block B and Block D: **the period from 0800 to 2100 hours on Monday to Saturday inclusive and 1000 to 2000 hours on Sundays** (but excluding in both cases Christmas Day, Boxing Day and New Year's Day) or such other periods as may arise 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;
- (ii) the Internal Walkways in Block C:
 - (a) **the period from 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);
 - (b) **the period from 0800-1900 on Monday to Saturday inclusive and 1000-1900 on Sundays from 1 April to 30 September each year**, 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;

Pre-application

- 7.7 In 2020, the applicant for the current proposals, submitted a pre-application advice request (ref Q2020/3318/PPA) for the proposed redevelopment of both sites within the Regent's Quarter that are now subject to the two linked planning applications. The pre-application request sought advice relating to 3- 4 storey roof extensions to the principal buildings known as Jahn Court (Block C) and Laundry & Times House buildings (Block B) as well as substantial alterations to the internal layouts, reconfiguration of internal space and public realm improvements and other minor alterations to provide approximately 4,000 sqm of additional office floor space and 400 sqm of additional café/ restaurant (Class E) floorspace.
- 7.8 The first PPA pre-application meeting took place on 17 December 2020, and sought to set out the proposals at high-level detail. Discussions related to:

- Outline of the massing proposals for both Jahn Court and Times House & Laundry Building;
- A heritage-led approach to the relevant assets;
- The permeability of Regent Quarter and how this can be improved through pedestrian routes;
- High level discussions on highways and relevant roads and public realm that needed to be considered.

7.9 Design workshops took place on 21 January 2021; 8 April 2021 and 7 May 2021. The workshops were set up to discuss the design proposals for Jahn Court and Times House and Laundry Buildings in more detail. Discussions relating to Jahn Court included:

- The acceptability of the proposed treatment of the entrance to Jahn Court;
- The massing of the infill extension and whether two stories would be acceptable;
- The height of the roof and how it will sit with the surrounding context;
- Confirmation that the roof height would not be over 30m (classification of tall building);
- Welcomed the process of retaining as much of the existing buildings as possible;
- The logic of the glazed infill of Jahn Court, with the sword tooth roof approach to nod to the industrial/manufacturing history;
- Industrial reference of form and materials is crucial;
- The materiality of the roof will be important to ensure it can be read as a roof form;
- Welcoming of the public realm enhancements and the logic behind these;
- Verified Views were agreed for the Times House Application; and
- Accessibility discussions in respect of Ironworks and Albion Yard, including access routes and seating.

7.10 Public Realm and Highways Workshops took place on 4 May 2021 and 22 July 2021. Discussions related to:

- Provision of short and long stay cycle parking
- Servicing and Deliveries, including bin provision and collection;
- Provision of disabled access, including parking and level access;
- Pedestrian Movement and understanding of movement;
- Integration of local streets into the design, to respond to cleaner/greener borough;
- The uplift from the redesigned external spaces and ground floor active uses will positively impact on the surroundings; and
- Confirmation that access routes through Albion Yard are acceptable

7.11 A Sustainability Workshop took place on 4 February 2021. The workshop was set up to agree the sustainable principles of the redevelopment schemes. An Environmental Impact Workshops took place on 21 May 2021. Inclusive Economy Workshops took place on 18 May 2021, 5 July 2021 and 14 July 2021. The workshop was set up to discuss the affordable workspace provision for both sites.

7.12 A meeting was held with Historic England, with formal advice being received on 8 April 2021. The advice confirmed they had no objections.

7.13 Following the above meetings, the final pre-application advice letter was issued on 1 July 2021. Advice was provided that the extension and adaption of the existing buildings is considered to be acceptable in principle, on the basis that the new buildings will demonstrate a high level of design quality and sustainability credentials

and would be sensitive to the surrounding heritage assets. The scheme has been revised since the pre-application submission by removing the previously proposed crown element – which took the building height in effect to the height of an 8th storey, at 28.45m, down to 25.88m excluding plant. The plant/lift overrun proposed which is positioned well back from the front of the building and thus suitably recessed from the street edge. This has also had the effect of simplifying the architectural language, as shown in the comparisons at image 17. The mass has also been reduced with the proposed new 5th and 6th floors being further pulled back from key edges. These changes have been made to address residential amenity and heritage impact concerns.

- 7.14 The latest amendments to the Jahn Court building which have involved a reduction in height and mass from 28.45m, down to 25.88m excluding plant from the earlier pre-application scheme, the simplification of the form, and the very high quality architectural design and detailing, appears to have now reached an acceptable balance. The proposed height is mitigated by the delicacy of the architecture and the high quality of the indicative materiality and the most recent plans show Jahn Court now reading as an ancillary element to the historic buildings and structures to the fore, and sitting respectfully within this most sensitive streetscape. Similarly, care has been demonstrated to minimise harmful impacts of the extensions to the Times House & Laundry on the setting of Kings Cross and St Pancras Station, a primary Grade I listed heritage asset. Officers consider that the harm is less than substantial (rather than substantial) and that it will have to be balanced against all of the other planning considerations that will accompany any forthcoming planning application(s).

Design Review Panel

- 7.15 As part of the pre-application process in 2021, the proposals comprising of both linked schemes were presented to the Design Review Panel on 13 April 2021 (ref Q2021/0820/DRP). It was presented a second time on 17 December 2021 for a follow up review.



Image 17 – View from York Way - Pre-application scheme presented to DRP and current application scheme

- 7.16 The following comments were made to the initial pre-application scheme, with the full first DRP (13 April 2021) response provided as **Appendix 3**:

- *The Panel sought clarification with regard to cycle infrastructure and connectivity to cycle routes and the hierarchy of movement through and adjacent to the site – existing and proposed*

Officer's Comment: Cycle Infrastructure, connectivity to cycle routes and the hierarchy of movement through and adjacent to the sites have been considered in detail in the public realm strategy. The sites are in close proximity to a number of cycle routes, including Pentonville Road, Caledonian Road, Euston Road and York Way. The scheme includes the provision of cycle parking within the courtyards and additional cycle stands on the footway on adjacent streets. This improved cycle provision is considered to facilitate increased cycling, as well as connectivity with the wider cycling routes. Entrances to the cycle stores have been carefully positioned and designed for ease of use and help to promote cycling by the building users. All stores feature direct, step-free access routes, spaces for non-standard cycles, charging points, and generous changing and amenity spaces.

- *How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.*

Officer's Comment: It is understood that the phasing strategy has been determined by the leases of the properties within Regent Quarter as the leases for Jahn Court and Times House and Laundry Building are understood to be expiring this year. It is understood that Caledonia Street is outside the ownership of the applicant. Officers are advised that the pedestrianisation of Caledonia Street would require input from several stakeholders to agree plans for its future development which is intended to take place as a later phase of development.

- *Concerned at the claim that some buildings are wrongly identified as Locally Listed Buildings. Clarification was sought*

Officer's Comment: The site adjoins a locally listed Grade A building at 32 York Way , and sits adjacent to local listed Grade C buildings at 1 Albion Yard and locally listed Grade B, building adjoining the north west of the site at Cottam House and the Ironworks at 36-40 York Way. All heritage assets have been assessed in line with National Planning Policy Framework (NPPF) and London Borough of Islington (LBI) Local Plan Policies. This is shown at image 20 and discussed in more detail in paragraphs 10.155-10.160 of the report and images 26 and 27.

- *Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington's Walk are excluded and yet seem integral from the outset*

Officer's Comment: It is understood that the southern block has been designed to be more civic and active than the northern block, which has a more residential character. The applicant's response here is that the conception for the two main buildings are very different, in order to reflect the more granular and crumbly form

of the southern block which is of a more complex character. The scale and massing to the north is larger and therefore required a different form and approach, which is reflected in the block massing of Jahn Court. Some materials and details are repeated across both schemes to present a unified identity. The changes within Laundry Yard improve the connection with Bravington's Walk and to the New Times Yard and York Way entrance to the site.

- *Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's land ownership control.*

Officer's Comment: It is understood that the applicant has an existing commercial relationship with the hotel owners and other land holdings that are outside of their demise and therefore they do not see this as a barrier to any of the development proposals.

- *How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?*

Officer's Comment: The site (Block C) will not be publicly accessible outside of the consented hours and no changes are proposed to the hours of opening on the gates. The site has existing on-site management arrangements, and these will continue. The Public Realm Reports submitted with the application provides further details around the management principles for the site. The scheme has been revised to respond to the Design Out Crime Officer's comments and seeks to achieve the principles of Secure By Design.

- *The approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?*

Officer's Comment: The southern block (Times House and Laundry Buildings) has more social and hospitality reflecting its existing and proposed uses, proximity to the station forecourt and the busy Pentonville Road. The northern block will be less active and quieter given it contains more residential uses and less active commercial uses. Within both blocks it is proposed to increase animation through introducing an active flexible use on the ground floor unit, fronting onto York Way.

- *How do you attract and draw people in and signal some change. Routes and desire lines. What are you offering that is different?*

Officer's Comment: It is understood that extensive survey work has been undertaken by Publica to understand how the sites and surrounding areas (including routes) are used. Opportunities for the future use of the site (including active ground floor uses, enhanced public realm and routes) informed the Public Realm strategy. Due to the sensitive nature of the residential uses in Block C including ground floor residential units, and following responses from residents limited changes are proposed to this block although accessibility improvements are proposed within Albion Yard. The works to improve the public realm are largely focused on drawing people into Block B through multiple public realm enhancements. These works are detailed in application P2021/2269/FUL.

- *Inputs and commentary from residents living in the northern block would be useful to be fed back.*

Officer's Comment: It is understood that public consultation has been undertaken at pre-application stage to obtain views from a range of stakeholder and the public on the proposals. This included consultation with existing residents and businesses within the development. It is understood that methods included a digital consultation website, creating a dedicated email and address and phone line, a flyer drop to local residents and businesses, placing advertisements in the local press, writing to neighbours including site-tenants, utilising social media and hosting an online webinar and Q&A session. It is understood that a consultation event was held on site and attended by residents on 20th July. Officers understand that further meetings with residents have taken place during the application and the application has been amended in response to responses received from residents.

- *Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.*

Officer's Comment: The project team is in discussions with Transport for London regarding their proposals for improvements to the junction of York Way and Pentonville Road and relevant contributions. The application includes the removal of railings outside the main entrance to Jahn Court to activate the public realm here, adjacent to York Way. Further discussions have taken place regarding increasing the animation on York Way. During the course of the application the application has been revised to seek to provide greater animation on York Way through introducing active flexible use units on the ground floor fronting on to York Way.

- *Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.*

Officer's Comment: The submission includes visual impact studies, including assessment of the key visual receptors and associated representative viewpoints (RV). These assessments outline the effects of the proposed developments within the local townscape area, as well as any relevant longer distance views. This is assessed in detail in paragraphs 10.165 -10.179 of the report and images 32 to 34.

- *Sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.*

Officer's Comment: A Daylight, Sunlight and Overshadowing Assessment has been undertaken to consider the potential additional overshadowing to the nearby amenity spaces, as well as daylight and sunlight impacts to existing properties. In terms of the internal courtyards, tests in accordance with the BRE guidelines, suggest assessing what percentage of the amenity space can enjoy at least 2 hours of sunlight on 21 March. The assessments suggest that each space should experience very little additional overshadowing on the 21 March and any reduction will be well within the BRE guidelines. The impacts of the scheme on daylight,

sunlight and overshadowing are assessed in detail in paragraphs 10. 236-10.281 of the report.

- *An overarching architectural narrative is needed.*

Officer's Comment: The architecture and materiality seeks to provide high quality contemporary language which sits sensitively against the existing heritage buildings. The architectural language has been informed by the industrial heritage of the sites, and the historic relationship of the sites with Victorian Railway infrastructure. This is addressed in more detail in paragraphs 10.130-10.140 of the report and is commented on in the second response letter from the DRP.

- *The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.*

Officer's Comment: The northern block will have a quieter residential character, whilst the southern block will include more active ground floor uses and would be livelier in character. The public realm strategy has been informed by these characteristics. The active uses are addressed in more detail in paragraphs 10.28-10.37 and the public realm strategy is addressed in paragraphs 10.11 4 to 10.12 1 of the report.

- *The role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.*

Officer's Comment: The roofscapes of Jahn Court and Times House have been reduced in scale by reducing the total height excluding plant from 28.45m, down to 25.88m, and recessing the roof plant, and sixth floor roof extension, to respond to this comment. Further consideration of the impact of the Times House roof extensions is undertaken in the officer's report for P2021/2269/FUL. The impact of the Jahn Court roofscape is addressed in more detail in paragraphs 10.165-10.179 and images 32 to 34.

- *A process of questioning the conjunction of the old and new and considering how the two address each other is needed.*

Officer's Comment: The submission sets out how the architecture of the schemes in terms of massing, form and materials has sought to refer to the previous industrial uses of the site, whilst also seeking to ensure that their relationship with the surrounding area is acceptable. This is addressed in paragraphs 10.130 -10.140 of this report plus image 25 – materials palette.

- *A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces.*

Officer's Comment: The architectural narrative relates to the old industrial uses, whilst also ensuring high quality contemporary design is achieved. Elements of heritage interest have been retained or enhanced (signage and courtyard ground

materials), whilst the new architecture and public realm seeks to tie the site to its past uses.

- *The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other.*

Officer's Comment: The Public Realm strategy has been integrated with the architecture to ensure that they both respond with each other. Also, the second DRP response letter comments: *'The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.'* The chair's summing up comments: *'The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.'*

- *There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.*

Officer's Comment: The proposed materials nod towards the historic context as well as to the modern era. They introduce soft colours (reds and greens), which seek to avoid over dominating and to sit well within the townscape. Quality durable materials (brick, metal and glazing) have also been articulated to ensure that the appearance of the building are of a high quality. The use of repeated materials and details across the two proposals will help to improve the coherence and legibility across Regent Quarter. This is addressed in detail in paragraphs 10.130-10.140 of this report plus image 25 – materials palette. Again, this is also noted in the second response letter from the DRP.

- *The roof-form of Jahn Court has industrial northlights which then change direction at the south, undermining the authenticity of the form.*

Officer's Comment: The roof-form design for Jahn Court has been revised since the presentation to the DRP. It now comprises of a modest flat roof form comprised of a green metal material which responds to the sites industrial past by referring to water tanks which were found above Victorian industrial architecture. See image 17, above. This is addressed in more detail in paragraphs 10.125-10.129 and images 28 to 31 of the report.

Second DRP

- 7.17 In response to comments received from residents, the application scheme has been presented to the Design Review Panel for a second review of the scheme on 17 December 2021. This second review comprised of the chair of the DRP and one further panel member. The review is supportive of the further design work carried out and the full letter (dated 23 December) is appended (Appendix 4).

The following summary of the letter is provided by officers:

- 7.18 The second review of the scheme by the DRP demonstrates support for the overall scheme comprising the works across both applications. The general comments can be summarised as follows:
- Public realm enhancements and increased permeability;
 - Enhancing the heritage setting of the proposals with their clear and coherent architectural narrative;
 - Developing a successful approach to scale and massing;
 - Significant amount of public benefit;
 - Aspiring to avoid gated communities.
- 7.19 With regards to the proposals in this application, the DRP commentary is again considered to demonstrate their support which can be summarised as follows:
- The massing to Jahn Court has evolved and provides a suitable backdrop to the heritage buildings to the fore.
 - The changes to the Jahn Court building are now appropriate and successful.
 - The massing, particularly the way the top floors in the longer views have been addressed, now creates a calmer, more coherent backdrop including in relation to the classic heritage views and settings.
 - The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.
 - The choice of materials and the refinement of the character and approach to materiality is coming through very successfully. This is considered to be a particularly successful element of the proposal.

8. CONSULTATION

Public Consultation

- 8.1 The application has been publicly consulted on 16 August 2021. Site and press notices have also been issued. The consultation process expired on 12 September 2021. Letters were sent to the surrounding neighbours at Albion Yard, Albion Walk, Balfe Street, Railway Street, Caledonian Road, York Way, Euston Road and Trematon Walk.
- 8.2 Representations have been received from 36 residents objecting to the scheme as part of the initial period of consultation. A total of 4 representations have been received in support of the proposals.
- 8.3 Following receipt of supplementary information and technical documents, a period of re-consultation took place beginning on 7 November 2021. The re-consultation ended on 21 November 2021.
- 8.4 Representations have been received from 19 residents in response to the re-consultation.
- 8.5 In response to the objections received, the scheme has been revised. The amendments to the scheme comprise of the following:

- Removal of the proposed fitness use in Jahn Court facing Ironworks Yard;
- Removal of the pergola, raised planters and seating in both Albion Yard and Ironworks Yard;
- Introduction of a flexible Class E use comprising of Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit at ground floor level fronting on to York Way.
- Amend the ground floor entrance doors to The Hub Building at 34b York Way.

8.6 As a result, a final period of re-consultation took place beginning on 10 December 2021. The re-consultation ended on 24 December 2021.

8.7 Representations have been received from 23 residents in response to the final re-consultation.

8.8 Further drawings and documents have been received on 27 January 2022 reducing the mass of the fourth floor extension which have been uploaded to the Council's website. A resident has requested the opportunity to submit observations and potential objections to these documents. However all amendments result in improvements and reductions in impact in terms of scale, massing and visual impacts on amenity. It is at the discretion of the Local Planning Authority to undertake further re-consultation, and in view of all the impacts decreasing, it has been considered that in this instance, it is not necessary. Notwithstanding this, the Council will consider all representations received up until the determination of the application.

8.9 At the time of the writing of this report responses had been received from 36 members of the public with regard to the application, with 19 residents responding on a number of occasions. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use:

- Concerns that the yoga room, gym, and other offices will be given a general class E planning permission that allows use for a variety of other commercial purposes including retail and restaurant, leading to increased noise, odours and amenity impacts. (**officer comment:** Condition **15** is attached to prevent a change of use from office to any other uses under Class E without an application for planning permission).
- Residents question whether the proposed layout of the Jahn Court office building supports flexible office space or small businesses, and consider the infill and internal architecture of the building are more aligned with rental to one large tenant. (**officer comment:** The proposed layout enables the building to be occupied flexibly either by a sole occupier or by multiple occupiers and is policy compliant. See paragraph 10.19).
- Residents claim that no new provision of affordable workspace is being made in the extended Jahn Court building itself and that instead, a subsidy is effectively being offered to an existing tenant in the existing Hub building. Other comments claim that affordable workspace is already being provided in the form of the Impact Hub and that none of the additional GIA office floorspace is being used for

affordable workspace. (**officer comment:** The proposed on-site Affordable Workspace exceeds the adopted policy requirements and is to be secured through the associated S106 Legal Agreement. Post decision, the procurement exercise to secure the occupier of the affordable workspace hereby approved, will be based on a social value assessment and associated criteria undertaken by the Council's Inclusive Economy Team. The workspace will be secured as per the agreed Heads of Terms. Whilst the existing occupier is able to apply, they will be considered as part of the procurement process against the same criteria as any other applicant. The occupier is not currently classed as an Affordable Workspace operator. For further details see paragraphs 10.56-10.68).

Design/Heritage

- The proposed roof extension to Jahn Court will harm the setting of the Grade I Listed Kings Cross Station as a national set piece, 34b York Way (Grade II listed) and a number of locally listed buildings that surround the site. The proposals are not subordinate to King's Cross Station, and takes the height of the building above the parapet height of Kings Cross Station. The harm to the heritage setting would be substantial given the combined impacts of the height, massing, and roof plant enclosure. (**officer comment:** 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 have considered this in detail in this report including in paragraphs 10.165-10.191 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. It is also noted that Historic England raise no objections to the proposals and that the DRP consider the scheme appropriate and high quality).
- The proposed massing, infill and increase in height of Jahn Court will overshadow and over dominate the adjacent heritage buildings, not only internally within Regents Quarter but externally damaging the roofline to all elevations, the visibility of the chimney in front of Jahn Court and detract from Grade I listed Kings Cross looking down or up York Way. The prominence of the brewer's chimney as part of the Grade II Listed Building at 34b York Way will be interrupted and the distinctive frontage to York Way will be lost to the overbearing design of the new office block. (**officer comment:** Whilst it is noted that some of the existing buildings that neighbour the site within Albion Yard to the east and Brassworks to the south will experience some increase in scale and massing to Jahn Court, it should be considered that these buildings are already smaller than Jahn Court (especially those in Albion Yard). Given that the top storey level will be set-back and the high quality design and architecture, the extensions are considered to be appropriate within this central location and are not detrimental to the character and appearance of the site or surrounding context. Officers have considered the impacts on the heritage assets including Kings Cross Station and the Conservation Area, in detail in this report, including in paragraphs 10.165-10.181 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. Officers have considered the impacts on 34b York Way at paragraphs 10.162-10.164 and images 28 to 31. Officers have considered the impacts on the locally listed

buildings internally within the courtyards at paragraphs 10.155-10.160 and images 26 and 27. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.180 to 10.184).

- The proposals would adversely affect the character and appearance of the conservation area, and undermine the distinctive character of the conservation area and will contravene Islington Policy and the Kings Cross Conservation Area Guidelines (CADG). The height of the proposed roof extension would be taller than the height of the parapet wall of Kings Cross Station as referenced at paragraph 21.9 of the CADG. The visibility of the plant room from the street and in long views will be contrary to the CADG. The proposed green metal cladding and green corrugated metal is not a compatible material for use in the Conservation Area and is prone to fading and discolouration. The proposed modern red brick entrance to Jahn Court will detract from the surrounding heritage buildings. The proposals run counter to emerging local plan policy SP2 – Kings Cross and Pentonville Road. (CA21 January 2002). (**officer comment:** Officers have considered the impacts on the heritage assets including Kings Cross Station and the Conservation Area, in detail in this report, including in paragraphs 10.165-10.181 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. Officers have considered the proposed materials at paragraphs 10.130-10.140 and image 25. Officers consider the proposed materials and architecture to be acceptable and comply with adopted policy. Furthermore the DRP consider the scheme as now proposed to be successful and of high quality).
- The further development of Jahn Court would be unsympathetic to the setting of the human scale locally listed buildings around it and be completely out of keeping with the historical appearance of the Albion Yard area, and the increased visibility of modern materials, and have an overbearing presence on both Albion Yard and Ironworks Yard and its heritage assets. Residents state that no consideration has been given to the impact on Ironworks Yard and Ironworks Buildings. Objectors state that the proposals raise conflict with National Planning Framework (2021) paragraph 195 requiring local planning authorities to identify and assess the particular significance of heritage assets that might be affected by proposals. (**officer comment:** Officers have identified that the Ironworks forms part of the Locally Listed Building known as 36-40 York Way. See image 20. The proposals use brickwork, glazing, metal work and cladding to seek to improve the existing building, whilst also ensuring that it can sit in harmony with the surrounding historical context. The front 'gate house' entrances to the front and rear of the building feature decorative bricks and seek to compliment the neighbouring Victorian buildings, without seeking to imitate them. The top level will comprise of a gently sculptured rooftop pavilion which echoes the rooftop water tanks of Victorian industrial architecture. 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 considered the impacts on the Locally Listed Buildings including the Ironworks, in paragraphs 10.155 to 10.160 and images 26 and 27).

- The proposed additional height, massing and scale will be overbearing and will excessively dominate the townscape and be visibly higher than the existing townscape. The addition of two additional layers of roof plant is unsightly, highly visible and far from compatible with the surrounding buildings. The additional height is not modest due to the percentage increase in height on the existing building. (**officer comment:** Officers have considered the impact of the proposed increase in height on the townscape in the context of the site and the extent of visibility in key views including in paragraphs 10.165 to 10.179 and images 32 to 34).

- The increase in building height and mass to Jahn Court is out of proportion and context with the current historically preserved redevelopment. The proposals undermine the carefully thought through original principles and strategy of the consented scheme for the redevelopment of the Regents Quarter from 2002 (ref: P000434). The proposals lack sympathetic protection of a listed heritage development and its heritage significance. The proposals do not make a positive contribution to this local character, its legibility or distinctiveness and do not take opportunities to improve the character and quality of the area or the way it functions. The proposed roof extension destroys the current symmetrical aspect of the Ironworks Courtyard. Reference is also made to the destruction of pedestrian walkways. (**officer comment:** The proposals amount to an infill extension and fourth floor and a two storey roof extension, recessed from the Ironworks and Copperworks buildings. There is already a juxtaposition in contextual heights and architectural styles, between the Albion Buildings and Albion Yard and Jahn Court. Given the passage of time that has elapsed since the approval of this scheme, the fundamental development plan documents for the approved scheme from 2002 have been superseded. Therefore the proposals must be assessed in accordance with the current policy framework and development plan, and consideration must be given to the site's current context. Officers have undertaken a detailed assessment of the proposals in design and heritage terms and conclude that the proposals accord with currently adopted policy and guidance. This is further supported by the views of the independent DRP).

- The proposed building height would be more than twice the height of most of the buildings on this site, including that of the contextual heritage buildings within Albion Yard, and the relative scale classes the new building as a "Tall Building" as defined by emerging policy DH3. Reference has also been made to the Islington Tall Buildings Study. (**officer comment:** London Plan policy D9(A) states that *'based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.'* As a result officers have assessed the proposals in accordance with the Local Plan. Adopted local plan policy CS9(E) states that Tall Buildings are 30 metres and above. Paragraph 2.18 of the IDMP (Islington Development Management Policies document) also states that tall buildings are defined as over 30m in height. Emerging Local Plan policy SP2 Kings Cross and Pentonville Road, part K identifies that tall buildings in the spatial strategy area are over 30 metres and this is reiterated in the supporting paragraph 2.21. Therefore both the Council's adopted and emerging local plan has defined that within the Kings Cross Spatial Strategy Area, Tall Buildings are those which are over 30 metres. The maximum height of Jahn Court following the proposed roof extensions and including the roof

plant would be 28.4m. Therefore the proposals do not result in a tall building as defined by both the adopted and emerging local plan policies. Notwithstanding the above assessment, the majority of buildings are between 3-5 stories in height and in many circumstances, the extension proposals will not extend twice the height of a number of prominent buildings within close proximity (i.e. Kings Cross Station, Ironworks Building, Copperworks Building, Premier Inn and Glasshouse/Trematon Building). Whilst it is noted that the development will sit twice as high as some buildings within the surrounding context, the existing building on site already extends considerably taller than these buildings and it would be inappropriate to only take account of these buildings in isolation to the larger and more prominent buildings noted above as part of the contextual reference).

- The excessive massing of buildings and increased visibility of modern materials will damage the setting and experience of this extraordinary location (**officer comment:** Officers have considered the proposed materials at paragraphs 10.130-10.140 and image 25. Officers consider the proposed materials and architecture to be acceptable and comply with adopted policy).
- Proposals have not considered the impact on locally designated heritage assets and their setting. The locally listed buildings are of huge historical significance to King's Cross' canal and railway history, they should remain the focus of Albion Yard by not increasing the height of Jahn Court or creating a more prominent entrance to Albion Yard. Destroys the legibility of Albion Yard's former use by detracting the focus from the heritage buildings. Key stakeholders relating to local heritage assets have not been fully engaged in developing these proposals. (**officer comment:** Officers have considered the impacts on the Locally Listed Buildings, including the Ironworks, in paragraphs 10.155 to 10.160 and images 26 and 27 and conclude that the proposals are acceptable. Officers have considered the impacts on the conservation area in accordance with paragraph 200 and 202 of the NPPF and conclude that the proposals accord with policy and guidance. See paragraphs 10.141-10.191).
- Object to the adapting of the cobbles in Ironworks Yard due to the loss of fabric and heritage of the courtyard. (**officer comment:** This is undertaken to improve accessibility within the courtyard. The details of the proposed works to the cobbles will be secured by condition 25).
- Residents query how branding this surviving example of a mid-Victorian factory complex as "JAHN" will enhance its historic significance or how it contributes to the legibility and understanding of buildings in the Conservation Area. (**officer comment:** The proposed sign makes reference to the industrial past and replaces a low quality element of the existing building.).
- Several requests have been made for the application proposals to be presented to the Design Review Panel following the comments made in the DRP response letter to the pre-application scheme. (**officer comment:** The application proposals have been presented to the Design Review Panel in December 2021. See paragraphs 7.15 to 7.19 and the second DRP response letter dated 23 December 2021 is attached to this report at Appendix 4).

Public Benefits

- The residents state that there is a lack of clear public benefits from the scheme and that there are no clear public benefits for existing residents of Regents Quarter or the community or to Islington. (**officer comment:** Officers consider there to be sufficient public benefits arising from the proposals including the provision of on-site Affordable Workspace which exceeds the adopted policy requirements. Officers have considered the public benefits of the proposals in paragraphs 10.180 to 10.184).

Amenity

- Harmful and considerable loss of daylight and sunlight and overshadowing to the residential properties in the Ironworks, the Copperworks, Albion Yard, Albion Walk, Albion Buildings and Balfe Street. Increase in overshadowing to the Copperworks. With the increasing trend to work from home, good natural lighting has become increasingly important, efforts should be made to improve not reduce daylight to the existing residences. No consideration of the change in use of rooms as working from home and the impacts on mental health from loss of light and view. No consideration of the impacts where a hallway at flat 8, Ironworks, is used as another room. Residents assert that the Point 2 report is not a fair and accurate representation of the daylight and sunlight loss to the residents as a result of the Jahn Court proposal (**officer comment:** Officers have considered the impacts of the proposals on the daylight, sunlight and overshadowing to the neighbouring residential properties. This is set out in paragraphs 10.236-10.281 of the report).
- Residents comment on the submitted daylight and sunlight report, with reference to the extent of properties surveyed, the results and the analysis and conclusions. Residents commissioned their own independent Daylight report in response to the applicant's daylight report by BRE. BRE evidenced their report by making site visits to affected residential properties, in particular in Ironworks and Albion Yard and have since commented that their review was undertaken independently of the residents who commissioned the review. The height of the buildings in the 2002 consent for the redevelopment of Regents Quarter were considered to be the maximum for availability of daylight/sunlight for the mixed use. Therefore residents conclude that there is no room for the degree of flexibility Point2 wish to apply in these circumstances and there is no room for redefining "acceptability". Residents object to the letter from Point2 which they consider is an attempt to persuade the LPA to disregard natural light issues or to consider that they are issues of negligible weight. Both residents and the BRE state that the BRE report was undertaken independently as per the terms agreed. (**officer comment:** Officers have undertaken their own analysis of the results of the impacts on daylight and sunlight in accordance with the policy and guidelines in the current development plan. See paragraphs 10.236-10.281).
- The residents state that the Point2 response report of 8th October continues to use the original floor plans for the residential flats and seems oblivious to the fact that in small flats the spaces have to multipurpose – especially since the coronavirus pandemic with home working or indeed residents may have chosen to use areas differently. (**officer comment:** The proposals have been assessed in accordance with the requirements of the adopted policy and guidance including the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.236-10.281).

- Loss of western sunlight to Copperworks residences has not been considered for these windows or the attached balconies and nor the loss of reflected sunlight from the windows of the higher floors of the Ironworks (**officer comment:** The BRE guidance requires an assessment of the impacts on sunlight to windows facing within 90 degrees of due south. The assessment accords with this requirement. Therefore the proposals have been assessed in accordance with the requirements of the adopted policy and guidance including the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.236-10.821).
- Additional overshadowing and loss of light to the inner courtyards will make them less attractive spaces for visitors, tenants or residents to spend time (**officer comment:** Officers have considered the impacts on the conservation area and locally listed buildings at paragraphs 10.155-10.160. Officers have also considered the impacts on overshadowing in accordance with the amenity requirements set out by the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.276-10.281).
- Loss of outlook and creation of sense of enclosure to the residential properties in Albion Yard, Albion Buildings and the Ironworks, and increase in sense of enclosure to the Copperworks flats. (**officer comment:** During the course of the application the proposed fourth floor level extension has been amended by recessing the extension away from the eastern elevation by 2.7 metres as a result the impact on existing levels of outlook and enclosure to the Copperworks would be minimal. The proposed fifth floor roof extension is heavily recessed from the northern elevation and therefore is not considered to dominate and impact residential amenity in terms of outlook or enclosure. Officers have undertaken an assessment of the proposals in accordance with the Council's policies on the protection of neighbouring amenity and in particular with regards to impacts on outlook and enclosure and have concluded that the proposals are acceptable. See paragraphs 10.290-10.296 and image 48).
- Loss of privacy and increase in overlooking to the Ironworks flats from the proposed fourth floor extension on northern elevation of Jahn Court due the reduction in the separation distance between the office windows and the upper floors and the increase in the intensity of the use of the office. Loss of privacy from the proposed roof terrace at fifth floor. Also impacts on the Copperworks flats for the same reasons. (**officer comment:** Officers have undertaken an assessment of the proposals in accordance with the Council's policies on the protection of neighbouring amenity and in particular with regards to impacts on overlooking, privacy, outlook and enclosure, from the existing relationship, and have concluded that the proposals are acceptable. See paragraphs 10.282-10.289 and images 44 to 47. It is proposed to restrict the hours of operation of the proposed roof terrace by condition **14**).
- Loss of privacy to the skylight, courtyard and balcony at 2A Albion Walk and requests privacy blinds. The proposals will create extreme overlooking to Albion Buildings. (**officer comment:** There is an existing level of overlooking towards 2A Albion Walk from the lower floors on the eastern elevation of the existing office building at Jahn Court. The additional windows will be located at fifth and sixth floors and given the angle of view, there would not be a material impact on the existing levels of overlooking. See paragraphs 10.282-10.289) and image 46 and 47).

- Objectors refer to a lack of compliance with Urban Design Guide paragraphs 5.20, 5.69 and 5.70 with regards to the consideration of amenity impacts as part of the assessment of design. (**officer comment:** Officers have undertaken a detailed assessment of the impacts of the proposals on the neighbouring residential properties, in accordance with the Council's policies on the protection of neighbouring amenity and have concluded that the proposals are acceptable in accordance with policy subject to conditions, beginning on paragraph 10.236 and concluding at paragraph 10.319).
- The proposed pergola in Albion Yard will increase noise levels, cause loss of privacy, greater littering and the increase in the use of the courtyards will negatively impact residents' peace and wellbeing. The residents state that within their lease agreement there is a clause with a 'right to quiet enjoyment' and claim that the proposed pergola runs contrary to this clause that is designed to protect leaseholders. (**officer comment:** The initially proposed pergola and seating in Albion Yard has been removed from the scheme in response to resident objections).
- The increase in the use of the courtyards would result in an increase in noise disturbance from the "echo chamber" effect of the courtyards (Ironworks Courtyard especially) and take away the unique calm heritage tranquillity of Block C. (**officer comment:** The initially proposed pergola and seating in Albion Yard and seating and structures in Ironworks Yard have been removed from the scheme in response to resident objections. There are no further changes proposed to these courtyards in terms of hours of operation or to the existing gates. The courtyards are already publicly accessible and no change is proposed in this regard).
- Increased noise disturbance from the proposed fitness Studio in Jahn Court and from the additional plant on the roof. Queries the impact of the attenuation achieved by the plant screening indicated in the submitted report. (**officer comment:** The initially proposed fitness use has been removed from Jahn Court. This part of Jahn Court will remain as office use. The submitted plant report has been reviewed by the Council's Acoustics Officer who has not raised any objections subject to conditions to limit the noise levels and hours of operation. See paragraphs 10.297-10.303 and conditions 13 and 14).
- Increased light pollution from the Jahn Court office building towards the Ironworks flats including issues overnight. (**officer comment:** It is proposed to attach a condition requiring details to mitigate potential impacts on an increase in light pollution. See paragraphs 10.315-10.317 and condition 7).
- Requests restrictions on the use of the green roof and on the hours of use of the roof terrace due the noise disturbance. (**officer comment:** The proposed green roofs will be accessed for maintenance purposes only and will not be used for amenity purposes. The access to the green roofs will be controlled by condition (6)).
- Residents note fifth floor gallery plan indicates an area annotated as terrace on the eastern elevation. (**officer comment:** There is no proposed roof terrace on the eastern elevation. This space is for use as a fire escape in an emergency only, with additional railings to ensure safe access. A condition (29) will be attached to ensure this is secured).

Impacts on Security within Regents Quarter

- Due to residential flats at ground level, residents have raised concerns over the proposed increased permeability of the courtyards, resultant increase in anti-social behaviour and loss of safety and security of residents, and particularly ground floor residential properties. Objectors believe that proposals to open up the courtyards will lead to a rise in crime and anti-social behaviour and this hasn't been adequately considered by the applicant. (**officer comment:** The initially proposed pergola and seating in Albion Yard and seating and structures in Ironworks Yard have been removed from the scheme in response to resident objections. There are no further changes proposed to these courtyards in terms of hours of operation or to the existing gates. The courtyards are already publicly accessible and no change is proposed in this regard. The previously proposed flexible fitness/office use fronting onto Ironworks Yard, has been removed from the scheme and therefore the only the existing office use remains with limited direct access into the courtyards. The impacts on safety and security have been considered and the Design Out Crime Police Officer has been consulted and has provided detailed comments. See paragraphs 10.439-10.444 and conditions 27 and 28).
- Concerns over the use of the app to access Block C by non-residents outside of business hours including cyclists, and the likelihood of tail-gating leading to increased crime and reduced security for the courtyards. Allowing wholesale access via the courtyards is unacceptable and comprises the security of all residents living in Regent Quarter. Access should only be permitted via York Way and there should be no further access of the business's customers to the courtyard areas. The app does not support the aims of the Kings Cross Neighbourhood Framework Document (2005) (**officer comment:** The courtyards in Block C are currently open to the public with fixed hours of opening as consented by P000434(s106). No changes to the existing situation are proposed. Additional cycle parking could be created within the basement of Jahn Court with the requirement for planning consent. As a publicly accessible space, the additional footfall and cycles wheeled through the courtyard would not have a materially harmful increase on the usage of the yards as to lead to a harmful impact on residential amenity. See paragraphs 10.439-10.444).
- Unless the wider issues are addressed, opening the courtyards further is likely to have detrimental impact on the safety and security, perceived and real, of the residents within the RQ estate (**officer comment:** The scheme does not propose any physical alterations to the courtyards in Block C, following the removal of the pergola and seating, with the exception of cycle parking stands. The existing on-site security team and CCTV is to be retained. Therefore officers consider that any additional footfall generated by the additional office floorspace would not lead to a materially harmful impact on safety or security. See paragraphs 10.439-10.444 and conditions 27 and 28).
- No measures to design out crime have been integrated into these proposals contrary to para 3.3.14 of the London Plan (March 2021). No information is given on the specific site challenges or how the strategy addresses them. (**officer comment:** Much consultation has taken place with the Metropolitan Police both during the pre-application stage and the application stage. Conditions are attached to address any security issues that maybe raised including a review of any issues

within the new courtyard at the front of Jahn Court adjacent to York Way following occupation of the site. See paragraphs 10.439-10.444 and conditions **27** and **28**).

- Residents request conditions are attached to maintain the current hours of public access to Block C with gate closure at 6pm till 8am, and no access to cyclists through Albion Yard or Ironworks Yard to cycle storage facilities. Access to be exclusively from York Way. Residents request no pedestrian or cycle access from York Way through Cottam House to Ironworks Yard other than office users with security access. Residents also request remote monitoring, and the physical and visible presence of security staff at particular locations, so that the combination of these conditions ensures adequate security and freedom from anti-social behaviour at all times and at all locations. (**officer comment:** The courtyards within Block C are publicly accessible. No changes are proposed to the existing hours of opening. Cycling is prohibited within the courtyards as indicated by signage on all the entrance gates into Block C. It is proposed to attach the condition restricting the hours of opening of the gates to any grant of consent (**condition 36**) and include an informative requiring the Travel Plan to be secured through the S106 Legal Agreement to include measures to discourage illegal and irresponsible cycling. See paragraph 10.442 and informative 14).

Construction

- Concerns over noise disturbance, hours of construction, odours, dust, vibrations and pedestrian safety during construction. Requests limits and restrictions to minimise these impacts and further clarification regarding the timeframe for construction works and boundary and full details of construction works. (**officer comment:** It is proposed to attach a condition **5** requiring the submission of a Construction Environmental Management Plan prior to commencement of development. The CEMP will require details to mitigate the impacts on neighbouring amenity).

Cycle parking/Storage

- The secure bike park available for residents in Block C and B will be replaced by a secure bike park for office tenants with residents left to rely on less secure on street bike hoops instead. (**officer comment:** The applicant is not aware that residents have access to the secure bike park located in Times Yard. 6no. cycle stands providing 12 spaces are proposed within Albion Yard, and 3 stands are proposed in front of Jahn Court, in addition to those on the public highway. The use of London cycle stands has been agreed in consultation with the Design Out Crime Officer).
- The large-scale bicycle parking that is proposed [in the basement of Jahn Court] will bring high volumes of people onto the site along with the associated noise and increase safety risk. This would become unmanageable for the existing security team to cope with. The additional cycle storage would make Albion Yard a major cycle highway, reducing safety for pedestrians and residents. Residents have also commented on the potential safety implications of a large number of cyclists accessing Albion Yard via Balfe Street in peak times. Residents consider that access should either be via the York Way main entrance to the Jahn Court building or at least via the Caledonia Street gate to mitigate these impacts. Residents request that the existing no-cycling within the courtyards is retained. (**officer**

comment: Cycling is prohibited within all courtyards within Block C. This is indicated by the signage on all gates into the block. It is proposed to include an informative requiring the Travel Plan to be secured by s106 Legal Agreement to include measures to discourage illegal and irresponsible cycling. See paragraph 10.442 and informative 14).

Requested restrictions:

- Requests that the ban on alcohol consumption on the surrounding streets be extended to include at least the courtyard in Jahn Court, and that the current gate opening hours are maintained and a covenant to prevent them from being extended in the future is put in place. (**officer comment:** No changes are proposed to the existing hours of opening for the gates. The Design Out Crime Police officer has provided detailed consultation responses on the application and has not sought to impose this restriction which is outside of planning controls).

Impact on existing trees

- The Arboricultural Impact Assessment does not confirm if the plants, especially the limes in Ironworks Yard will survive given the additional overshadowing and loss of sunlight. (**officer comment:** The impacts of the proposals in terms of loss of sunlight and overshadowing has been assessed in accordance with policy and guidance and found to be acceptable. No changes are proposed to the existing trees within Ironworks Yard or Albion Yard. The Council's Tree Officer has been consulted on the application and has not raised an objection subject to condition **32** requiring tree protection measures).

Ecology

- The proposed ecology rating is well below the council's guidelines and targets. (**officer comment:** The Council's Ecology and Sustainability Officers have been consulted on the application and have not raised any objections following responses to their queries. Given the existing site constraints and heritage considerations, the proposals are considered to be acceptable in this regard. See paragraphs 10.319-10.330).

Structural Impact:

- Lack of information regarding the feasibility of the existing structure and foundations to accommodate the additional loading of another two floors without compromising the structural integrity of the building and its immediate neighbours, including 2A Albion Walk. (**officer comment:** The structural impact of the proposals would not usually be a significant material planning consideration, in any event, the proposals would be subject the requirements of other legislation including the Building Regulations).

Application submission:

- Comments on the accuracy of the application description (**officer comment:** The description of development is a summary of the proposals. Officers consider that the description is sufficiently accurate and the application submission includes a large number of supporting and technical documents in accordance with the

Council's validation requirements, which clearly and accurately depict the extent of the proposals to enable an accurate assessment of the proposals.)

- Comments on the submitted documents disputing the claims of a lack of impact on non-designated heritage assets as locally listed buildings and lack of impact on heritage assets. The application documents describe Albion Buildings having been redeveloped for residential and commercial use however multiple residents note that none of the properties in Albion Buildings are used for commercial use as they are all residential. (**officer comment:** Officers have undertaken their own assessment of the impacts on locally listed buildings around the site. Officers have noted that the properties in Albion Buildings are all residential. Officers have noted that the Ironworks Building is included in the local listing of Cottam House and given consideration to this in their assessment. See Image 20. During the course of the application, a revised Heritage Statement has been submitted which considers the impact on these heritage assets).
- The roof of King's Cross station, would be met if not surpassed by the new floors. This is mis-represented in the applicants Proposed Drawings where it seems the new building would be surrounded by much taller buildings. (**officer comment:** The application submission includes a large number of documents which detail how the height of the proposals sits in relation to Kings Cross Station including Proposed Site Section DD drawing. The impact of the proposals on the setting of the Grade I Listed Kings Cross Station is considered in detail in this report including in paragraphs 10.165-10.179 and 10.189-10.191 and images 32 to 34).
- Reference is made to the submission referring to the provision of 240 car parking places where currently there are none. (**officer comment:** The application is a car free development 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).
- Residents comment on the different perspective of the images in the Design and Access Statement in comparison with the elevation drawings and claim a lack of accuracy in the submission. (**officer comment:** Elevation drawings are shown in two dimensions with an entirely flat perspective, to indicate the exact scale, heights and appearance of a proposal. Therefore they are drawn without human perspective as they do not take account of any recesses. Whereas 3 dimensional images are drawn to show a human perspective of the proposals and take account of the angle of view and therefore any recessed elements will be less visible or not visible at all. Therefore, whilst noting there is an element of subjectivity in the images in the Design and Access statement, the two types of images in the submission are both considered sufficiently accurate as to represent the proposals).

Resident engagement/consultation:

- Residents have stated that applicant's communication has been poor, limited and inadequate, contrary to para 39 of the NPPF (2021) which references early engagement. Residents state that they were informed of the proposed development on June 1st 2021 and weren't involved in any surveys. Various comments are made regarding the applicant's communication, citing a lack of resident engagement and

claims of a lack of genuine interest in the residents of the Regents Quarter. Residents assert that the engagement contravenes Islington's revised statement of community Involvement (2017). (**officer comment:** A Statement of Community Involvement has been submitted with the application setting out the pre-application public consultation that has taken place. The applicant has provided a further statement of their resident engagement which is set out at paragraphs 10.450-10.453. The scheme has been revised in response to objections received from residents. The applicant's engagement with residents and stakeholders is considered to accord with the aims of the NPPF and Islington's Statement of community Involvement).

External Consultees

- 8.10 **Transport for London:** No objection to the submission. The new locations for the short-stay cycle parking are acceptable, and TfL deem that they will have no impact on the public realm. They also comply with London Cycle Design Standards (LCDS). The new proposed arrangements for the disabled parking on the eastern side of York Way are acceptable, and comply with the London Plan Policy T6 (parking), as well as having minimal impact to the network or footway. The loading bays on York Way will have no further impact to the Transport for London Road Network (TLRN) and therefore, TfL have no objections to their location.

It is recommended that informatives are attached regarding the following:

- 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.
- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 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.
- During the course of the application, Transport for London have requested a financial contribution towards pedestrian safety improvements at the junction of York Way and Pentonville Road. However, following further discussions between Council and TfL officers, the financial contribution has not been adequately justified in this instance and officers do not consider it appropriate to seek it as a planning obligation. However the applicant has agreed to a financial contribution towards public realm works in the immediately abutting streets to the development site.

- 8.11 **London Underground Infrastructure Protection:** Response received. No comments to make on the proposals.

- 8.12 **Fire Brigade:** No comment received.

- 8.13 **MET Police:** No objection to the application. Had meetings with the architect at pre-application stage. Recommended that the site be secured overnight by securing the boundary on York Way. Recommends various measures including the use of security

rated gates and doors, use of anti-graffiti treatment, installation of CCTV for the exterior/entrance and communal areas. Recommends the building achieves Commercial Secured by Design Accreditation.

- Recommends that the cycle stands in Bravington's walk are relocated due to concerns over the lack of natural surveillance.
- Recommends the use of London cycle stands rather than Sheffield Stands. This is to be secured by condition (27).
- Recommends that access into the site be gated and access controlled overnight and that encrypted key fob access gates are used at the key entry points are used after business hours, with single leaf and auto close, and data logging to records usage. The applicant has confirmed that the existing gate/shuttered area at Bravington's Walk is to be retained and that all proposed seating will be moveable at close of business and placed within the tenant space.
- Recommends various security measures for the building including doors, windows and refuse stores.
- Recommends anti-graffiti treatments for exposed gable ends and defensive planting and/or a rail.
- Recommends 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).
- Reiterates the importance of the site being secured overnight and outside of business hours to prevent antisocial behaviour. (**officer comment:** See paragraphs 10.377-10.382. The details requested by the Met Police are to be secured by condition 27).

8.14 **Thames Water:** No objection. Requests informatives are attached to any grant of consent.

Waste Comments

Informative recommended to be attached to any permission in regard to groundwater risk management and how groundwater from the site will be discharged into a public sewer.

Surface water drainage

No objection provided that the developer follows the sequential approach to the disposal of surface water.

Water Comments

The proposed development is located within 15m of our underground water assets and as such requests that an informative is attached.

8.15 **Historic England (Listed Buildings):** Response received. No comments on the proposals.

- 8.16 **Historic England (Archaeology - GLAAS):** Response received. No objection to the proposals. No further archaeological work is recommended.
- 8.17 **Crossrail 2 Safeguarding:** Response received. No comments on the proposals.
- 8.18 **Health and Safety Executive:** Does not fall under the remit of planning gateway one.
- 8.19 **Network Rail:** Requires conditions regarding construction Methodology and ground investigation regarding the proximity to NR tunnels (Conditions **30 and 31**). Requests that a series of informatives are attached to any consent.

Internal Consultees

- 8.20 **Planning Policy Team:** No objection to the proposal from a land use perspective.
- 8.21 **Inclusive Design Officer:** No objection to the revised proposals subject to condition requiring details of the cobbles (**25**). This follows pre-application discussions and also following initial comments on the application relating to accessible cycle parking, platform lift serving cycle store, WCs, lobbies, entrance and egress. Welcomes the accessibility improves including the flattening of the cobbles.
- 8.22 **Design Officer:** No objection to the proposals. The changes to Jahn Court, while considerable in terms of height and mass, will create improved commercial spaces suitable for a variety of uses whilst simultaneously enriching and animating the yards and routes they line. While it is proposed to increase the height of the building by a further two floors, the building is well recessed from the street edge, and the top floor has been recessed still further from the floor below. These characteristics significantly lessen the visual impact of the scheme when viewed from the public realm. The architectural treatment is quiet and well-mannered. This also lessens the visual impact of the changes to the height and mass as the building will continue to read as 'background' to its historic neighbours. Combined, these design attributes will ensure that the historic buildings on and adjacent to the site will continue to retain their visual dominance and prominence which in turn will maintain the legibility of the streetscape. The proposed changes have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched, accessible and legible public realm.
- 8.23 **Conservation Officer:** No objection to the proposals. The impact of the proposed increase to height and mass on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings Cross Station, has been more appropriately considered since the initial pre-application proposals and changes have been made to the scheme including a reduction to height and mass to both buildings from the pre-application scheme. The changes are considered to cause less than substantial harm to the setting of heritage assets and therefore the applicants have been advised to engage paragraphs 200-202 of the NPPF (2021).
- 8.24 In response the applicants have provided a revised heritage statement which engages paragraphs 200-202 of the NPPF.
- 8.25 **Energy Officer:** No objection to the proposal subject to conditions requiring the submission of further information relating to potential improvements to energy

efficiency specifications and potential increase to solar PV capacity, which is secured by condition **23**.

8.26 **Sustainability Officer:** No objection to the proposals following the applicant's responses and amendments including the addition of a blue roof across the rooftop, plans demonstrating geo-cellular storage is unviable, and additional responses relating to:

- Capacity for a further reduction in surface water discharge and offsetting the foul water flows. The applicant responded detailing the building's structural restrictions. The officer has accepted the applicant's response.
- Scope for further urban greening and biodiversity through hedges or tree pits. The officer has accepted the applicant's response.
- The incorporation of bat and bird boxes as part of the design stage to ensure that integrated bricks/boxes are used where possible. This is secured by condition **(9)**.
- Whether rainwater and grey water recycling has been considered. The officer has accepted the applicant's response.

8.27 **Environmental Pollution Policy Projects Officer:** No objections to the proposal. Considers that the developer and gym operator for the proposed flexible use unit will need to be aware of the potential noise & vibration issues for the office users and design and mitigate appropriately. Notes that the Air Quality Assessment and dust management plan states NRMM should meet Stage IIIA. The site is on the edge of the CAZ. Inside the CAZ, NRMM should achieve at least Stage IV and outside the CAZ should achieve at least IIIB. Officers consider that this could be secured by condition **40**.

Notes that the type of units for air source heat pumps and ASHP for hot water haven't been confirmed and will all have to be on the roof and acoustically enclosed. As the dimensions of the enclosures cannot be confirmed at this stage, officers suggest a condition requiring details to consider the visual impact for the appropriate enclosures **(33)** to minimise size and find the most appropriate siting.

- Recommends a condition to limit the sound levels of the plant equipment **(11)**.
- Recommends a Noise Management Plan for use of the roof terrace, is secured by condition covering management of the space, hours of use, controls of noise, numbers etc **(13)**.

The Construction Management Plan condition should require the inclusion of measures set out by the Air Quality and Dust Assessment. The CMP should adhere to the guidance of Islington's CoPCS (condition **5**).

8.28 **Highways Officer:** No objection to the latest details in the application following receipt of additional information relating to delivery and servicing and disabled/mobility parking. Requests conditions and planning obligations relating to the provision of external cycle parking **(4)**, secure lockers and changing facilities, ensuring the development is car free, plus planning obligations including the requirement for a Framework Travel Plan and highways reinstatement. The officer has commented that

the proposed arrangements in the submitted construction traffic management plan which require the footway on the eastern side of York Way to remain open will be required to be revised during the discharge of condition post decision. This is secured as part of the CEMP condition **5**.

8.29 **Public realm (Waste Management):** No comment received.

8.30 **Inclusive Economy Team:** Supports the application based on the agreed specification and looks forward to working with the applicant team to develop the details. The Affordable Workspace is secured through the associated s106 Legal Agreement.

8.31 **Nature Conservation:** Raised initial queries on planting which can be secured by condition and comments on recommendations in the PEAs relating to installation of bird and bat boxes. This can be secured by condition **9**.

8.32 **Tree Officer:** No objection subject to the imposition of a tree protection condition (**32**).

8.33 **Building Control Officer:** Raised queries regarding the initial Fire Statement and the revised Fire Statements. In response to these queries a further revised Fire Statement has been received providing details and plans responding on all matters raised including:

- Means of escape;
- Smoke ventilation to the basement;
- Access for fire appliances and position of existing dry risers.

8.34 The details in the latest submitted Fire Statement are secured by condition **35**.

Interested Parties

8.35 **Islington Swifts** – Welcomes the recommendations in the ecological report and would like to see these measures secured by condition (**32**), to ensure that they are properly implemented. Ideally measures will be integrated, e.g. nesting bricks, for reasons of longevity and zero maintenance.

8.36 **Islington Society** – Objects to the height of the proposed roof extension to Jahn Court, affecting the view from York Way and impacts on locally listed buildings, and to the infill on the rear of the block which it considers will change the patterns of the streets and yards to an unacceptable extent. The response considers that the proposals do not respect the hierarchy of scales of development northwards from Pentonville Road, as required by the Kings Cross and Pentonville Road CADG. The response references the planning consent for the redevelopment of Regents Quarter from 2002. (**officer response:** This response has been provided previously under the response to resident objections and in particular between paragraphs 10.141-10.91 and images 26 to 34)

8.37 **Greater London Industrial Archaeology Society** – Objects due to the visibility of the roof extension, to the insertion of a new doorway to the north facing flank wall and the adjoining enlarged window of 34 York Way as it will be out of scale with the historic fenestration of the adjoining street façade, and to the flattening of the cobbles. Requests the safeguarding of the cast-iron panels from water tanks. (**Officer**

response: 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, in paragraphs 10.165 -10.179 and images 32 to 34. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.180 to 10.184. The details of the proposed cobbles will be secured by condition **25**).

9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

9.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.5 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be

deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.6 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

9.8 The Development Plan is comprised of the London Plan 2021 (LP), Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (IDMP). The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** in this report.

Emerging Policies

Draft Islington Local Plan

9.9 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021.

9.10 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.11 Emerging policies that are relevant to this application are set out in **Appendix 2**:

Designations

9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Grade II Listed Building – 34B York Way
- King's Cross Conservation Area (CA21)
- Central Activities Zone
- Core Strategy Key Area – Kings Cross & Pentonville Road
- King's Cross Employment Growth Area
- Mayors Protected Vistas LLAA2 - Parliament Hill summit to St Paul's Cathedral
- Mayors Protected Vistas RLAA5 - Kenwood viewing gazebo to St Paul's Cathedral
- Site within 100m of a SRN Road
- Within 50m of Keystone Crescent Conservation Area (CA14)
- Article 4 Direction A1-A2 (Rest of borough)
- Article 4 Direction B1(c) to C3 (CAZ)
- Article 4 Direction - office to residential
- Within proximity to Grade II Listed Buildings at 5-35 Balfe Street
- Adjacent to Locally Listed Buildings at 32 York Way, Cottam House and the Ironworks, Albion Yard and Albion Buildings

9.13 The relevant SPGs and/or SPDs are listed in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues for consideration are:

- Principle of Development
- Land Use
- Affordable workspace
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Biodiversity, Landscaping and Trees
- Energy and Sustainability
- Highways and Transportation
- Safety and Security
- Fire Safety

- Resident Engagement/Consultation
- Planning Obligations and CIL
- Planning Balance Assessment

Principle of Development

- 10.2 The existing office building was consented as part of a redevelopment approved in 2002 (ref: P000434). The existing building positively contributes to the local economy in terms of its supply of office floorspace and economic functions.
- 10.3 The new London Plan (LP) Policy GG2 states that development proposals should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.4 The proposal would primarily extend (increase the floorspace) and improve the quality and efficiency of the existing floorspace within the building as well its flexibility of use and is acceptable in principle. The proposed commercial development is considered to be supported by national, regional and local planning policies, due to the site's central and highly accessible location.
- 10.5 The principle of the development is therefore acceptable and accords with the National Planning Policy Framework's presumption in favour of sustainable development, subject to the remaining assessment including material planning considerations set out below.

Land use

- 10.6 Jahn Court has an existing Class E(g)(i) office use.

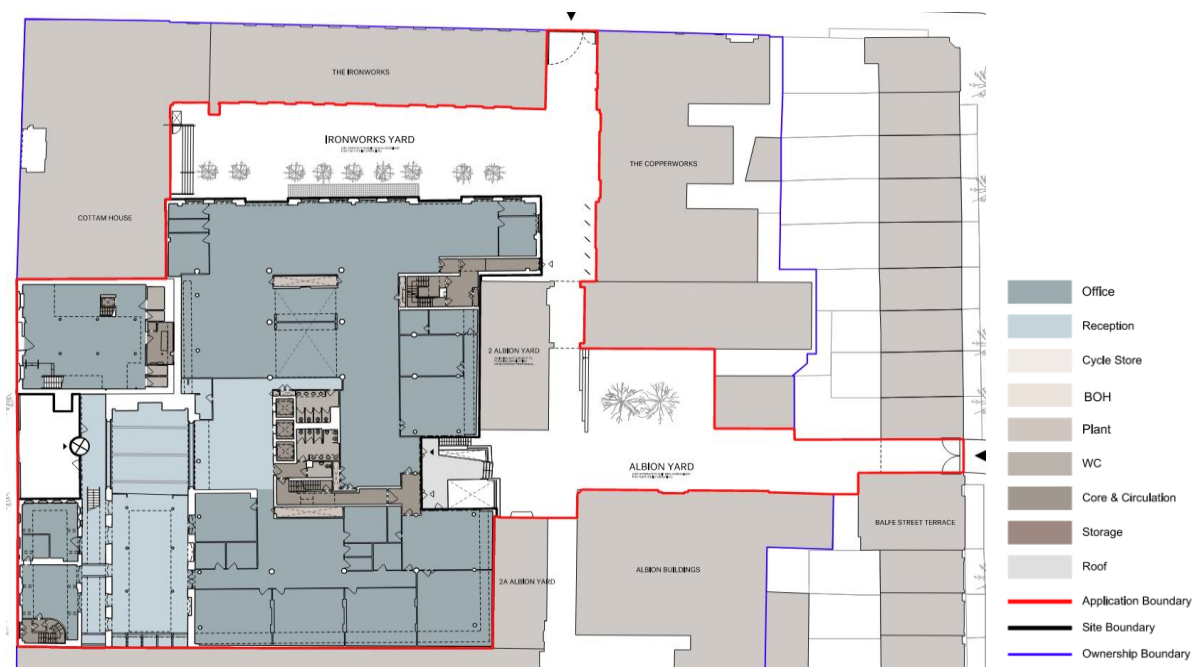


Image 18 – Existing Ground Floor Layout and Office uses – 34 York Way, Jahn Court and 34b York Way

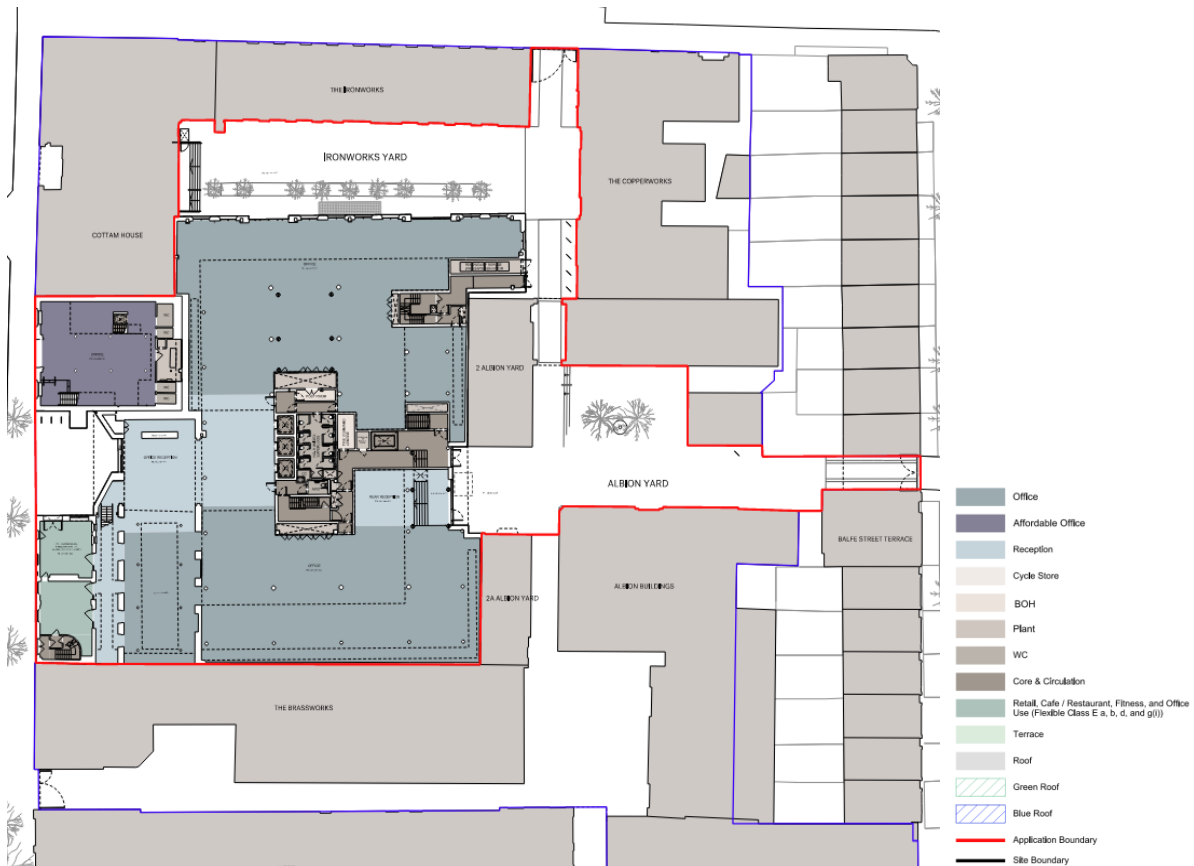


Image 19 – Proposed Ground Floor Layout and Uses – 34 York Way, Jahn Court and 34b York Way

- 10.7 The proposals primarily result in the provision of additional Class E(g)(i) office floorspace within the Kings Cross Employment Growth Area and the Central Activities Zone (CAZ), both of which promote additional office floorspace. Overall, the scheme will provide 2,404.7sqm (GIA) of additional office floorspace.
- 10.8 The inclusion of a flexible Class E office, retail, café/restaurant or fitness unit on the ground floor of the proposal seeks to provide active ancillary uses to the predominant office use, whilst also ensuring quiet frontages to the Ironworks Yard to respect the residential character of this part of Regent Quarter. Overall, the scheme will provide 89.3sqm (GIA) of flexible Class E Retail(a), Cafe/Restaurant(b), Fitness(d) and Office(g)(i) use floorspace.
- 10.9 New London Plan 2021 policy E1 'Offices' states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development in areas such as the CAZ. The site is located within the Central Activities Zone (CAZ) / City Fringe area. As such, the more intensive, office-led redevelopment of the site proposed is considered acceptable. The proposal would also broadly satisfy the strategic objectives identified in the New London Plan 2021 Central Activities Zone policies SD4 which have a presumption in favour of enhancement of office space development.

Existing Use

10.10 The existing building comprises entirely of office use with the following floorspace:

Floor	Existing GIA (sqm)	Existing NIA (sqm)	Proposed Use Classes
Basement	1,010.7	50.0	E (g)(i) - Office
Ground	1,863.6	1,636.0	E (g)(i) - office
First	1,508.2	1,344.2	E (g)(i) - Office
Second	1,373.9	1,220.3	E (g)(i) - Office
Third	1,282.9	1,140.4	E (g)(i) - Office
Fourth	842.2	715.7	E (g)(i) - Office
Total	7,881.5	6,106.6	

Intensification of commercial use

10.11 The proposal under this application would redevelop the site to provide a building that comprises 10,286.2sqm (GIA) of commercial floorspace. It is estimated that the proposed development would generate approx. 156 additional full time jobs on site, a significant uplift from the existing building (approx. 470 jobs).

	Commercial floorspace in sqm (GIA)	Estimated no. jobs (FTE)
Existing	7,882	470
Proposed	10,286	626
Change	+2,404	156

10.12 The principle of the provision of new employment floorspace at this location is supported by the Development Plan, due to the site's commercial context and its central location. LP policy SD4 notes that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.

10.13 LP Policy SD5 states that within the CAZ, offices and other CAZ strategic functions are to be given greater weight relative to residential development, except sites that are situated within wholly residential streets or predominantly residential neighbourhoods. This is further supported by LP Policy E1 which supports the increases in current stocks of office floorspace within the CAZ, and improvement to the quality, flexibility and adaptability of office floorspace (of different sizes), through new office provision and refurbishments.

10.14 Islington's Core Strategy (ICS) Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ. This is supported by Policy CS6 which sets out the spatial strategy of Kings Cross, which is expected to accommodate growth in jobs from B-use floorspace, with York Way and Pentonville Road identified as the principal locations for office-led mixed use development which intensifies the use of land in order to meet the wider employment growth in the borough.

10.15 Within Employment Growth Areas, Islington Development Management Policy DM5.1, part A, encourages intensification, renewal and modernisation of existing business

floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:

- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
- ii) a mix of complementary uses, including active frontages where appropriate.

- 10.16 Part E of the policy, requires that major developments within the Central Activities Zone (CAZ) that would result in a net increase in office floorspace should also incorporate housing consistent with London Plan Policy 4.3. This policy was based on clear direction on this issue in the 2011 London Plan, which was subsequently carried over into the 2016 London Plan. This policy has now been replaced in the London Plan 2021 by Policy SD5.
- 10.17 The London Plan 2021 (policy SD5) no longer requires a mix of uses; clarifies that new residential development should not compromise the strategic functions of the CAZ; and that offices and other strategic functions should be given greater weight relative to residential development (with the exception of wholly or predominantly residential areas and other specified locations). The London Plan clarifies that the principle of 'greater weight' is designed to ensure that the agglomerations of offices and other CAZ strategic functions are not compromised by new residential development and that this applies to London Plan preparation and development management^{1[1]}. The priority for office development in the CAZ in Islington is supported by the emerging Local Plan. Officers consider that due to the constraints of the site, a mixed use development consisting of both office and residential would require separate cores (stairs and lifts etc.) which would not optimise the site sufficiently, reducing the net internal floorspace. As such, a building in use solely for single business use (office) floorspace is supported. Notwithstanding this and in accordance with Finsbury Local Plan Policy BC8, a contribution to the provision of off-site housing of £320,627.00 has been agreed with the applicant and is recommended to be secured as part of a legal agreement.
- 10.18 The site is located within the area designated as Priority Employment Location (PEL) in policy SP2 *King's Cross and Pentonville Road*, in the draft SDMP (Strategic Development Management Policies). Part A of SP2 sets out that within these locations existing business uses will be safeguarded and proposals for the intensification, renewal and modernisation of existing business floorspace is encouraged. Proposals for new business floorspace are required to maximise the provision of business floorspace. Part B seeks maximisation of office floorspace in the King's Cross Spatial Strategy area could support the expansion of the 'Knowledge Quarter' in Islington, and advance the development of a commercial corridor along Pentonville Road/City Road. Part C identifies that a broad range of business floorspace typologies are suitable within the Spatial Strategy area, including Grade A offices, hybrid space, and co-working space.
- 10.19 The proposed uplift and alterations to the existing office floorspace, resulting in a primarily office redevelopment of the existing office floorspace is considered to accord with the requirements of this emerging policy and designation. The proposed internal layouts with a centrally located core enable the provision of high quality floorspace allowing the building to be occupied flexibly, either by a sole occupier or by multiple

^{1[1]} Paragraph 2.5.3

occupiers on a floor by floor basis. Given the position of the centrally located stair core and WCs it may be possible to further subdivide the floor plates subject to building regulations approval.

- 10.20 Emerging Local Plan policy B1 'Delivering a range of affordable business floor space' states that new office floor space should be located within the CAZ and *that "proposals in these areas must maximise the amount of new business floor space; proposals which do not demonstrate maximisation will be considered to be an inefficient use of a site and will be refused."*
- 10.21 Therefore, it is considered that the proposed intensification of commercial use is acceptable in land use terms, having regard to the Development Plan and the emerging Local Plan and the cascade of policies from the London Plan, Islington Core Strategy, and Development Management Policies, as such would make an efficient use of this brownfield site as well as providing an increase in jobs. The proposal would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

Mix and balance of commercial uses

- 10.22 LP Policy SD5 states that mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices.
- 10.23 The proposed development comprises of some flexible commercial uses on the ground floor in addition to primarily retaining the existing office floorspace. The proposed uses across each floor are as follows:

Floor	Proposed GIA (sqm)	Proposed NIA (sqm)	Proposed Use Classes
Basement	1,071.1	94.7	E (g)(i) - Office
Ground	1,782.8	1,485.7	E (g)(i) - Office
Ground	89.3	71.6	Flexible Class E: (a) Retail, (b) Café/Restaurant, (d) Fitness, and (g)(i) Office
First	1,621.9	1,448.2	E (g)(i) - Office
Second	1,477.5	1,313.4	E (g)(i) - Office
Third	1,386.6	1,232.7	E (g)(i) - Office
Fourth	1,316.5	1,166.3	E (g)(i) - Office
Fifth	1,052.9	887.2	E (g)(i) - Office
Sixth	487.6	443.1	E (g)(i) - Office
Total	10,286.2	8,142.9	

- 10.24 Based on the table above, the proposal comprises 99.1% (NIA) of office floorspace (8,071.9sqm out of 8,142.9sqm NIA) and 0.9% (NIA) of the building (ground floor) would be flexible commercial floorspace (including office).
- 10.25 It is acknowledged that the current building is likely to be able to (subject to compliance with certain criteria and correct procedures) be changed into another use under Class E without planning permission. Given the concentration of jobs in the

CAZ, even a small proportional decrease in office floorspace would have a significant impact on the borough's economy. Business clusters can be undermined by gradual losses of business floorspace, including to other Class E uses, which will have wider negative impacts on the agglomeration benefits that can be created in these areas with the concentration of business floorspace.

10.26 In light of the introduction of Class E within the Use Class Order back in September 2020, the council is minded to restrict the permitted use for this site, should planning permission be granted; the intention is to prevent any unacceptable loss of office floorspace hereby approved in the future. Through the use of appropriate planning conditions (**15, 16 and 17**), the Council would be able to retain control over any subsequent change of use of the site, and prevent any unacceptable change of uses within Class E which could result in significant loss of office and employment floorspace, and would clearly conflict with the strategic objectives of the Development Plan highlighted above.

10.27 Each of the proposed flexible uses are assessed individually, below:

Class E (a) – Retail

10.28 The proposed flexible use comprises of retail use under Class E(a) at the ground floor level. The ground floor unit would provide maximum of 71.6sqm NIA of retail floorspace on site.

10.29 The provision of retail uses are supported in the Development Plan, provided that it does not unreasonably hinder or compromise the office-led development on site. LP CAZ policy SD4 states that the vitality, viability, adaption and diversification of the international shopping and leisure destinations of the CAZ retail clusters, including locally oriented retail and related uses should be supported.

10.30 ICS Policy CS14 set out that the borough will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live.

10.31 Policy DM4.4 (Promoting Islington's Town Centres) seek to maintain and enhance the retail and service function of the borough's town centres.

10.32 Part A (ii) of policy DM5.1 requires proposals for the redevelopment of existing business floorspace, within the Employment Growth Areas, to incorporate a mix of complementary uses, including active frontages where appropriate.

10.33 Policy R3 'Islington's town centres' of the emerging SDMP policies also allows development of retail and leisure in the CAZ if it does not harm the vitality and viability of town centres, does not harm local amenity, and does not involve loss of existing business floor space or the business focus of the CAZ.

10.34 Having reviewed the position and layout of the proposed ground floor unit, it is considered that the proposed retail use within the proposed flexible uses, would be acceptable and wouldn't raise a conflict with the adopted policies outlined above. The ground floor front unit is relatively small (71.6sqm NIA) and is considered to meet the council's objectives set out in IDMP policies DM4.1, DM4.4, DM5.1 and the draft

Strategic Development Management Policies (SDMP) policy R1 in promoting and maintaining small and independent shops, which are generally considered to be units of around 80sqm GIA or less.

- 10.35 Although the site does not have any retail designations within the Development Plan, it is located in close proximity to the Kings Cross Local Shopping Area on Caledonian Road, and it is considered that the proposed retail use on the ground floor would accord with the aforementioned policies.
- 10.36 It is accepted that the proposed development would represent an improvement to the existing building in terms of appearance, as well as the provision of active frontages at street level, which would positively contribute to the attractiveness and vibrancy of the area.
- 10.37 The amenity impact of the proposed retail use is discussed in the Neighbouring amenity section below. In short, it is considered that, the proposed retail use is considered to have an acceptable impact to the commercial nature of the building and would positively contribute to the surrounding area as well as the CAZ.

Class E (b) – Café/Restaurant

- 10.38 The proposed café/restaurant use is considered to fall under “retail and services” in policy terms, as it was formerly under Class A3 and is controlled by the relevant retail policies.
- 10.39 Policy DM4.3 (Location and Concentration of Uses) states that proposals for cafés, restaurants and other similar uses will be resisted where they: i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 10.40 The provision of restaurant use is, similar to retail, broadly supported by the Development Plan policies due to the commercial nature of the site and the area; and as mentioned above, the close proximity to the LSA would mean that the proposed restaurant use would complement with the other retail/eateries uses within the area and would be compatible in land use terms.
- 10.41 On the other hand, restaurants are also considered to be an entertainment and night-time use which can contribute positively to the vitality and vibrancy of the CAZ, where such use would be supported where no significant adverse impacts would arise. The unit is relatively small in scale at 71.9sqm (NIA) and given the location, the restaurant use would not result in an unacceptable concentration of such uses. The unit is not located immediately adjacent to, or adjoining residential uses.
- 10.42 The amenity considerations of the proposed restaurant use is further discussed in the Amenity section below. In short, the proposed restaurant use is considered acceptable in terms of amenity impact, subject to restriction on hours of use to prevent unacceptable late-night uses (**condition 20**).
- 10.43 Officers also recommended a condition to request further technical details in regard to the sound insulation and odour control measures for plant extraction, to be

submitted and agreed by prior to any commencement of restaurant uses on site (**condition 10**). As the proposal is sought for flexible uses where the future tenants are currently unknown, this is considered to be a reasonable approach.

- 10.44 Therefore, it is considered that the proposed restaurant use on the ground floor level would be acceptable in land use terms and would positively contribute to the night time economy activities in the CAZ as a dynamic and attractive place.

Class E (d) - indoor sport, recreation or fitness

- 10.45 This use class allows the ground floor unit of the building to be used for “*indoor sport, recreation or fitness*” principally to visiting members of the public, provided that they do not involve motorised vehicles or firearms.
- 10.46 The Development Plan makes specific reference to leisure uses which this new subclass falls within. Formerly recognised as a D2 use, the adopted Local Plan states that leisure uses within the Central Activities Zone may be appropriate where these would not detrimentally affect the vitality and viability of Town Centres and/or local amenity (para 4.27 of the IDMP).
- 10.47 It is considered that the proposed E(d) uses are acceptable in land use terms, subject to the acceptability of the amenity impact which this particular use may generate.
- 10.48 Gyms and fitness centres often rely on provision of additional air conditioning, and use of amplifiers for music in support of their operations. Moreover, additional noise mitigation measures are likely to be required for these uses due to their frequent use of exercising equipment such as heavy weights, in which further provisions of noise insulation are required to make the use acceptable and to protect the neighbouring living conditions.
- 10.49 The hours of operation of these leisure uses are also required to be controlled to minimise the noise and disturbance to the surrounding neighbours during night time and early morning, in this case hours are restricted to 7am - 10pm Monday to Thursday 7am - 11pm Friday to Sunday.(Condition **20**).
- 10.50 Overall, it is judged that the proposed leisure use is acceptable in land use terms, and a condition is imposed to ensure that the operation would not adversely affect the living conditions of the neighbours.

Land Use Summary

- 10.51 Taking into account the fall-back position of the existing site under Class E whilst the flexible commercial uses do not generate the same level of employment as office floorspace, they are still important for the functioning of the CAZ, and would positively contribute to economic growth, and would support uses for the primary office function of the site and the surrounding area.
- 10.52 In this instance, subject to the appropriate conditions to restrict the uses of the building to the proposed use(s) to prevent any unacceptable change of use without planning permission in the future (**Conditions 15, 16 and 17**), it is considered that the proposal would have an acceptable balance of uses and would positively

contribute to the local economy in terms of its supply of office floorspace and economic functions.

- 10.53 The proposed office development would provide a significant uplift of employment floor space to the area, for which there is high demand and a significant shortfall, and would positively contribute to the stock of office floorspace within the borough, which is supported by the national, regional and local policies.
- 10.54 The development would also, in accordance with policy guidance set out in policy CS13 and the Planning Obligation SPD, provide an appropriate amount of on-site opportunity or off-site financial contribution to support local employment, skills development and training opportunities, by providing construction training opportunities on site during the development phase (2 placement or £10,000 of financial contribution), and jobs and training opportunities including apprenticeships from developments (financial contribution - £26,237).
- 10.55 Overall, it is the view of officers that the proposed development would be acceptable in land use terms, subject to compliance with other Development Plan policies.

Affordable Workspace

- 10.56 The London Plan (2021) policy E3 states that in defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:
- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
 - 2) for specific sectors that have cultural value such as creative and artists' workspace, rehearsal and performance space and makerspace
 - 3) for disadvantaged groups starting up in any sector
 - 4) supporting educational outcomes through connections to schools, colleges or higher education
 - 5) supporting start-up and early stage business or regeneration.
- 10.57 Part B of Policy E3 states that considerations should be given to the need for affordable workspace based on:
- 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site
 - 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)
 - 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.
- 10.58 Under the current Local Plan, Policy DM5.4 of the Council's Development Management Policies (2013) states that major development proposals for employment

floorspace within Employment Growth Areas and Town Centres must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. The supporting text for Policy DM5.4 establishes that a minimum of 5% of employment floorspace should be provided as affordable. Part D of the policy states that where affordable workspace is to be provided, evidence should be submitted to demonstrate agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.

- 10.59 The emerging Local Plan (SDMP) policy B4 (Modifications for consultation - March 2021) states that within the CAZ and Priority Employment Locations, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years. The policy is currently at draft stage and can be afforded limited weight.
- 10.60 The supporting texts for Policy B4 (para 4.47) further outlines that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to all redeveloped, refurbished and/or extended space, regardless of the fact that there is existing floorspace. For proposals solely involving extension of floorspace with no change to existing floorspace, the requirement can be considered to apply to the new floorspace only. It is noted that the proposed development would amount to a full redevelopment of the site building with substantial building works.
- 10.61 Officers noted that the emerging policy B4 can only be afforded limited weight, reflecting the stage the local plan is at and the number of objections received.
- 10.62 It is proposed to provide the entirety of the existing commercial unit at 34b York Way, which amounts to the provision of 388sqm of dedicated affordable workspace. The Council would subsequently lease the space to a Council-approved operator. This would be secured by S106 Agreement for the current application, also on the S106 Agreement for application P2021/2269/FUL at Times House and Laundry Buildings, within Block B located to the south of the site.
- 10.63 The proposal works in the current application amount to an uplift of 2,315.7sqm of guaranteed office floorspace (excluding the flexible active use unit). The linked application at Times House and Laundry Buildings brings forward an uplift of 1,427.2 sqm of guaranteed office floorspace (excluding the flexible active use unit). The two linked applications bring forward an uplift of 3,742.9sqm of guaranteed office floorspace in addition to other commercial uses.
- 10.64 Therefore, taking the current and emerging local plan into account, it is considered that an on-site affordable workspace unit based on 10.4% of the uplift of guaranteed office floorspace (across the two applications) at peppercorn rent for ten years would be acceptable. The Council's Inclusive Economy Team has confirmed its support for the proposals.
- 10.65 It should be noted, that the affordable workspace represents 16% of the uplift in floorspace of this application on its own. In this regard this application as a standalone represents an exceptional AWS offer (in particular if the associated application for Times House and Laundry Buildings were refused). However, if this application was

not supported by Committee and was refused, then the associated application would not have any provision of AWS.

- 10.66 Post decision, the procurement exercise to secure the occupier of the affordable workspace will be based on the social value assessment and associated criteria undertaken by the Council's Inclusive Economy Team. The workspace will be secured as per the agreed Heads of Terms. Whilst the existing occupier is able to apply, they will be considered as part of the procurement process against the same criteria as any other applicant. The occupier is not a material consideration that informs the decision.
- 10.67 It is considered that the provision of on-site affordable workspace is a public benefit which weighs in favour of the proposal.
- 10.68 Overall, the proposal would also make a positive contribution of affordable workspace via the on-site provision, which would meet the council's objectives on inclusive economy. The proposed affordable workspace would be in accordance with the relevant policies set out in the adopted and emerging policies and is considered to be a public benefit of the scheme.

Design, Conservation and Heritage

Policy context

- 10.69 Paragraph 126 of the NPPF (July 2021) highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.70 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 10.71 Paragraph 133 goes on further to state that in assessing applications, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 10.72 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 10.73 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.74 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.75 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.76 In terms of conservation area and heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it also requires the decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process (section 66).
- 10.77 PPG paragraph 013 Reference ID: 18a-013-20190723 states:
[...When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...]

London Plan

- 10.78 LP Policy D3 states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.79 In terms of design and heritage considerations, LP Policy D3 part D states that development proposals should:
- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
 - respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character;

- be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

- 10.80 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
- 10.81 Policy D9 states that based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.82 Paragraph 3.9.3 states that tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. Boroughs should define what is a 'tall building' for specific localities, however this definition should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.83 Policy HC1 (C) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Local Plan

- 10.84 The national and regional policies are supported locally by ICS Policy CS6 (Kings Cross) which states that much of the area has significant character value, contains a number of heritage assets and the area's historic character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.85 ICS Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.
- 10.86 Part E of the policy states that tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported.
- 10.87 IDMP Policy DM2.1 (Design) requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.88 Paragraph 2.18 of the IDMP states that tall buildings, as referred to in Part C of Policy DM2.1, are defined as over 30m in height.
- 10.89 IDMP Policy DM2.3 (Heritage) requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part C of the policy states that the significance of Islington's listed buildings is required to be conserved or enhanced; new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. Part E of the policy states that Non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process for any development proposal which may impact on their significance and that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.90 IDMP Policy DM2.5 states that St. Pancras Station and Hotel (Chambers), in Camden, is also an important local landmark and views of it from Islington will be protected.
- 10.91 Moreover, Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design. Paragraph 5.20 includes a requirement for the layout of all new development to deliver permeability, consistent building lines, animation and an appropriate height to width relationship between the building frontage and the street. Paragraph 5.69 includes a requirement for an appropriate height to width ratio to complement and relate to the prevailing townscape.
- 10.92 The Kings Cross Conservation Area Design Guidelines (CADG) (2002), paragraph 21.2 identifies that the most important qualities of this conservation area deserving of protection and enhancement include: the contemporary impact of the railways; the variety and scale of buildings; the variety of uses, especially at ground level; the National Set Piece including the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. Paragraph 21.7 identifies that the existing scales of the area must be particularly respected with reference to the hierarchy of scales northwards from Pentonville Road; the national set piece; and the subordination of surrounding development to King's Cross Station.
- 10.93 Paragraph 21.9 of the CADG sets out that proposals involving alterations or extensions must respect the original design and period of the building including scale, roof and parapet line, proportions, architectural style and materials.
- 10.94 Paragraph 21.14 identifies that an important characteristic of the area at present is the survival of the largely Victorian scale and character of the area, including parapet lines, original rooflines and chimney stacks. Interruptions to this skyline by higher set back plant rooms are likely to detract from this character.

Emerging Local Plan

- 10.95 Emerging SDMP Policy PLAN1 (A) requires all forms of development to be of a high quality and make a positive contribution to local character, legibility and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. Part B of the policy requires development to be contextual, connected, inclusive, sustainable.
- 10.96 Policy SP2 King's Cross and Pentonville Road, part G states the Council will seek to improve connectivity and permeability for pedestrians and cyclists, within and across the Kings Cross area and nearby neighbourhoods, particularly east-west access. Removing barriers to movement and integrating the urban fabric are key priorities for the whole area, but particularly between the area east of York Way and King's Cross Central.
- 10.97 Part J of the policy states King's Cross has a distinct character, and the area contains a number of heritage assets, including the Regent's Canal and a number of listed buildings. The area's character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.98 Part K of the policy states four sites in the Spatial Strategy area have been identified as potentially suitable for tall buildings over 30 metres.
- 10.99 Paragraph 2.21 of the emerging Local Plan (SDMP), as the supporting text to policy SP2 states the Spatial Strategy diagram (Figure 2.3) identifies the following four sites where tall buildings (30 metres and above) may be appropriate in the King's Cross Spatial Strategy area. The application site is not located within one of the identified sites for a tall building. The maximum height of Jahn Court following the proposed roof extensions and including the roof plant would be 28.4m. Therefore the proposals do not result in a tall building as defined by both the adopted and emerging local plan policies. Notwithstanding the above assessment, the majority of buildings are between 3-5 stories in height and in many circumstances, the extension proposals will not extend twice the height of a number of prominent buildings within close proximity (i.e. Kings Cross Station, Ironworks Building, Copperworks Building, Premier Inn and Glasshouse/Trematon Building). Whilst it is noted that the development will sit twice as high as some buildings within the surrounding context, the existing building on site already extends considerably taller than these buildings and it would be inappropriate to only take account of these buildings in isolation to the larger and more prominent buildings noted above as part of the contextual reference.
- 10.100 Policy DH1 (A) states that Islington supports innovative approaches to development as a means to increasing development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. In this context, an innovative approach is one that contributes to the delivery of the Local Plan objectives, including making the borough an inclusive and resilient place by ensuring the design of buildings meets contemporary standards, the needs of all users and mitigates against the impacts of climate change. Part D of the policy states that the Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas, scheduled monuments, Archaeological Priority Areas, historic green spaces, locally listed buildings and locally significant shopfronts.

- 10.101 Policy DH2 of the of the SDMP part B, states that development within conservation areas and their settings – including alterations to existing buildings and new development - must conserve and enhance the significance of the area, and must be of a high quality contextual design. Part C states that Buildings, spaces, street patterns, views and vistas, uses and trees which contribute to the significance of a conservation area must be retained. The significance of a conservation area can be harmed over time by the cumulative impact arising from the loss of these elements which may individually make a limited positive contribution, but cumulatively have a greater positive contribution. Part D states that proposals that harm the significance of a listed building (through inappropriate repair, alteration, extension, demolition and/or development within its setting) must provide clear and convincing justification for the harm.
- 10.102 Part I of the policy states that non-designated heritage assets, including locally listed buildings and shopfronts, must be identified early in the design process for any development proposal which may impact on their significance. The Council will encourage the retention, repair and re-use of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset or their setting will generally not be permitted.

Context

- 10.103 The application site is located in a dense and fine grain urban quarter located to the east side of York Way, directly opposite the long eastern flank of the Grade I Listed Kings Cross Railway Station. It has a primary frontage onto York Way to the west with secondary frontages to Railway Street to the north, Balfe Street to the east and Caledonia Street to the south, with the block's south eastern corner facing Caledonian Road.
- 10.104 While the block presents a relatively strong and coherent built form to all street edges, albeit of a mixed architectural style and quality, the spatial form to the interior is less structured. It lacks coherence and legibility. These 'interior' spaces do however have some highly positive characteristics evidenced by a series of largely 'hidden' interconnecting courtyards and lanes which present significant place making opportunities.
- 10.105 The site is sensitively located. It is positioned within two strategic view corridors - Kenwood to St Paul's Cathedral, and Parliament Hill Summit to St Paul's although the threshold is very high in this location and the proposals sit well below it. The impact of the proposed development on these two corridors has been assessed under the application and is found to be nil.
- 10.106 The block within which this application is set, sits largely within the Kings Cross Conservation Area. However a segment of its eastern edge, 5 – 35 Balfe Street, is positioned within the Keystone Crescent Conservation Area. 5 – 35 Balfe Street are Grade II listed buildings, as is 34b York Way, located within the site boundary. There are also a number of locally listed building adjacent to the north of the site at Cottam House and The Ironworks at 36-40 York Way, and adjacent to the east of the site at Albion Yard and Albion Buildings.

The Ironworks – part of Locally Listed Building with Cottam House at 36-40 York Way

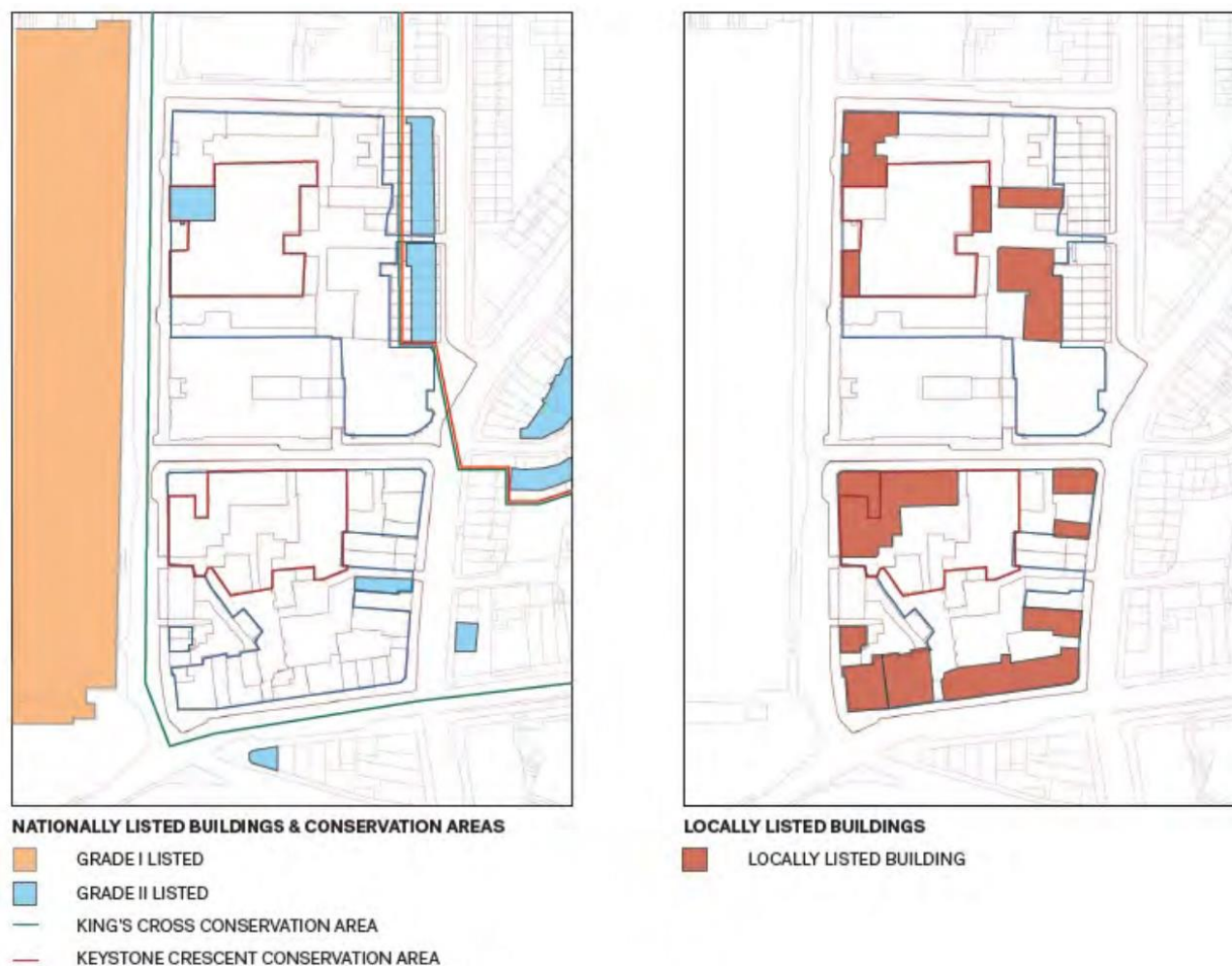


Image 20 – Plan of adjacent Heritage Assets within the borough (extract from Heritage Statement prepared by Turley Heritage & Townscape) (Officers note that the description of the Local Listing at 36-40 York Way indicates that the Ironworks forms part of the Local Listing with Cottam House)

10.107 The broader context is characterised by the urban transformation and intensification of the wider Kings Cross environs which is undergoing high quality, high density change.

Proposal

10.108 The application has been submitted following an extensive and collaborative pre-application process with the Council. During pre-application discussions, the scheme has been revised to address initial officer concerns over a previous abrupt change in height and mass between the buildings and their existing neighbours, the impacts associated with such increased height and mass on the amenity of the small scale adjoining squares and lanes, and the lack of heritage appreciation and justification in terms of both the impact of such increases on the setting of listed buildings and the impacts on the character and quality of the conservation areas and wider public realm.

A series of design workshops has been undertaken and the scheme has been revised for application stage accompanied by a more rigorous consideration in relation to the heritage constraints and opportunities and the level of harm to the setting of heritage assets has been reduced.

- 10.109 The applicant has submitted a Design and Access Statement (prepared by Piercy & Company - July 2021) including a verified views methodology, and a Heritage and Townscape Statement (prepared by Turley Heritage & Townscape) including Heritage and Townscape Appraisal, key townscape views and visual representations and methodology. During the course of the application a revised Heritage Statement has been submitted, in response to consultation responses confirming that the assessment includes reference to two further locally listed buildings within Albion Yard and Cottam House at 36-40 York Way. For clarity, these buildings had been identified as heritage assets in the plan of heritage assets in the initial heritage statement. Furthermore, the application is also supported by a Vision Document prepared by Publica.
- 10.110 The proposed works comprise of a single storey extension to the northern elevation of Jahn Court at fourth floor level (amended to be set 2.7m back from its eastern elevation wall below), a stepped two storey roof extension at fifth and sixth floor levels, with the creation of a roof terrace at fifth floor and a five storey partial infill extension to the eastern elevation. A plant room would be created both at sixth floor level and at rooftop level. Further works include the refurbishment of the existing building, the reconfiguration and alterations of the front and rear entrances to the western and eastern elevations.



Image 21 - Aerial Image of existing scheme



Image 22 - Aerial Image of proposed scheme



Image 23 – Proposed new rear entrance to Jahn Court

Design Assessment of proposals

Principle of development

- 10.111 The changes proposed form part of a wider 'Vision' for the site with a range of interventions anticipated to be undertaken during a 10-year period. This application is one of two and forms the first phase of such changes.

10.112 The applicant states within the accompanying Vision Statement that:
“There is an opportunity to create a unique place, a creative quarter for the district and a Gateway to Islington. The new Regent Quarter will cater for the needs of the local residents and businesses and visitors from further afield and will provide a new vibrant mixed use community”.

10.113 The principles of such a transformation of the site, and of the broader urban blocks, are supported. The accompanying Public Realm Report provides details for long term change, and this demonstrates how a deep analysis of the site's context has successfully informed the proposed changes. These relate to two external spaces, Albion Yard and Ironworks Yard, and to two buildings, Jahn Court and 34B York Way. The principles of change to each of these are considered below:

External Spaces - Public realm:

10.114 The works to the public realm within the Block C courtyards comprise of the:

- Flattening of 214sqm of cobbles through the removal, adaption with flat tops and then re-laid, in Albion Yard to provide improved accessibility benefits including for wheelchair users;
- Installation of a new handrail to Albion Yard steps to improve accessibility;
- Installation of 6 cycle stands within Albion Yard;
- Changes to improve the lighting in the Balfe Street entrance passage;
- Opening up of the courtyard entrance to Jahn Court from York Way including the replacement of paving and the installation of 3 cycle stands.

10.115 The proposals seek to enhance the public realm throughout selected areas of this densely developed, fine grain block by way of refining, reshaping, and re-landscaping a series of interconnected yards and alleys. It is this configuration and form that gives the site much of its character and such well-crafted proposals are considered to further enhance these qualities and characteristics.

10.116 The proposed works to the courtyards relate largely to hard landscaping works which have been designed so as not to harm historic surfacing materials nor to introduce any inappropriate materials. From a design and heritage perspective, there is some alteration to the historic granite setts to facilitate level access but the Council's conservation officer considers that the works are proportionate, deliver a clear public benefit, and do not unacceptably alter the character and appearance of the Yards.

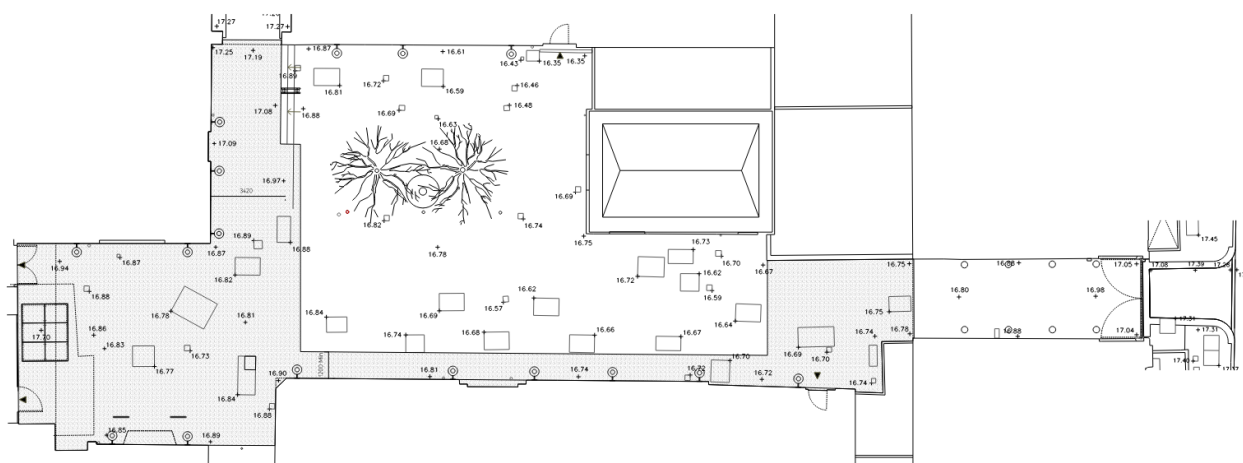


Image 24 – Albion Yard – works to flatten cobbles

Public Realm Design Appraisal

- 10.117 Following revisions during the application, the works to the public realm within the Block C courtyards comprise of the flattening of 214sqm of cobbles within Albion Yard, whereby cobbles are removed, adapted with flat tops and re-laid in a flush pointing to provide improved accessibility benefits for wheelchair accessible routes, those with limited mobility, elderly people, and people with visual impairments. The details of the proposed cobbles will be secured by condition **25**. It is also proposed to install 9 short stay cycle parking stands within the public realm comprising 6 within the courtyards and 3 in the newly revealed front courtyard to Jahn Court adjacent to York Way. There are also changes to the in-ground lighting in the Balfe street entrance passage.
- 10.118 The proposed changes to the public and semi-public realm are considered to benefit the historic properties and characteristics of the spaces and routes that weave through this part of the urban block. They have been designed to improve accessibility and legibility. The three existing trees are to be retained.
- 10.119 The interface between the (semi) public realm and the buildings that face it has also been carefully addressed with significant animation afforded through changes to configurations, ground floor elevations and uses, and level changes.
- 10.120 The proposals represent a high quality of urban design and the proposed landscape treatment will help create a fine urban quarter. The changes to the public realm are considered of a high quality and therefore are supported in principle.
- 10.121 Officers note that the configuration and form of the series of interconnected yards and alleys provide the site with much of its character and appearance. The landscaping works enhance this character and do not result in harm to historic surfacing materials or the introduction of inappropriate materials. There is some alteration to the historic granite setts within the courtyards in the block to facilitate improved accessibility but the works are proportionate, deliver a clear public benefit and do not unacceptably alter the character and appearance of the yard.

Built Form:

- 10.122 The proposed built intervention is focused on Jahn Court located to the north western edge of the broader urban block and the framing and reanimating of Ironworks Yard to the north and, to a lesser degree, Albion Yard to the east. The changes to Jahn Court include extensions in height and mass at upper levels, new entrancing configurations including to York Way, and some new façade treatments.
- 10.123 The major change to the primary entrance and elevation to York Way is of the highest design quality with the insertion of a new brick 'gateway' entrance into Jahn Court, improved exposure and celebration of the existing historic chimney stack, and a respect for the fronts and flanks of the adjacent historic buildings. These changes create a fine new 'address' and dramatically improve the legibility between the street and Jahn Court. Changes to this gateway also strengthen the positive characteristics and qualities of the York Way frontages and, in so doing, help to mitigate the visual impact of the proposed increase in height and mass to Jahn Court to its rear.

10.124 A quiet architectural language and palette is proposed to Jahn Court. This treatment will help mitigate the visual impact of the increase in height and mass including helping to ensure the building continues to read as a backdrop to the more flamboyant and historic buildings to its fore, directly fronting York Way. The same design principles are at play when viewed from within the urban block, from within Albion and Iron Works Yards. The design principles of the proposed changes to the built form are therefore considered acceptable.

Height, bulk and mass

10.125 The proposal is to increase the height of Jahn Court by a further full floor at fifth floor level and a recessed additional floor at sixth floor level. An element of plant, recessed further still, is located to the top of the sixth floor.

10.126 The height of the building will therefore rise from 17.6m to 26.0m to the new top floor, and to 28.4m to the top of plant. While this results in Jahn Court becoming the tallest element within this urban block, its recessed position in relation to the traditional street edges, coupled with the lightness of touch in relation to the architectural design, detailing and materials, helps mitigate the visual impact on the streetscape and from vantage points from within the block itself.

10.127 The increase will be minimally experienced from York Way given the dimensions of this street and the set back of the Jahn Court from its edge. And as a result, the increased height will only be glimpsed from oblique views from up and down the street. Views of the building will not be visible from Balfe Street to the east.

10.128 The fifth floor parapet level of the proposed roof extension lines up to match the shoulder of the Grade I Listed Kings Cross Station building. Assessment of the impact on the setting of the Grade I Listed Kings Cross Station building is considered later in this assessment as part of the overall impact on heritage assets.

10.129 The extensions will be visible from Railway Street to the north. However given the narrow dimensions of this street and the recessed location of Jahn Court, the visual impact is also considered to be minimal and will not result in unacceptable levels of visual harm. Assessment of the impact on the Kings Cross Conservation Area is considered later in this assessment as part of the overall impact on heritage assets.

Elevational treatment

10.130 The proposed changes to Jahn Court have been clearly delineated between 4 distinct parts, each with a different expression comprising a gatehouse, a plinth, a pavilion, and a crown. At the base is the 'Gatehouse' designed in a rich red brick with decorative elements that resonate with the adjacent Victorian Architecture. The Gatehouse treatment is applied to both front and rear elevations. It effectively celebrates entrances into the building, and the relationship with the adjacent buildings and York Way itself.

10.131 The 'Plinth' element is that of the retained, heavily glazed, office building. It is extended with a newly added 'Pavilion' floor – a simple single storey extension with the façade strongly informed by the grid and materiality of the existing 'plinth' façade below.

10.132 The Pavilion is then 'crowned' with a gently sculptured rooftop element, designed to echo the rooftop water tanks of Victorian industrial architecture. This Crown element is clad in a soft green metal (also proposed as the primary material with which to re-clad

10.133 The elevational treatment, including the selection and use of materials, is considered to be of a high quality and is therefore supported.

10.134 The proposed materials palette is a defining element of the quality of the scheme design comprising traditional and contemporary materials.



- Red brickwork – plain and textured bonds
- London stock brickwork
- Pre cast red-tinted entrance soffit
- Red coloured metalwork
- Articulated green coloured metal cladding
- Existing and proposed glazed facades
- Existing and proposed grey coloured metal cladding

- 10.136 Part of the scheme's success is this indicative use of high quality materials with an urbane colour palette. Therefore the materiality of the scheme is supported and condition **3** is recommended to secure this quality.
- 10.137 Long canopies are proposed over the brick facades of the Jahn Court building to mark and shelter the entrances to the new commercial units. All existing trees are to be retained within the Yard. The threshold into the rear of Jahn Court is a further major change that is responded to within the public realm whereby the existing stepped access is replaced with a fine 'at grade' solution, extending the cobbled yard up to the new accessible threshold. The quality of the proposed interventions to the internal routes and spaces has been demonstrated to be of a high standard of design and the changes are therefore supported.

Design Conclusion

- 10.138 Officers consider that the proposals result in a carefully crafted and highly considered scheme with both architectural and landscape designs of an outstanding calibre as befits such a sensitive and indeed intricate site and context. The proposals will help to bring this part of the broader urban block back into more active use, creating legible routes into and through the block and improving accessibility.
- 10.139 The changes to Jahn Court, while considerable in terms of height and mass, will create improved commercial spaces suitable for a variety of uses. While it is proposed to increase the height of the building by a further two floors, the building is well recessed from the street edge, and the top floor has been recessed still further from the floor below. These characteristics significantly lessen the visual impact of the scheme when viewed from the public realm.
- 10.140 The architectural treatment is quiet and well-mannered. This also lessens the visual impact of the changes to the height and mass as the building will continue to read as 'background' to its historic neighbours. Combined, these design attributes will ensure that the historic buildings on and adjacent to the site will continue to retain their visual dominance and prominence which in turn will maintain the legibility of the streetscape. The proposed changes have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched, accessible and legible public realm.

Impact on Heritage Assets

- 10.141 The development site is within the setting of a number of designated heritage assets including the Grade II Listed Building at 34b York Way, the Grade I Listed Building at Kings Cross Station, the National Set Piece and the Kings Cross Conservation Area. There are also a number of locally listed buildings located adjacent to the site which sit within the conservation area. In this instance, as these LLBs form part of the conservation area, officers have considered that they form part of this designated heritage asset.
- 10.142 Other considerations and sensitivities are as a result of:
- how the block sits and reads in relation to the scale and form of its immediate neighbours within the block;
 - the significance of this being the first time a building located within the urban quarters to the eastern edge of Kings Cross Station would potentially be taller than the 'shoulder' of the station building;

- the sensitive location of the site within two conservation areas including and abutting important heritage buildings;
- the building's position within two strategic view corridors.

10.143 The site is therefore exceptionally sensitive. Any resulting development must be of the highest design quality having been informed by heritage impacts, including settings, and an understanding of the qualities and characteristics of the heritage assets that make them, and their context, so significant.

Built Form

10.144 The proposed extensions to Jahn Court have been reduced in both height and mass from that submitted at pre-application stage and its architectural language has been simplified. The result is that the pronounced and characterful existing chimneys to the fore, plus the street-side Victorian buildings, retain a greater degree of their prominence and dominance within the streetscape compared to the previous iterations of the scheme. The use of brickwork at ground floor level on the Jahn Court block assists in integrating it better into the streetscape at ground floor level and, given the narrowness of York Way, it is considered that views of the ground floor level is one of main ways in which the streetscape is appreciated.

Bulk, height, and massing

10.145 Jahn Court is currently a large five storey building, plus basement, that fills much of the centre of the urban block within which it sits. It has little by way of design merit either as a standalone building or in terms of architectural compatibility with its more historic neighbours and broader overall setting. Built as part of the consent approved in 2002 ref: P000434, its simple facades comprise a glazed curtain wall treatment. At the outset concern was expressed in relation to the proposed increase in height to Jahn Court. This was, in part, because too much height and mass would potentially afford the resulting building a disproportionate visual significance within the urban structure, relative to its historic neighbouring buildings that sit to the fore, fronting York Way.

10.146 This latest proposals for an increase in height and mass, the simplification of the form, and the architectural design and detailing, appears to have now reached a more appropriate balance. However, Jahn Court is still increasing in height against the existing condition. The existing building rises to 17.6m, excluding plant over runs. It is proposed to add a further two floors – a 6th storey (5th floor) that largely 'mirrors' those below although heavily recessed on the northern elevation, and a further recessed 7th storey (6th floor). This brings the proposed height to 25.9m excluding plant and 28.4 including plant.

10.147 The previous crown element took the building height in effect to the height of an 8th storey, at 28.45m. This has now been removed which has beneficially reduced the height from the pre-application scheme, as well as 'quietening' the design, and therefore the impact of the changes on the roofline. The mass has also been reduced from the pre-application scheme with the proposed new 5th and 6th floors being further pulled back from key edges.

10.148 There is a relatively small amount of plant/lift overrun proposed which is positioned well back from the front of the building and thus suitably recessed from the street edge. The top of the proposed plant has remained relatively constant at 28.4m. However, the

existing roofscape of the Jahn Court Building and its inter-relationship with that of its neighbours is largely neutral. The application scheme results in a largely neutral impact given the simplicity of form and architectural detailing and the fact that the increased height has very limited visibility from the surrounding area at street level.

Protected vistas

- 10.149 The site sits within two protected vistas (Parliament Hill summit to St Pauls and Kenwood gazebo to St Pauls). Pentonville Road is on a significant slope down towards King's Cross. St Pancras Station and Chambers is noted as an important landmark, views to which will be protected. The impact on these protected vistas and views has been assessed and the documents submitted with these applications demonstrates a neutral impact on the protected views.

Kings Cross Conservation Area

- 10.150 The proposal would have an impact on the character and appearance of the King's Cross Conservation Area as a whole. Generally speaking, the proposals at ground level have the potential to enhance the character and appearance of the conservation area through the upgrading of paving materials with more sympathetic materials.
- 10.151 The principle of upgrading landscaping and encouraging greater public use of the core of the site is welcomed. At pre-application stage, the heritage impacts of the proposed height and massing of the additional built elements of the proposals for Jahn Court were not capable of being supported in terms of compliance with the Conservation Area Design Guidelines for this site. Paragraphs 21.7 and 21.8 of the Kings Cross CADG have regard to height, mass and scale as set out earlier in this report.
- 10.152 A series of revisions have been undertaken since the pre-application stage to mitigate the height and mass of the proposed buildings with the proposed extension reduced in terms of both height and mass and its architectural language has been simplified.
- 10.153 The enhancements at the lower two storeys have been offset by the increased height of the building as a whole, since the key elements of the setting of the listed building at 34 York Way are its C19th townscape setting, including the surviving elements of the scale of the C19th townscape.
- 10.154 The scheme submitted for the application minimises the visual impact on the setting of the listed and locally listed buildings to the street frontage. Therefore officers consider that as a result of the extensions, Jahn Court continues to read as 'background' and is ancillary to its historic foreground and therefore continues to preserve and enhance the character and appearance of the Kings Cross Conservation Area.

Locally Listed Buildings

- 10.155 The proposals result in additional height, bulk and massing to an existing modern office building at Jahn Court which sits adjacent to a series of locally listed buildings at 32 York Way, Cottam House, The Ironworks, Albion Buildings and Albion Yard as shown on images 26 and 27. As locally listed buildings within the Kings Cross Conservation Area, the impacts on these adjacent buildings are considered as part of the assessment of the impacts on the conservation area.



Image 26 - Proposed Eastern Elevation to Jahn Court – view from Albion Yard



Image 27 – Proposed Northern Elevation to Jahn Court – view from Ironworks Yard

10.156 Officers have considered the significance of these heritage assets, including representations from residents, and note the buildings as existing sit subservient to Jahn Court and this relationship is not widely perceived from the streetscene outside of the courtyards, with some glimpses from Railway Street.

10.157 There is an existing juxtaposition between these lower rise residential buildings and the modern office building due to the differences in height, scale and massing and the architectural style and age of the buildings. Given the close proximity between Jahn Court and these locally listed buildings, it is acknowledged that any addition of height, scale, bulk and massing would result in less than substantial harm to the setting of these heritage assets.

10.158 The scale of harm is limited by the existing juxtaposition between the buildings as outlined above, the minor increase in height, scale, bulk and massing relative to the scale of the existing building, and the perceptions of the existing relationship is limited to views located within the courtyards that surround Jahn Court and from some private views from residential properties in Block C. The impacts of the proposals on views of these identified locally listed buildings, is not widely perceived from outside of these courtyards. On balance, having undertaken the above assessment, officers conclude that the additions to the Jahn Court building would cause less than substantial harm to these heritage assets.

10.159 The impacts of the additions to Jahn Court on the significance of the locally listed building at 32 York Way building would be minimal given the separation and limited views from this part of York Way and would not raise conflict with the NPPF.

Listed Buildings

10.160 The proposed increase in height has an impact on the setting of a number of statutorily listed buildings. These include:

- Kings Cross Station (Grade I, within Camden)
- 34B York Way (Grade II)
- 19-35 Balfe Street (Grade II)
- 295 and 297 Pentonville Road (Grade II and a local landmark, within Camden)

34B York Way

10.161 The changes to the Grade II Listed Building at 34B York Way relate to the interface between it and Jahn Court, principally at grade, and do not include any proposed changes to the internals of this historic building. The works proposed on the Jahn Court site will not only affect its setting but also its fabric as the proposed façade to Jahn Court at ground and first floor level will abut the listed building at ground and first floor level. The existing Jahn Court structure abuts the listed building in the same manner. The proposed junction will not involve the demolition of historic fabric or a change to the depth of the junction. The proposed junction will be a reduction in height when compared to the existing, i.e. the new work will sit below the cornice level of the listed building when compared to the existing. Therefore the proposed works abutting the listed building will not cause harm to plan form, evidential value or fabric.



Image 28 – Existing front entrance/Western elevation to Jahn Court



Image 29- Proposed front entrance/Western Elevation to Jahn Court



Image 30 - Proposed Western Elevation – view looking south east from York Way



Image 31 - Proposed Western Elevation – view looking north east from York Way

10.162 The proposed increase in height across the subject site would not better reveal or enhance the setting of the adjoining listed building at 34b York Way, because at the moment the most prominent characteristic of their setting is the nineteenth-century

context (composed of listed, locally listed and unlisted buildings). Development within the subject site which results in a visible increase in height from the public realm outside of the subject site will result in a change to the setting of the listed buildings and appearance of the conservation area. Whatever the design merits of the proposed height increases may be, the effect of an increase in height to Jahn Court would be harmful to the setting of the Grade II Listed Building 34b York Way. As a result officers have considered the implications of cumulative change as part of the cumulative public benefits of the scheme.

- 10.163 The Images 28 to 31 in this report show the impact of the proposed works to Jahn Court on the setting of 34b York Way. Officers have considered the existing and proposed relationship and consider that the impact has less than substantial harm on the setting of this Grade II Listed Building.

National Set Piece

- 10.164 The context for the site includes the "National Set Piece." This was originally defined in the Greater London Development Plan to cover an area from the British Library site (Camden) to Caledonian Road which therefore includes the Kings Cross Railway Station. National Set Pieces are described as "major groups and sequences of buildings, open spaces, processional ways, streets and monuments. They make a major contribution to the image of London as a Capital City". In Islington the Set Piece includes the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. It is a remarkable survival of a complete early to mid-19th Century central area townscape. There is a still largely intact Victorian 'town centre' - displaying a hierarchy of buildings and uses from offices, flats, larger shops and entertainment, via local shops with accommodation above, down to terraces of small houses and industrial premises. The juxtaposition of the scale of King's Cross Station with the much lower blocks fronting York Way is a key element in establishing the Victorian character of the area, and also the setting of King's Cross Station. The fact that one of London's oldest surviving railway station structures still retains most of its nineteenth-century townscape scale-relationship on the York Way side is remarkable, and worthy of retention. The proposals would alter this scale-relationship and would also result in a historically uncharacteristic arrangement of the core of the block becoming visible above the C19th perimeter blocks. This is assessed in the paragraphs below.

Kings Cross Station/Conservation Area

- 10.165 The proposal results in the fifth floor parapet lining up to match the shoulder of the Grade I Kings Cross Station building. Historic England have been consulted on the impact of the proposals on the setting of Kings Cross Station and stated that they had no objections to the proposals.

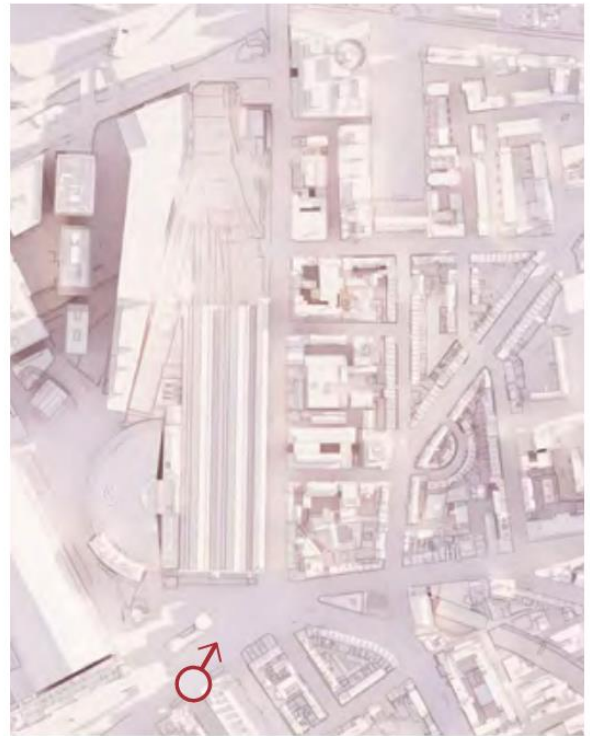
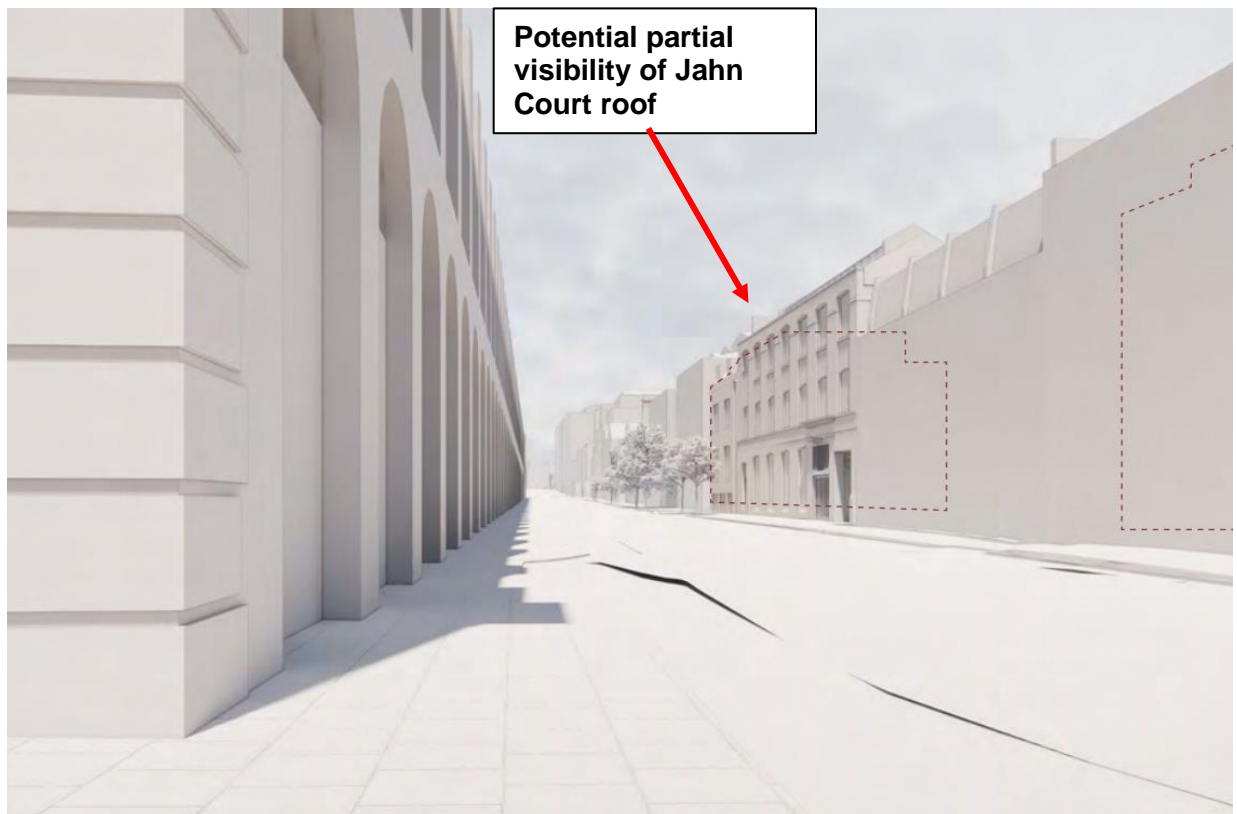


Image 32 – Positions of Key Views 06 (left) and 13



Potential partial
visibility of Jahn
Court roof

Image 33 – Key view 06 – View from corner of York Way and Kings Cross Station

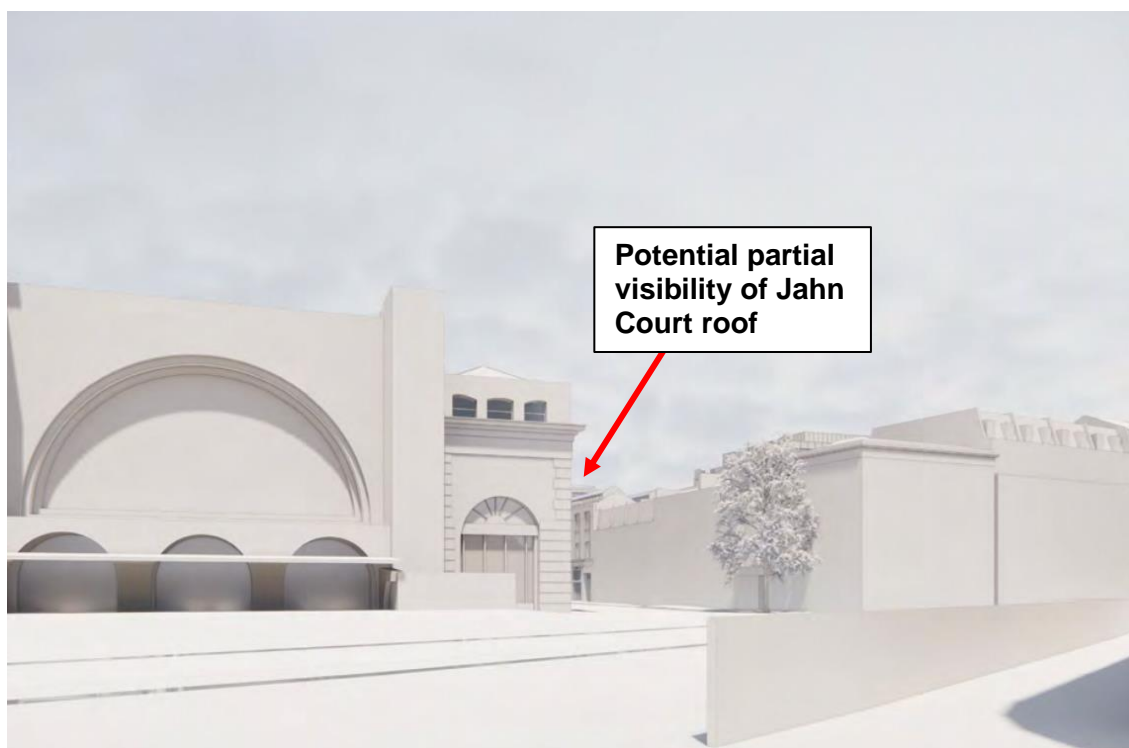


Image 34 – Key view 13 – View from Euston Road

- 10.166 From a comparison with the existing key view, the submitted proposed key view 06, (Image 33, above) indicates that the upwards extension to Jahn Court may be partially visible from the corner of York Way. From a comparison with the existing key view, the submitted proposed key view 13, (Image 34 above) indicates that the upwards extension to Jahn Court may be partially visible from some points on Euston Road, adjacent to the Grade I statutorily listed Kings Cross Station. However from consideration of the submitted key views assessment, the extent of the visibility is limited to glimpses of a minor part of the proposed roof extension. From those views submitted, these views are considered to demonstrate the greatest visibility of the Jahn Court roof extension from the setting of the Kings Cross Station.
- 10.167 Whilst the view of the Council is that by virtue of this visibility, the proposed height of the scheme would cause harm to the setting of the Grade I listed building, it is acknowledged that the revisions to the scheme since pre-application stage have sought to mitigate this impact.
- 10.168 Officers consider that the impact of these minor glimpses from a small number of viewpoints are considered to cause less than substantial harm to the setting of the Grade I Listed Kings Cross Station and the conservation area.
- 10.169 Although Kings Cross Station is outside of Islington, decision makers have a statutory obligation to preserve or enhance its setting in relation to the subject site, under the tests identified in Section 72 of the Town and Country Planning Act. The CADG has regard to these tests and establishes the setting of Kings Cross Station as a key test in the assessment of development within the conservation area. The proposed development has now been assessed under the tests required under Section 72 of the Town and Country Planning Act. The proposed development has been revised to mitigate the harm to the setting of heritage assets. The Council considers that there is

still harm to setting, that amounts to 'less than substantial' as identified under the NPPF. During the course of the application, the applicants provided a Heritage Statement which assesses the impact of the proposals under *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*.

10.170 The NPPF Directs that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.171 As the Council has identified harm in the proposal, the acceptability of the harm will have to be balanced against the manner in which the proposal achieves public benefit and any other matters which may weigh favourably in balance required under the NPPF.

10.172 The NPPF further directs:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.173 It is possible that an application which causes less than substantial harm to heritage assets may be acceptable by reason of the wider planning balance, but only where these benefits have been clearly identified in the submission.

10.174 The NPPG defines public benefits as 'anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework'.

10.175 Whilst continuing to assert that harm to heritage assets would not arise as a result of the scheme development overall, the revised Heritage Statement has set out interpretations of the impact on heritage assets should officers allege that the proposed development could result in a degree of harm to significance to a designated heritage asset or assets:

'...any such harm could only reasonably be very minor in the context of the particular heritage interests and relationship that the Site contributes to the heritage interests of a designated heritage asset or assets. Any such alleged heritage harm would be of the magnitude of 'less than substantial' as defined by the NPPF, and also towards the very lower end of that spectrum or scale.'

Heritage Conclusion

10.176 The proposed increase to height and mass and impact on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings

Cross Station, and 34b York Way has been reduced and more appropriately designed since the initial pre-application proposals. The proposals are considered to cause less than substantial harm to the setting of heritage assets. However, it is the applicant's contention that 'harm would not arise' and therefore there is no requirement to provide clear and convincing justification. Given that the Council considers that less than substantial harm would arise, paragraph 200-202 of the NPPF should be engaged in order for this application to be determined.

10.177 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.178 In the Council's view the degree of harm is less than substantial. Officers have therefore undertaken a balancing exercise to weigh the less than substantial harm against the public benefits of the proposal.

Applicants Stated Public Benefits

10.179 The proposals as set out below are put forward by the developer as public benefits. The public benefits that the Local Planning Authority consider suitable to give weight to are provided towards the end of this report, in the Planning Balance section:

Economic

- Provision of new high quality flexible office space to support new economic development and growth within the Borough;
- Potential to deliver permanent on site jobs;
- Provision of office floorspace capable of supporting small businesses including SMEs and start ups and to encourage collaboration within the local business community;

Environmental

- Delivering an appropriate quantum and mix of uses that would contribute positively to the overall character of the surrounding conservation area and increase animation on York Way;
- Enhancing key elements of 34 York Way, including the reinstatement of the historic signage;
- Introduction of high quality designed frontages to both York Way and Albion Yard, which complement and enhance the character and appearance of the Kings Cross Conservation Area; and
- Delivering sensitively considered public realm improvements which respond positively to the surrounding Conservation Area including accessibility improvements within Albion Yard which are secured by condition 25.
- Provision of 9 short stay cycle stands in the public realm including 6 no. stands within Albion Yard secured by condition 4.

Social

- Delivering Social Value during the Construction Period;
- Employment and Training for local residents and Apprenticeships;
- Substantial contributions to Affordable Housing to meet local housing need;
- Affordable Workspace – circa 10.4% of uplift in office floorspace to be provided over 10 year period (when considered against both planning applications);
- Initiatives with Local Schools (Learning opportunities in partnership with Endurance Land) in the form of non-paid work experience placements for students

from schools and colleges delivered during construction to be secured by s106 agreement. Further details of this commitment are outlined in more detail below.

- Designing a safer environment (on site security 24/7, CCTV and Secure by Design measures) to be secured by condition 27;
- Financial contribution towards public realm works in the immediately abutting streets to the development site to be secured through s106 agreement.

Endurance Land commitment to working with the local schools

10.180 Officers understand that Endurance Land has been in discussions with Winton Primary School and Hugh Myddelton Primary School through the Learning Quarter Partnership, to discuss how Endurance Land can engage with the Schools to support future learning opportunities. Endurance Land are proposing to work in partnership with the Schools to provide learning initiatives which may include:

- Hosting site visits to Regent Quarter and providing talks about the project
- Providing seminars to learn about the property industry and sector; and
- Encouraging future tenants within Regent Quarter to host seminars about their respective industries and sectors

10.181 Officers understand that Endurance Land are committed to working with the Schools and Learning Quarter Partnership to expand and enhance learning opportunities and would be willing to enter into an Engagement Plan with the Schools to cover the initiatives to be agreed.

Officer Assessment of Public Benefits

10.182 Officers consider that the scheme brings forward considerable public benefits as outlined above, with particular reference to the substantial uplift in high quality flexible office space to support new economic development and growth within the Borough, substantial financial contributions towards affordable housing delivery in the borough and the provision of a self-contained affordable workspace unit (secured at peppercorn rent for 10 years) which exceeds the adopted policy requirements, secured via s106 agreement. The scheme also brings forward a commitment to working with named local schools which is to be secured by s106 agreement. The scheme also brings forward accessibility improvements within Albion Yard. This package of public benefits weighs in favour of the overall scheme.

10.183 In accordance with the requirements of paragraph 202 of the NPPF, officers have weighed the less than substantial harm to heritage assets that has been identified by the Design and Conservation Officers, against these considerable public benefits. Officers conclude that the public benefits outweigh the less than substantial harm and therefore the scheme is acceptable in design and heritage terms in accordance with the NPPF and the development plan.

Internal layout

10.184 With regards to the internal layout the future adaptability of the building should be considered with large commercial floorplates becoming less desirable after the pandemic. The proposed building would be adaptable, mainly due to the location of the lifts being in the central part of the building. Therefore, it is considered that the proposed internal layout would still offer a good level of adaptability for future occupiers.

Solar gain and glare

10.1 The submitted Sustainable Design and Construction Statement confirmed that the design of the proposed Development incorporates high performing glazing with low g-value (0.32 in the majority of new glazing elements, apart from the ground floor reception) to limit solar gains entering the space. The specified glazing will have good visual light transmittance to maintain adequate daylight levels in the space.

10.185 The overheating and ventilation issues are further discussed in the Energy and Sustainability Section below.

Roof terrace

10.186 The proposed roof terrace is north facing at fifth floor level and is heavily recessed from the northern elevation by 4metres. Whilst there are flat roof areas on the roof extensions, they are proposed as intensive green roofs and blue roofs in an attempt to enhance the greening and biodiversity of the site. Taking this into account, it is considered that the proposed outdoor terrace is acceptable in this case. In terms of the boundary treatment of the terraces, it is noted that metal railings are proposed and they would be set back from the elevation at 1.1-1.8m in height. Further details of the glazed balustrade would need to be submitted and agreed by the council prior to commencement of superstructure works and this is secured in **condition 3**.

Design and Heritage Summary

10.187 It is considered that the proposed development would have an acceptable appearance and materiality, and has adequately addressed the comments raised by the design officer and the Design Review Panel during the pre-application stage. The material details and samples would need to be submitted to and agreed by the council prior to the commencement of the development. This would be secured by planning condition **(3)**.

10.188 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the setting of the nearby listed buildings and features of special architectural or historic interest which it possesses.

10.189 Overall, it is considered that the proposed development would have an acceptable impact in terms of massing, scale and appearance, as well as its impact towards the setting to the heritage assets nearby (having regard to the balancing exercise undertaken), and in accordance with the relevant planning policies including the NPPF, London Plan Policies D3, D4 and D9, Islington Core Strategy Policies CS6, CS9, Development Management Policies DM2.1, DM2.3, DM2.5 the Urban Design Guide SPD and the Conservation Area Design Guidance for Kings Cross. The same could be said with respect of the emerging Local Plan policies relevant to Design, Conservation and Heritage.

Inclusive Design

10.190 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote the creation of an

inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

10.191 The Inclusive Design principles are set out in LP policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

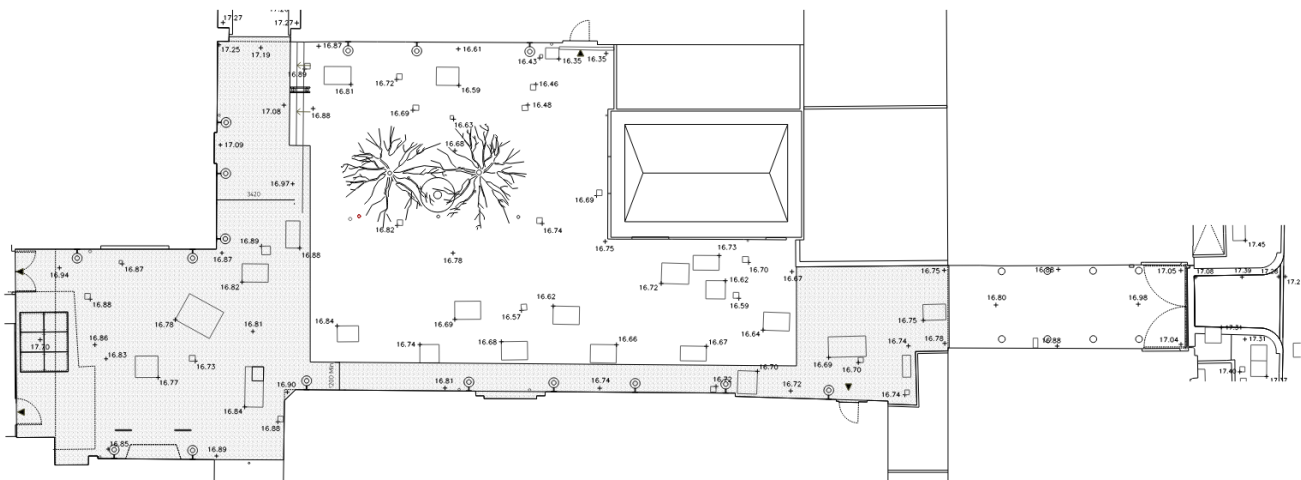
10.192 Locally, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they:

- i) provide for ease of and versatility in use;
- ii) deliver safe, legible and logical environments;
- iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
- iv) bring together the design and management of a development from the outset and over its lifetime

10.193 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

Flattening Cobbles

10.194 It is proposed to flatten 214sqm of cobbles within Albion Yard, whereby cobbles are removed, adapted with flat tops and re-laid in a flush pointing. The area is shown in image 35 below.



10.195 The scheme proposes improving north/south and east/west public realm links. Leaving the cobbles as they are would not enable disabled people, pram users and people with less strength, coordination and dexterity to use this area safely, without risk and undue effort.

10.196 In considering access routes to Jahn Court, Approved Document Part M, Volume 2 , Buildings other than dwellings, Part 1 'Access to use of buildings other than dwellings' paragraph 1.9 requires:

"All access routes to principal or alternative accessible entrances should be surfaced so that people are able to travel along them easily, without excessive effort and without the risk of tripping or falling."

10.197 British Standards Institute's publication of 8300-1:2018 - *Design of an accessible and inclusive built environment*, paragraph 8.4.1, Pedestrian surfaces, requires:

"An access route should have a firm, slip-resistant and reasonably smooth surface. Cobbles, bare earth, sand and unbonded gravel should not be used".

10.198 The section goes on to specify an acceptable approach for joints between adjacent paving units;

"a) Where joints are filled to the surface, the difference in level between adjacent units should be not more than twice the joint width, subject to a maximum difference in level of 5 mm.

b) Where the joints are filled but recessed below the surface, the difference in level between adjacent units should be not greater than 2 mm, with the joints not wider than 10 mm and the recess not deeper than 5 mm.

c) Where the joints are unfilled, the difference in level between adjacent units should be not greater than 2 mm, with the joints not wider than 5 mm."

10.199 The flattening of the cobbles is warranted through the Equality Act 2010, under the Council's Public Sector Equality Duty to make reasonable adjustments to avoid discrimination arising from disability. These works will provide improved accessibility benefits for wheelchair accessible routes, those with limited mobility, elderly people, and people with visual impairments. The Council's Inclusive Design Officers stresses the importance of these measures to ensuring an accessible and inclusive public realm for Regents Quarter.

10.200 This is a significant accessibility benefit from the scheme. It is requested that details of the samples of the flattened cobbles, mortar and pointing are secured by condition 2 5.

10.201 Other key Inclusive Design considerations are as follows:

Access

- The site comprises of a main entrance from York Way with a rear access via Albion Yard. The two ground floor entrances would be made level for ease of access.
- The York Way entrance would be the main office reception and the Albion Yard entrance is designed for back of house access, including the cycle and refuse storage.
- The ground floor flexible use unit would comprise of a separate entrance from York Way. According to the submitted plans, the new main entrance to Jahn Court has

- sliding doors with a clear opening of 1.8 metres and the entrance to the flexible use unit fronting on to York Way would have a clear opening of at least 2 metres in width.
- Installation of a new handrail to Albion Yard steps to improve accessibility.

Circulations

- The building would continue to be served by the three existing lifts and two sets of stairwell up to the new fifth floor level roof extension. The new extension at sixth floor (known as fifth floor gallery), would be served by a platform lift and two sets of stairs at either end of the new floorspace. This provision is considered to be appropriate given the scale of this upper floor of the building.
- The basement floor has also allocated space for charging point for mobility scooters, located adjacent to the cycle store spaces.
- Accessible toilets are provided across at basement to fifth floors and this is supported by officers given the reduced floor plate at sixth floor level.

Accessible Cycle Parking

- 10.202 Adopted LBI policy requirement: 1 per 80 sqm GIA. Major developments, minor developments creating new residential and/or commercial units, and extensions of 100sqm or greater shall provide at least one accessible cycle parking space designated for an accessible bicycle (such as a tricycle), where the rider has priority use. In major schemes an additional accessible cycle parking space shall be provided for every 25 cycle parking spaces (or part thereof) and at least 1 space shall be provided as a minimum.
- 10.203 The applicant responded that due to site constraints, only a limited number of adaptable cycle spaces can be provided and a balance needs to be struck between adaptable and standard bays provided. No objection has been raised by LBI Transport on this matter, and it is viewed that 3 accessible spaces will be sufficient for this site. This has been accepted by the Inclusive Design Officer, given the range of other Inclusive Design benefits that the scheme delivers.
- 10.204 In accordance with the Planning Obligations SPD the scheme shall provide 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures, which is to be secured through a planning obligation in the attached Head of Terms.

Facilities

- 10.205 During the course of the application the scheme has been revised in response to Inclusive Design officer comments including the following:
- Refuges should have been incorporated into drawings;
 - Route to the basement cycle store is 1500mm wide to comply with the guidance.
 - The platform lift size complies with London Cycle Design Standards. All required doors will have push-button access.
 - The platform lift size complies with London Cycle Design Standards. A dedicated stair with cycle gulleys accompanies the lift for an alternative cycle access route. It is understood that the lift is of the highest size and specification that can be accommodated whilst working with the spatial and structural constraints of the existing building.
 - A third door connecting the cycle store with the southern part of the lift lobby and foldable cycle storage lockers has been added.

10.206 Overall, it is considered that the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users.

Neighbouring Amenity

10.207 The NPPF para 130f) states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users.

10.208 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed.

10.209 London Plan Policy D3 part D states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.

10.210 Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.211 The closest residential properties which could potentially be affected by the development are shown on the map below (numbered and coloured green), including:



Image 36 - Map from Point2 Survey showing the site and the surrounding residential properties (Numbered)

1. The Ironworks;
2. The Copperworks;
3. Albion Yard;
4. Albion Buildings;
5. 5-35 Balfe Street;
6. 2A Albion Walk;

Daylight and Sunlight Impact

- 10.212 A number of the representations received during the consultation period of the application objected to the proposal in regards to loss of daylight, sunlight and overshadowing.
- 10.213 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the

context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

- 10.214 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 10.215 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 10.216 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.217 Of note is the recent publication of Government's Planning Practice Guidance (PPG) revised on 22/07/2019, as follows:

How are daylight and sunlight regulated?

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal 'right to light', which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner's consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

Paragraph 006 Reference ID: 66-006-20190722

What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. In such situations good design (such as giving careful consideration to a building's massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

Paragraph: 007 Reference ID: 66-007-20190722

BRE Guidance: Daylight to existing buildings

10.218 The BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either:

- The VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).

10.219 At paragraph 2.2.7 of the BRE Guidelines it states: “If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”

10.220 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.221 At paragraph 2.2.8 the BRE Guidelines state: “Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.

10.222 Paragraph 2.2.11 states: “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

10.223 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is “in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.

BRE Guidance: Sunlight to existing buildings

10.224 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11: “*If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to*

the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected”.

10.225 This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours during the winter months between 21 September and 21 March and;
- Receives less than 0.8 times its former sunlight hours during either period and;
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”

10.226 The BRE Guidelines) state at paragraph 3.16 in relation to orientation:

“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

10.227 The guidelines go on to state (paragraph 3.2.3):

“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.

10.228 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

BRE Guidance: Overshadowing

10.229 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains.

10.230 At paragraph 3.3.17 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.”

Alternative Targets

- 10.231 Appendix F of the BRE Guidelines ‘Setting Alternative Target Values for Skylight and Sunlight Access’ provides a methodology for setting alternative daylight and sunlight target values. The guidelines provide a self-regulating methodology to establish a set of consistent target values which can be determined using the ‘mirrored massing concept’. This essentially assumes a hypothetical massing is in place based on a development site which is of an equivalent height to the neighbouring building that could be affected by the new development.

Without overhangs/balconies

- 10.232 The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.
- 10.233 The applicant has undertaken a ‘without overhang/balconies’ assessment having identified where necessary and is considered further below within the assessment by Officers.

Assessment

- 10.234 The Applicant submitted an initial Daylight and Sunlight report prepared by Point2, dated 29/07/21. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 10.235 The submitted Daylight and Sunlight report includes information on where internal arrangements have been sourced (planning applications and estate agent detail).
- 10.236 Residents commissioned Building Research Establishment (BRE) to undertake an independent review of the submitted Point2 daylight and sunlight report. BRE submitted a report dated 14 September 2021. Within the executive summary of this report, BRE have reviewed the scope and methodology, text and conclusions of the Applicant’s report, but no verification of the calculations. In response to the BRE report, the applicant submitted a report by Point2 dated 8 October 2021.
- 10.237 In response to the subsequent comments received from residents in relation to the Point2 report dated 8 October 2021, a further letter from Point2 surveyors has been submitted in relation to the Jahn Court application, dated 16 November 2021.

10.238 Following amendments to reduce the extent of the massing to the eastern edge of the fourth floor extension Jahn Court, an updated Daylight and Sunlight report has been submitted in January 2022. The report indicates the impacts of the latest amendments to Jahn Court and shows improvements to the results for Flat 9 and Flat 3 of the Copperworks, and a beneficial effect on the results for some of the windows to the Ironworks and Albion Buildings.

10.239 The January report has also includes an update to all the windows to the large open plan living kitchen dinner areas that occupy the upper second floor of the building at flats 9 to 12 in the Ironworks. In response to comments received from residents over the classification of these parts of the rooms, rather than considering these windows as study areas or omitting those windows serving the staircase/hallway areas. This reflects the amendments as issued in the updated results in the Point2 response letter dated 8th October 2021. This is now shown in the updated upper second floor plan drawing for the Ironworks indicating the No-Skyline contour plots.

10.240 The following assessment includes the details submitted by the Applicant in the initial 'Daylight, Sunlight & Overshadowing Report' and subsequent further submissions, as well as the submissions from neighbouring residents and groups.

10.241 The report concludes that the properties relevant for assessment are as follows:

- 1-12 The Ironworks;
- 1-15 Albion Buildings;
- 1-14 The Copperworks;
- 1-10 Albion Yard;
- 2A Albion Walk;
- 5-35 Balfe Street;

10.242 It is noted that where the internal layout of neighbouring properties cannot be confirmed, the assessment would be carried out based on an assumed layout for the buildings identified above. It is accepted that due to the current restrictions relating to the pandemic, it was not possible to organise visits to the surrounding properties to inspect the accuracy of the internal room layout and window positions (to internal rooms).

10.243 The layout of some of the residential properties identified above have been found to ensure that the assessment carried out is accurate; where the usage of the rooms are unknown, the assessment would be based on the worst case scenario and assumes that the room is habitable (i.e. living room) and requires daylight/sunlight.

Impacts to Daylight

10.244 The Applicant's final report indicates that a total of 278 windows facing the site and 102 rooms to neighbouring properties were assessed. The report demonstrates that 40 (14.4%) of the windows and 9 (8.8%) of the rooms would fail the BRE guidance criteria.

10.245 The following properties comply with the BRE guidance (reductions do not exceed 20% in VSC or NSL):

- 1, 3-10 Albion Yard;

- 5-17 Balfe Street; and
- 25-35 Balfe Street;

10.246 Transgressions (where window/rooms fail the BRE Guidance) are reported to neighbouring Iron Works, Copperworks, Albion Buildings, 2A Albion Walk, and 19, 21 and 23 Balfe Street. These are individually addressed further below:

The Ironworks

10.247 This building is located to the north of the site.

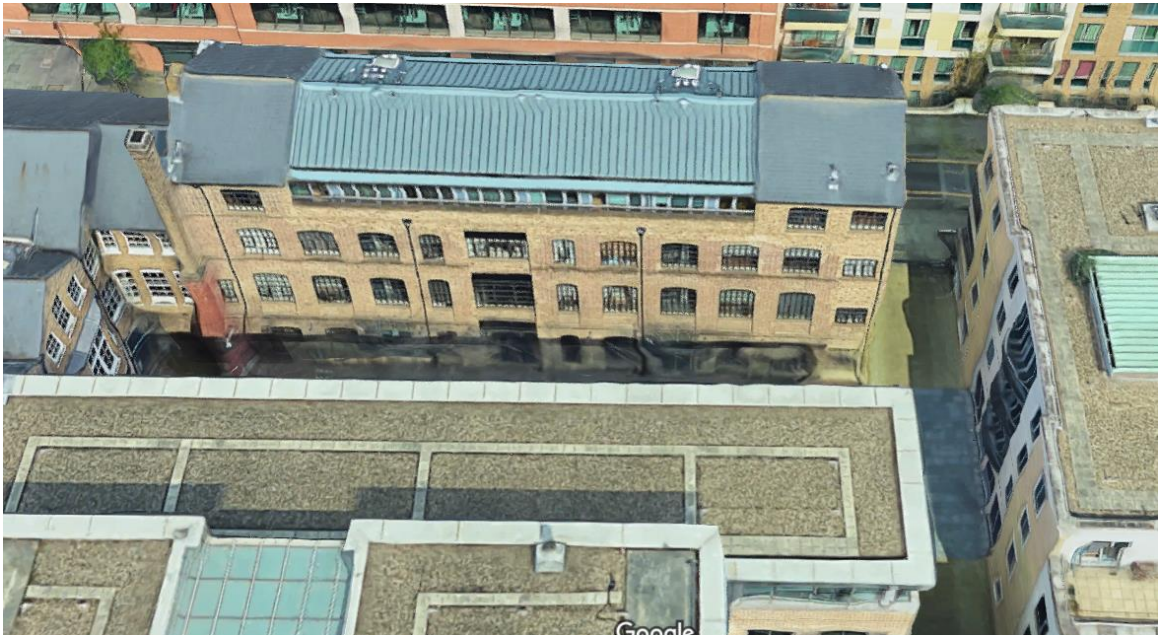


Image 37 - Aerial view of The Ironworks and The Copperworks



Image 38 – Windows tested at The Ironworks

10.248 It is highlighted that each of the units within this building are dual aspect with windows looking south towards the site and to the north to Railway Street. 73 windows and 18 rooms were assessed. 42 (57.5%) windows and 14 (77.8%) rooms would meet BRE guidance.

		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 4 (Lower & Upper Ground Floor)								
R1/10 - W1	LKD	10.9	7.9	27.9%	37.5	15.8	12.8	19.6%
R1/10 - W18		14.1	14.1	0				
R1/10 - W19		12.4	12.4	0				
Flat 3 (Lower & Upper Ground Floor)								
R2/10 - W4	LKD	11.8	8.6	27.7%	28.3	13.4	11.2	17.2%
R2/10 - W16		12.1	12.1	0				
R2/10 - W17		12	12	0				
Flat 2 (Lower & Upper Ground Floor)								
R3/10 - W5	LKD	12.3	8.9	27.1%	27.2	10.4	8.2	20.7%
R3/10 - W14		12.3	12.3	0				
R3/10 - W15		12.1	12.1	0				
Flat 8 (First Floor)								
R1/11 - W1	Bedroom	14	9.2	34.5%	13.7	13.2	7.5	43.3%
R1/11 - W2		19.1	13.6	28.7%				
Flat 7 (First Floor)								
R5/11 - W6	Bedroom	21	14.6	30.6%	10.3	10.3	7.6	26.6%
Flat 6 (First Floor)								
R6/11 - W7	Bedroom	20.5	14.4	30%	9.3	8.8	4.8	45.8%
Flat 12 (Second & Third Floor)								
R1/12 - W1	Bedroom	28.8	20.5	28.7%	13.6	12	10.8	9.8%
R1/13 - W1	LKD	34.5	26.3	23.9%	52.7	51.5	50.99	1%
R1/13 - W2		19.8	11.9	39.9%				
R1/13 – W3		23.6	15.2	35.7%				
R1/13 - W45		14	14	0				
R1/13 - W46		13.4	13.4	0				
R1/13 - W47		11.1	11.1	0				

R1/13 - W48		24.8	24.8	0				
R1/13 - W49		24.7	24.7	0				
Flat 11 (Second & Third Floor)								
R5/12 - W5	Bedroom	30.4	20.7	31.8%	76.7	75.5	75.5	0
R2/13 - W4	LKD	24	15.4	35.8%	37.1	36.1	35.8	1.1
R2/13 - W5		24	15.2	36.3%				
R2/13 - W6		24	15.1	36.7%				
R2/13 - W7		24	15	37.3%				
R2/13 - W8		24	15	37.4%				
R2/13 - W9		24.1	15	37.6%				
R2/13 - W10		24.1	15	37.7%				
R2/13 - W11		24.2	15	37.6%				
R2/13 - W12		24.2	15	37.4%				
R2/13 - W38		4.5	4.5	0				
R2/13 - W39		0.5	0.5	0				
R2/13 - W40		1.3	1.3	0				
R2/13 - W41		14.8	14.8	0				
R2/13 - W42		14.6	14.6	0				
R2/13 - W43		14.5	14.5	0				
R2/13 - W44		14.3	14.3	0				
Flat 10 (Second & Third Floor)								
R6/12 - W6	Bedroom	29.9	20.5	31.4%	6.1	5.7	5.7	0
R3/13 - W13	LKD	24.3	15.3	37.1%	37.6	36.6	36.2	1.1
R3/13 - W14		24.3	15.4	36.8%				
R3/13 - W15		24.4	15.5	36.5%				
R3/13 - W16		24.5	15.8	35.7%				
R3/13 - W17		24.6	16	35.1%				
R3/13 - W18		24.7	16.2	34.2%				
R3/13 - W19		24.8	16.5	33.4%				
R3/13 - W20		24.9	16.9	32%				
R3/13 - W21		24.9	17.2	30.9%				

R3/13 – W31		17.2	17.2	0				
R3/13 – W32		16.9	16.9	0				
R3/13 – W33		16.6	16.6	0				
R3/13 – W34		16.4	16.4	0				
R3/13 – W35		0.3	0.3	0				
R3/13 – W36		0.3	0.3	0				
R3/13 – W37		5.5	5.5	0				
Flat 9 (Second & Third Floor)								
R4/12 – W22	LKD	24.5	17.3	29.6%	59.7	59.1	59.1	0
R4/13 – W23		20.4	13.5	33.7%				
R4/13 – W24		37.2	31.1	16.3%				
R4/13 – W25		37.4	32.8	12.2%				
R4/13 – W26		28.4	28.4	0				
R4/13 – W27		27.8	27.8	0				
R4/13 – W28		14.5	14.5	0				
R4/13 – W29		17.5	17.5	0				
R4/13 – W30		17.6	17.6	0				

Table 1 – The Ironworks

- 10.249 To Flats 2, 3 and 4 (all are duplex at lower and upper ground floor levels), each dwelling would see a reduction of up to 28% to a single window. Each window serves as one of three windows to a living/kitchen/diner, however the remaining 2 windows to these rooms would not see reductions in VSC as they face towards Railway Street. The rooms would not see reductions in excess of BRE guidance in relation to NSL with the exception of Flat 2 that sees 20.7% reduction (minimally above guidance levels). As such, the impact is not considered to be unduly harmful upon the overall amenity of the dwellings.
- 10.250 To Flats 6, 7 and 8 (all at first floor level), each dwelling would see reductions to a bedroom in relation to both VSC and NSL. The bedroom at Flat 6 would see a reduction in VSC to its only window of 30% and a 45.8% reduction in NSL daylight distribution. Whilst this is regrettable, bedrooms are considered to be for sleeping and not the main living space of a dwelling, which would not be impacted within these dwellings. The retained VSC would remain above 14% in this case which is largely accepted as good for central urban centres. Nonetheless, given the cumulative reductions in both VSC to windows and in NSL to the rooms, this is considered a minor impact to the dwellings as a whole.
- 10.251 To Flats 9, 10, 11 and 12 (all are duplex units at second and third floor levels), these dwellings would see reductions in VSC to a number of windows.

- 10.252 To Flat 9, 1 no. window to a living/kitchen/diner would see a reduction in VSC of 29.6% and 1 window would see a reduction in VSC in excess of 30%. However none of the rooms in this flat would see reduction beyond BRE guidance for NSL daylight distribution. Given the rooms would not be negatively impacted in terms of daylight distribution, the reductions in VSC (retained levels remaining above 13% VSC), noting 5 windows remain unaltered, are not considered to result in an unduly harmful impact upon on the dwelling as a whole.
- 10.253 To flat 10, 10 windows across a bedroom, and living/kitchen/diner would see reductions in VSC in excess of 30%. However none of the rooms would see reduction beyond BRE guidance for NSL daylight distribution. Given the rooms would not be negatively impacted in terms of daylight distribution, the reductions in VSC (retained levels remaining above 15% VSC), noting 7 windows remain unaltered, are not considered to result in an unduly harmful impact upon on the dwelling as a whole.
- 10.254 Flat 11 would see reductions in VSC in excess of 30% to the window serving a bedroom (although this retains 20% of actual VSC), whilst 9 of 16 windows to the living/kitchen/diner would see reductions of up to 37.7% (all of these retaining at least 15% actual VSC). Neither of these rooms would however see reductions beyond BRE guidance in relation to NSL daylight distribution. As such, given the reductions in VSC, albeit between 32-37.7%, with 7 of the 15 windows remaining unaffected, the unit is considered to retain an overall reasonable level of daylight and sunlight amenity for a built up urban location.
- 10.255 Flat 12 would see reductions to 4 windows, 1 serving a bedroom and the other 3 windows serving a living/kitchen/diner but 5 windows in the LKD remain unaffected. The bedroom window would see a reduction of 28.7% in VSC, however would retain a value of at least 20% actual VSC, whilst the room would see a negligible reduction in NSL daylight distribution. To the living/kitchen/diner, 3 of the 8 windows would see reductions of up to 39.8% but the other 5 windows would see no reduction at all. Whilst the room would meet BRE guidance in NSL daylight distribution. Given the room would see reductions in daylight distribution of only 1%, and the reductions in VSC given the impacts on the principal window to the southern elevation (W1/13) of a VSC loss of no more than 24%, are not considered to result in an unduly harmful impact on the amenity of the dwelling as a whole.

Overhangs/balconies

- 10.256 There are overhangs/balconies which restrict the quantum of skylight to the windows at third and fourth level. The BRE 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 8 October 2021, a 'without overhang/balconies' results, in which additional calculations of the VSC for both existing and proposed situations, without the overhang/balconies above in place.
- 10.257 The results of this exercise indicates that the balconies do cause some harm to the quantum of skylight that windows would achieve at second and third floor levels. The table below shows the 'without overhangs/balconies' results alongside a comparison with the standard 'with overhangs/balconies' results highlighted above.

		Vertical Sky Component – Assessment without overhang			Comparison with assessment including overhang
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
Flat 12 (Second & Third Floor)					
R1/13 - W1	LKD	34.5	26.3	23.9%	23.9%
R1/13 - W2		28.75	20.86	27.4%	39.9%
R1/13 - W3		35.11	26.70	24%	35.7%
R1/13 - W45		25.8	25.8	0	0
R1/13 - W46		24.7	24.7	0	0
R1/13 - W47		20	20	0	0
R1/13 - W48		24.8	24.8	0	0
R1/13 - W49		24.7	24.7	0	0
Flat 11 (Second & Third Floor)					
R2/13 - W4	LKD	36.1	27.5	23.8%	35.8%
R2/13 - W5		36.1	27.4	24.1%	36.3%
R2/13 - W6		36.1	27.4	24.3%	36.%
R2/13 - W7		36.3	27.3	24.7%	37.3%
R2/13 - W8		36.3	27.3	24.8%	37.4%
R2/13 - W9		36.3	27.3	24.9%	37.6%
R2/13 - W10		36.4	27.3	25%	37.7%
R2/13 - W11		36.4	27.3	25%	37.6%
R2/13 - W12		36.5	27.4	24.8%	37.4%
R2/13 - W38		9.4	9.4	0	0
R2/13 - W39		3.8	3.8	0	0
R2/13 - W40		3.9	3.9	0	0
R2/13 - W41		26.4	26.4	0	0
R2/13 - W42		26.3	26.3	0	0
R2/13 - W43		26.2	26.2	0	0
R2/13 - W44		26	26	0	0
Flat 10 (Second & Third Floor)					
R3/13 - W13	LKD	36.6	27.5	24.7%	37.1%
R3/13 - W14		36.6	27.7	24.5%	36.8%
R3/13 - W15		36.7	27.8	24.3%	36.5%
R3/13 - W16		36.8	28	23.8%	35.7%
R3/13 - W17		36.9	28.2	23.4%	35.1%
R3/13 - W18		36.9	28.5	22.9%	34.2%
R3/13 - W19		37	28.8	22.3%	33.4%
R3/13 - W20		37	29.1	21.5%	32%
R3/13 - W21		37	29.3	20.1%	30.9%
Flat 9 (Second & Third Floor)					
R4/13 - W22	LKD	36.1	28.8	20.1%	29.6
R4/13 - W23		29.3	22.5	23.4%	33.7%
R4/13 - W24		37.2	31.1	16.3%	16.3
R4/13 - W25		37.4	32.8	12.2%	12.2
R4/13 - W26		28.4	28.4	0	0
R4/13 - W27		27.8	27.8	0	0
R4/13 - W28		22.0	22.0	0	0

R4/13 - W29		27.1	27.1	0	0
R4/13 – W30		27.8	27.8	0	0

Table 2 – The Ironworks - Without overhangs

- 10.258 The results are limited to the properties at second and third floors of the Ironworks only due to the overhang/balconies being limited to these windows only. The alternative results shows that the development would still impact on the windows of the Ironworks, however the impact would not be as intrusive, with in most cases, the reduction would be at least 10% less without the overhang. For example, to flats 11 and 12, the reduction would lessen from 39.9% to 27.4%, showing the overhangs would contribute to impact on skyline to the windows. The impact of the development would be less, with minimal infractions beyond BRE guidance of between 22-27%, were it not for the overhangs.
- 10.259 This exercise undertaken by the Applicant is useful in outlining the impacts of the development and understanding the extent of how the existing features of neighbouring buildings can impact daylight receipt to its own inhabitants.
- 10.260 Officers acknowledge that overhangs cannot necessarily be removed, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

The Copperworks

- 10.261 This building is located to the east of the site.

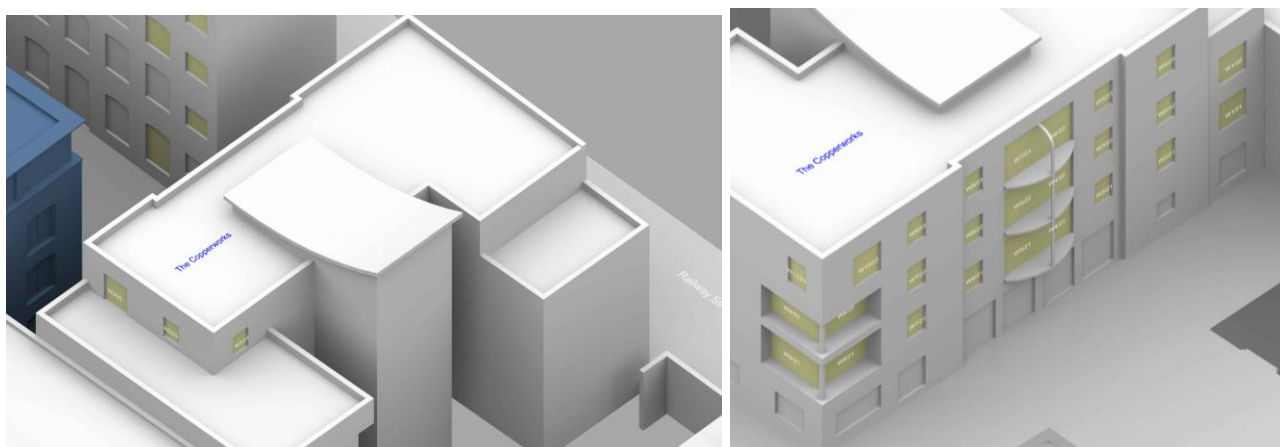


Image 39 – Windows Tested at The Copperworks

- 10.262 The building contains a mixture of both single and dual aspect units. 29 windows and 21 rooms were assessed. 26 (89.7%) of 29 windows, and 18 (86%) of 21 rooms, would meet BRE guidance.

Vertical Sky Component	No Skyline (Daylight Distribution)
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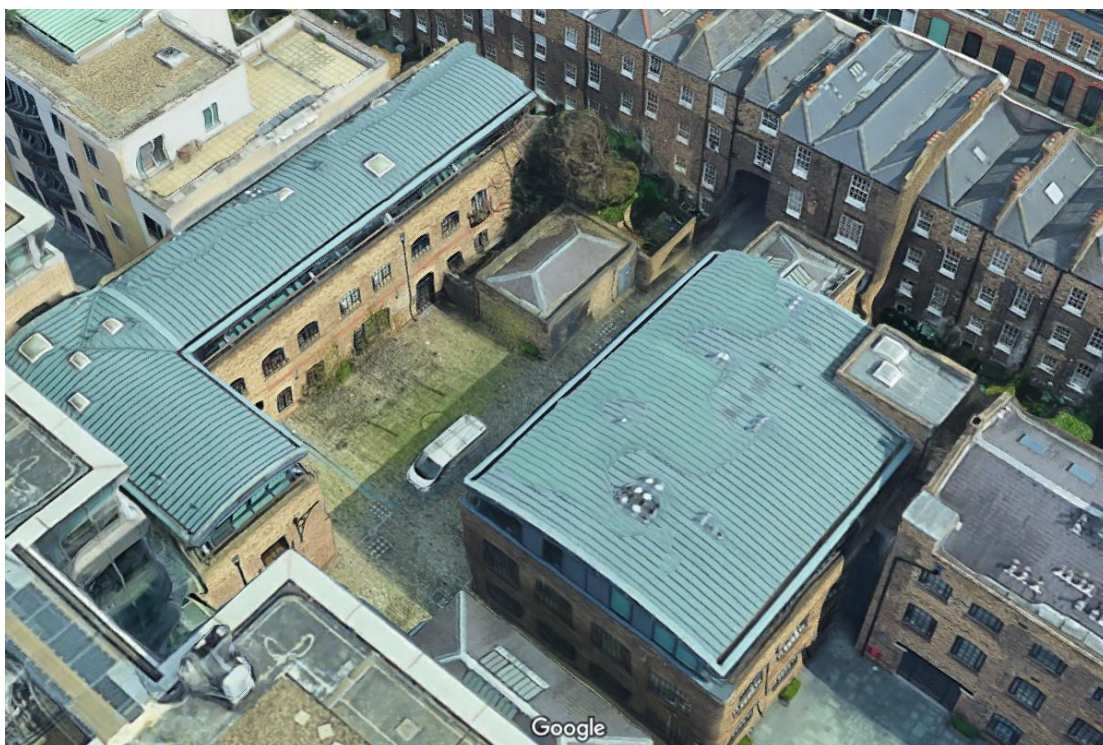
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 3								
R1/21 – W1	LKD	7.9	7.1	9.4%	23.6	4.2	3	28.2%
Flat 9								
R1/22 – W1	LKD	16.2	13.0	19.8%	23.6	6.2	4.4	28.8%
Flat 14								
R2/23 – W3	LKD	36	33.2	7.7%	28.9	28.8	28.5	1%
R2/23 – W4		26.4	21.0	20.5%				
R2/23 – W5		28.5	24.4	14.4%				

Table 3 - Copperworks

10.263 As table above shows, although there are a number of reductions to both windows in VSC, and to rooms in NSL. The reductions however would not exceed 20.5% in VSC and 28.8% in NSL daylight distribution. The living/kitchen/diner to both flats 3 and 9 would see cumulative reductions in VSC to windows and in NSL daylight distribution to the rooms. The proposal is not considered to result in an unduly harmful impact upon the overall amenity of the dwellings of this neighbouring building.

Albion Buildings

10.264 This building is located to the east of the site.



10.265 56 windows and 23 rooms were assessed. 49 (87.5%) of the windows, and all 23 (100%) of the rooms, would meet BRE guidance. Those windows that did not meet the guidance are addressed further below.

		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 2								
R2/40 – W4	LKD	7.5	6.3	15.2%	30.1	19.5	18.1	6.4%
R2/40 – W5		9.1	6.2	31.4%				
R2/40 – W6		21.1	19.9	4.6%				
Flat 8								
R1/41 – W1	LKD	25.3	25.3	0	11	10.9	10.9	0.1%
R1/41 – W2		16.8	14.5	13.7%				
R1/41 – W3		14.5	11.5	20.7%				
Flat 7								

R2/41 – W4	LKD	14.1	10.2	27%	30.6	30.6	30.6	0
R2/41 – W5		14.1	9.6	32.2%				
R2/41 – W6		27.1	24.9	7.2%				
Flat 13								
R1/42 – W1	LKD	19.6	19.6	0	26.5	26.5	26.5	0
R1/42 – W2		19.7	19.7	0				
R1/42 – W3		20	20	0				
R1/42 – W4		21.4	21.4	0				
R1/42 – W5		22.2	18.6	16.4%				
R1/42 – W6		20.7	15.9	23%				
Flat 12								
R2/42 – W7	LKD	19.8	13.7	30.4%	26.7	26.7	26.7	0
R2/42 – W8		19.5	12.7	35%				
R2/42 – W9		23.3	20.3	12%				
R2/42 – W10		22.4	20.2	9%				
R2/42 – W11		22.8	20.7	8.4%				
R2/42 – W12		23.1	21.1	8%				

Table 4 – Albion Buildings

10.266 As table above shows, although there are a number of reductions to windows in regards to VSC, to combined LKD rooms, all are served by multiple windows where at least one window retains existing VSC levels. This is reflected in the fact that minimal to no overall reductions in the daylight received to the rooms they serve is experienced. As such, given the reductions to the windows only, and not to their corresponding room, the dwellings are considered to retain an overall reasonable level of daylight amenity.

2A Albion Walk

10.267 This building adjoins the eastern boundary of the site.

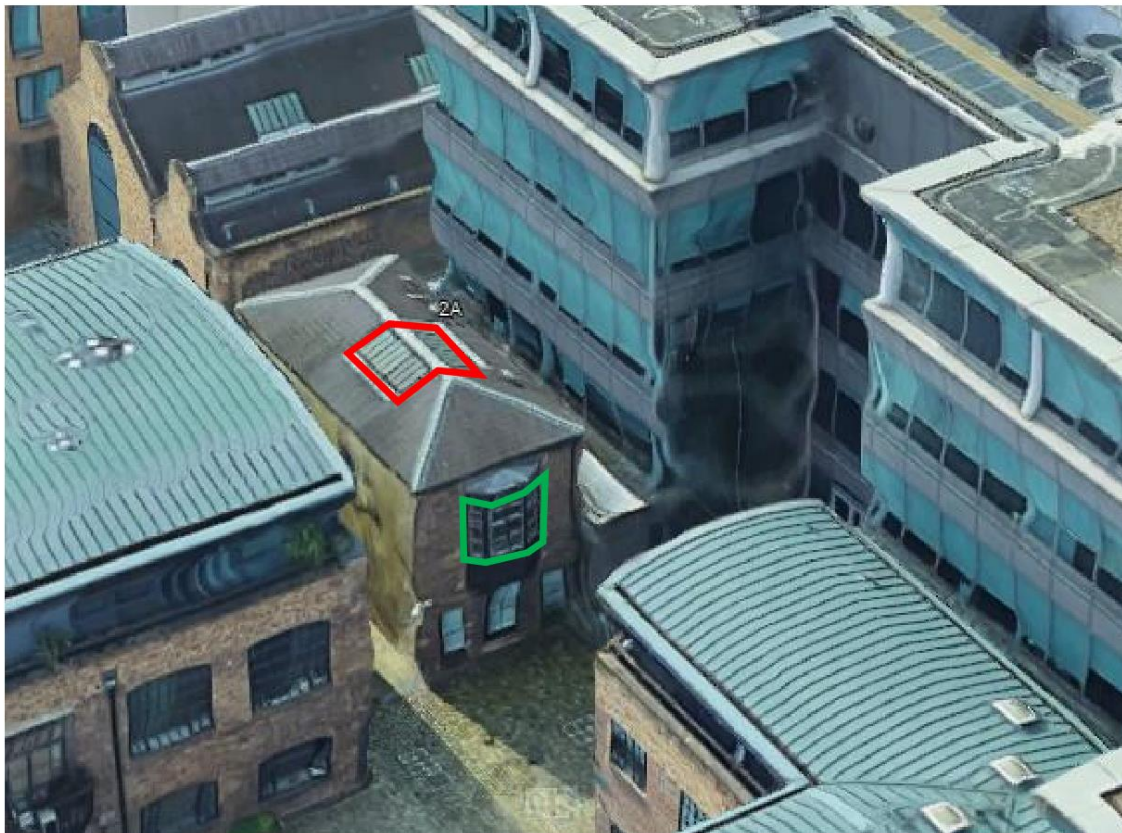


Image 43 – Aerial View of 2a Albion Walk

10.268 It is understood that this property is a one bedroom unit. Following objection to the proposal in regards to Point2 omitting testing to a roof light to the main roof, Point2 have assessed further in Appendix 2 of the Applicant's 'Response to Daylight, Sunlight and Overshadowing Objections' document dated 8 October 2021, ensuring the skylight has also been assessed. As such, 9 windows and 2 rooms have been assessed. 8 (88.9%) of the windows and both (100%) of the rooms would meet BRE guidance.

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
R1 / 341 - W1	LKD	11	7.9	28.5%	33.2	33.2	33.2	0%
R1 / 341 - W2		20.6	18.6	9.9%				
R1 / 341 - W3		21.7	21.3	1.8%				
R1 / W4		7.9	7.9	0				
R1 / W5		6.4	6.4	0				
R1 / W8		51.4	47.3	7.9				
R1 / W9		73.4	69.8	4.8%				

Table 5 – 2a Albion Walk

10.269 As shown in the table above, one window would see a reduction of 28.5%. This window is the side facing window of a bay window which faces the site. This window serves the living/kitchen/diner; all other windows which light the room receive minimal loss of VSC. The room itself would not see a reduction in NSL daylight distribution, likely due to the extensive rooflight to the main roof above. As such, it is not considered to have an unduly harmful impact to the overall dwelling.

5-35 Balfe Street

10.270 5-35 Balfe Street is a row of 16x three storey (plus basement level) terraced townhouse properties. 67 windows and 67 rooms have been assessed. All 67 (100%) windows and 64 (95.5%) rooms would meet BRE guidance.

		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
19 Balfe Street								
R1/124 – W1		17.7	16	9.4%	10.5	6.3	4.4	29%
21 Balfe Street								
R1/134 – W1		19.8	18.1	8.3%	9.5	5.6	4.1	31%
23 Balfe Street								
R1/144 – W1		16.6	15.8	4.7%	9.2	4.6	3.5	23.8%

Table 6 – Balfe Street

10.271 As shown in the above table, there are transgressions reported to three properties along Balfe Street: numbers 19, 21 and 23. However, the transgressions are limited to NSL reductions of between 23.8% and 31%, and all to lower ground/basement floor rooms to the rear of these properties. Due to the surrounding central London dense urban context, reductions are considered inevitable at lower ground floor window/rooms. Further, the reductions are limited to only one room within each of these dwellings, as such the dwellings are considered to continue to experience an overall reasonable level of daylight amenity.

Sunlight

10.272 The submitted report indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. Transgressions are reported to neighbouring residential properties at the Ironworks and the Copperworks. 231 windows have been assessed, of which 221 (95.7%) are BRE guidance compliant. The following properties comply with BRE guidance:

- Albion Buildings;
- Albion Yard; and
- 5-35 Balfe Street;

10.273 The transgressions to neighbouring properties are reported in the below table:

		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
Ironworks								
<i>Flat 1</i>								
R4/W9/10	LKD	32	25	7	21.9%	0	0	0
<i>Flat 4</i>								
R1/W1	LKD	28	18	10	35.7%	0	0	0
<i>Flat 3</i>								
R2/W4/10	LKD	33	23	10	30.3%	0	0	0
<i>Flat 2</i>								
R3/W5/10	LKD	35	24	11	31.4%	0	0	0
<i>Flat 8</i>								
R1/W1/11	Bedroom	36	24	12	33%	0	0	0
<i>Flat 12</i>								
R1/W1/12	Bedroom	63	50	13	20.6%	14	1	92.9%
<i>Flat 11</i>								
R5/W5/12	Bedroom	73	58	15	20.5%	17	1	88.2%
<i>Flat 10</i>								
R6/W6/12	Bedroom	72	55	17	23.6%	16	1	93.8%
The Copperworks								
<i>Flat 14</i>								
R2/W4/23	LKD	40	29	11	27.5%	12	8	33.3%
R2/W5/23		33	23	10	30.3%	5	2	60%

Table 7: Sunlight Transgressions

10.274 The Ironworks would see transgressions to 9 windows within the southern elevation of the building. The windows at ground floor level, which all serve living/kitchen/diners, are all dual aspect with outlook onto Railway Street. Many would continue to retain more than 25% across the annual measure, or relatively close to this level (although it is noted they will lose greater than 20% of their former levels. Sunlight is sensitive to change in central urban locations and overall the above performance is considered to be acceptable.

10.275 The Copperworks would see transgressions to only 2 windows to Flat 14, which is located on the third floor. The windows serve the same living/kitchen/diner to a one bedroom property. One would retain greater than 25% APSH and the other minimally below this measure with the winter performance, one window remaining above 5%. Although, there is a reduction in sunlight receipt to these windows, the room is dual aspect with a further window benefitting from south facing orientation (which would not be impacted by the development).

Overshadowing

- 10.276 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).
- 10.277 Five (5) plots of open space have been assessed as part of the assessment. 19-35 Balfe Street share a space to the rear of the terrace. 5-15 Balfe Street also share a space to the rear of the terrace. Albion Yard and Ironworks have hard surfaced areas also, which appear to be used for access and servicing. Nonetheless, all of these identified areas would remain as existing and not see a reduction in sunlight on the ground.

Overall Summary for Daylight, Sunlight and Overshadowing

- 10.278 A comprehensive assessment of the proposed development on surrounding windows, rooms and amenity areas to neighbouring dwellings has been undertaken in accordance with BRE guidance and practice. It has to be acknowledged that there would be some impacts to neighbouring properties and that this is regrettable.
- 10.279 Quantitatively, a small number of windows (14.4%) and rooms (8.8%) would fail to meet BRE guidance in regards to daylight. Those that do fail BRE guidance largely do so by only minimal infractions, or where officers consider these reductions to be acceptable due to the central London urban context of the surrounding area. Most windows retain at least 15% VSC where losses would be greater than 20%. Turning to sunlight, a small number of windows (4.3%) would fail to meet BRE guidance, with the impact being most noticeable during the winter period. All neighbouring amenity/open spaces would meet BRE guidance.
- 10.280 Amendments to the scheme reduced impacts to Flat 3 and 9 of Copperworks which were viewed to have the lowest existing levels of light, needing more careful consideration. The proposal now sees minimal (BRE compliant reductions to those flats and improved relationship in terms of outlook).
- 10.281 Therefore, it is considered that the proposed development would cause adverse impact to the neighbouring properties in terms of daylight and sunlight received, although the level of harm in this case is considered to be minor. The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards, allowance should be made for the Central London location and the surrounding context of the site. The **overall planning balance** is covered in a later section of this Committee report at paragraphs 10.458-10.464.

Overlooking

- 10.282 The supporting text to IDMP Policy DM2.1 states at paragraph 2.14 that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.

- 10.283 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 10.284 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.
- 10.285 It is noted that the existing building at Jahn Court already overlooks the neighbouring occupiers at The Ironworks, The Copperworks, Albion Yard and Albion Buildings, to a significant degree. Therefore, the key consideration is whether the proposed fourth floor and roof extensions at fifth and sixth floors, and rear infill extension would result in unacceptable increase in the level of overlooking towards the neighbours.



Image 44 – Existing overlooking between The Ironworks and Jahn Court

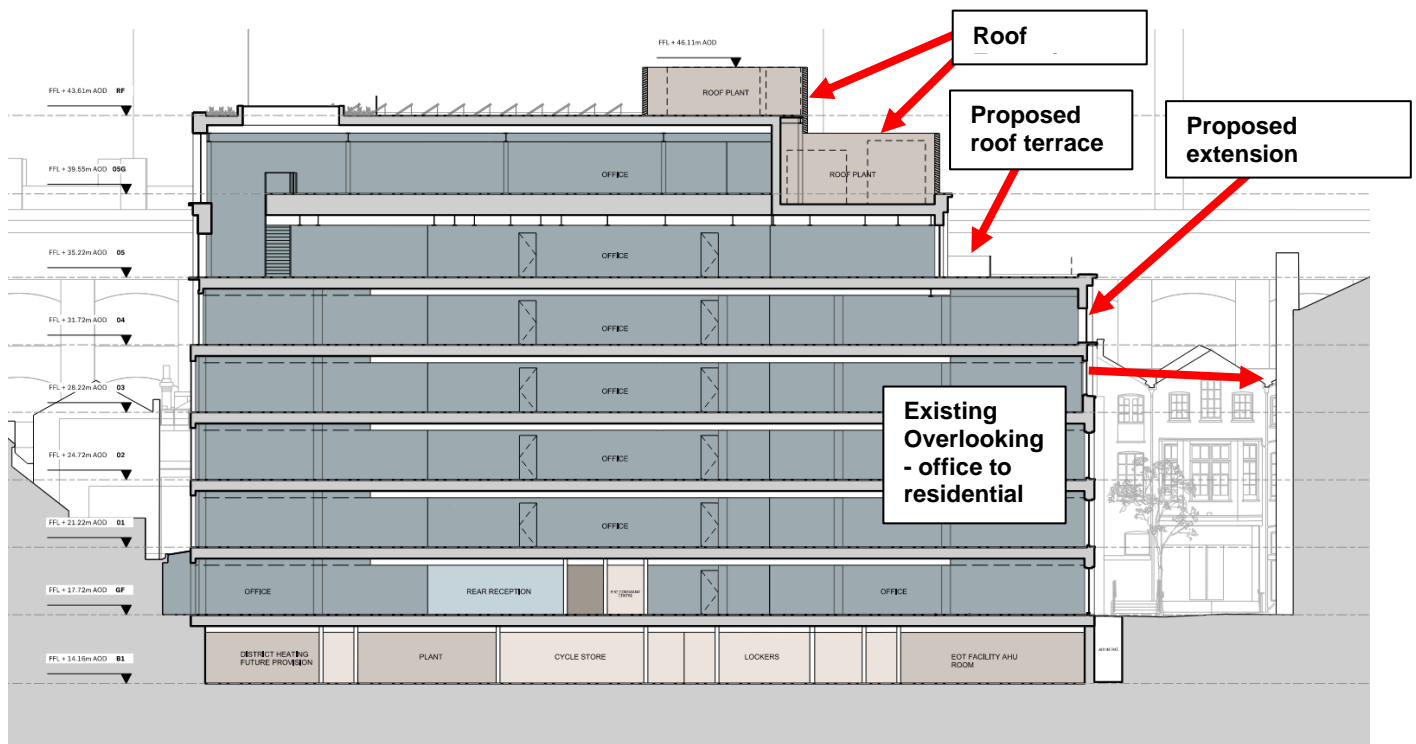


Image 45 – Existing and proposed levels of overlooking between The Ironworks and Jahn Court

10.286 The proposed extension at fourth floor level comprises of glazing which fronts towards the residents at fourth floor of the Ironworks, at a distance of approximately 10.5m. A roof terrace is proposed at fifth floor level, recessed from the northern elevation by approximately 4 metres, and by 8 metres from the eastern elevation. As shown by images 44 and 45, there is a significant degree of overlooking between Jahn Court and the residential properties at The Ironworks. A similar relationship applies currently between the eastern elevation of Jahn Court and the residential properties at The Copperworks. Consideration has been given to the existing levels of overlooking, the angle of view and the level of the increase in overlooking which would mainly be provided between the Jahn Court and the Ironworks.

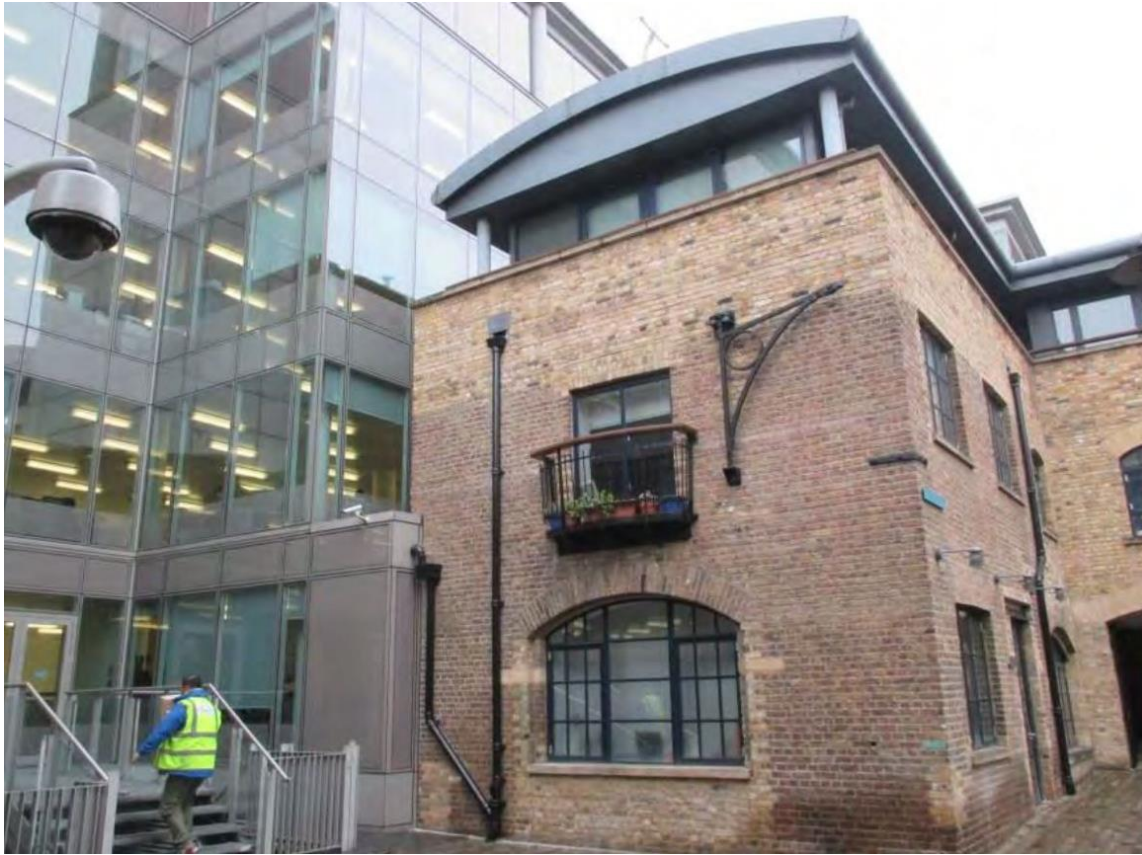


Image 46 - Existing relationship between Jahn Court and Albion Yard

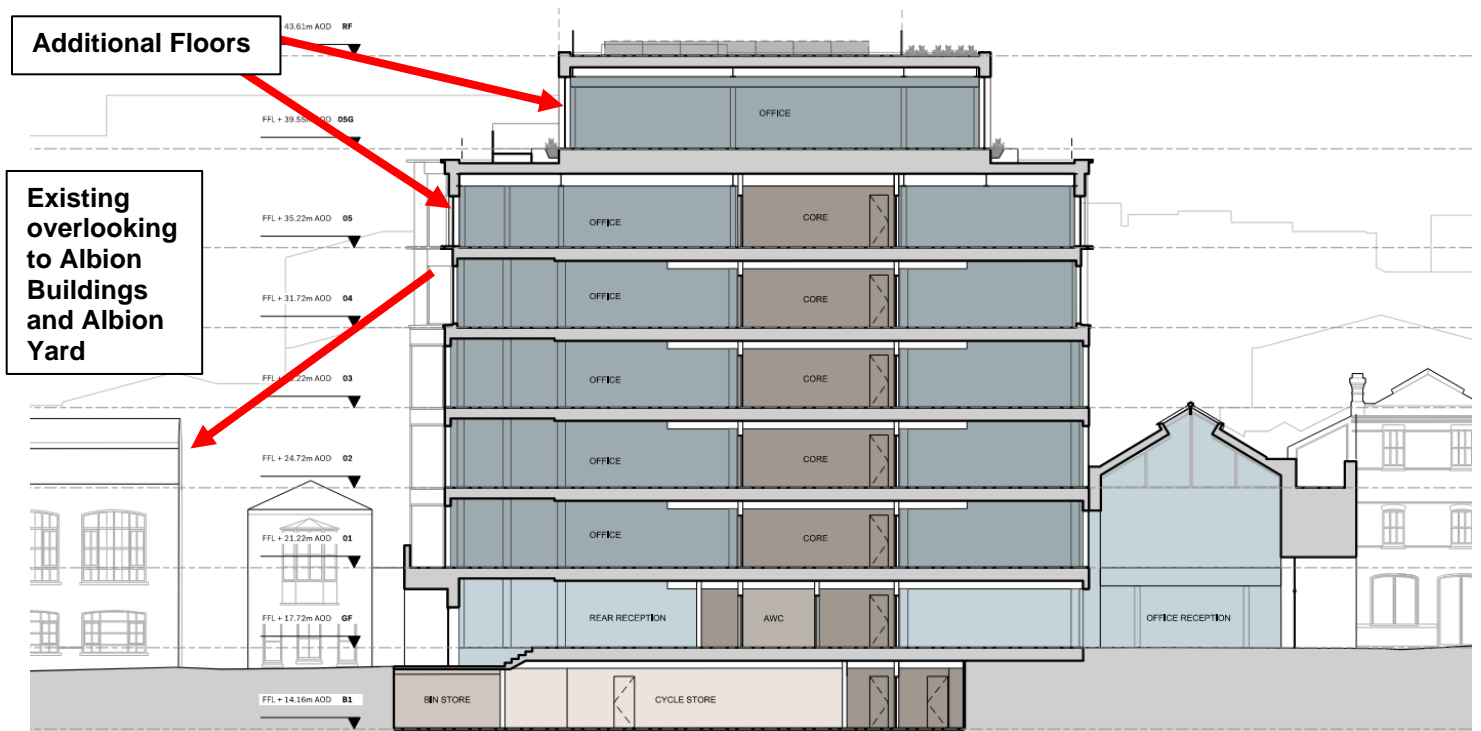


Image 47 - Existing and proposed level of overlooking between Jahn Court and Albion Buildings

- 10.287 Images 46 and 47 indicate that there is an existing level of overlooking between the eastern elevation of Jahn Court and the properties at Albion Buildings. A similar relationship exists with the properties at Albion Yard. The image also demonstrates the proposed angle of view from the additional floors towards these properties.
- 10.288 Taking into account the site's highly urbanised and central location, the density and separation distances, the existing levels of overlooking, and the angle of view of the additional storeys, between buildings at the Ironworks, the Copperworks, Albion Buildings and Albion Yard, it is considered that the level of overlooking would not need to be mitigated, even though the 18m requirement is not applicable in this case.
- 10.289 Overall, officers are satisfied that the proposal would not unduly affect the neighbours' privacy and the proposed development would not result in unacceptable overlooking towards the adjoining neighbours.

Outlook and enclosure

- 10.290 The site is surrounded by residential buildings which have windows facing towards the site boundary, namely the south facing windows on The Ironworks, and west facing windows at The Copperworks, and Albion Buildings. The proposals amount to a single storey extension at fourth floor level on the northern elevation, and a stepped two storey roof extension recessed from the northern elevation, plus a recessed plant room.
- 10.291 Consideration has been given to the existing setting of the site, and the relationship between the existing five storey office building and the windows of these adjacent residential properties. It is noted that with the exception of the proposed single storey extension at fourth floor level, there would be largely an oblique angle of view from the windows of the residential properties which are located at ground to third floor level, towards the additional massing located at fifth and sixth floor level as shown by image 47 above. It is noted that the residential properties in the Ironworks have dual aspect with a secondary aspect facing onto Railway Street and are split level.
- 10.292 With regards the impact of the single storey extension at fourth floor level on the Ironworks and the Copperworks, consideration has been given to the scale of the additional height, bulk and massing in proportion to the existing building, and the existing relationship between the office and the windows of the residential properties including the angle of view.
- 10.293 It is noted that the western elevation of the Copperworks is positioned approximately 6.2 metres from the eastern elevation of Jahn Court at ground to third floor levels. It is noted that the existing flat 14 at third floor level, is a dual aspect flat with a largely unobstructed southern elevation to the main living space, and that the flats 3 and 9 at the southern end of the Copperworks building, at first and second floor levels, are single aspect.
- 10.294 During the course of the application revisions have been made in response to concerns over the amenity impacts on the residential properties flat 3 and flat 9, in terms of daylight, outlook and enclosure, through a reduction in the extent of the fourth floor roof extension to be set away from the eastern elevation. The impact of the reduction on outlook and enclosure is shown by the sightlines in images 48 and

49 below. This indicates that the revised scheme would maintain the existing levels of outlook and enclosure to the first floor flat 3, and there would be minor reduction in the existing sightline to the second floor flat 9. Given that the width of the massing at fourth floor extension would be limited to 8.5 metres, and that the daylight assessment indicates that there would not be an unduly harmful impact, overall the impacts on flat 9 are considered to be acceptable given the site's existing context.

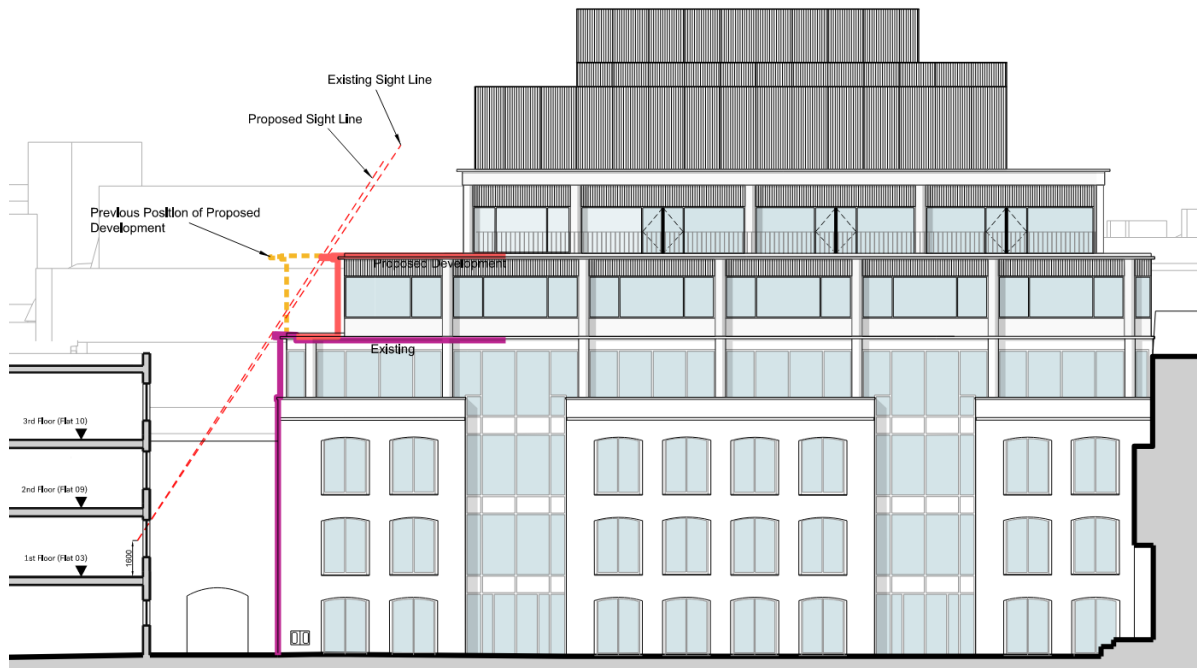


Image 48 – Existing and Proposed sightlines from Flat 3 in the Copperworks

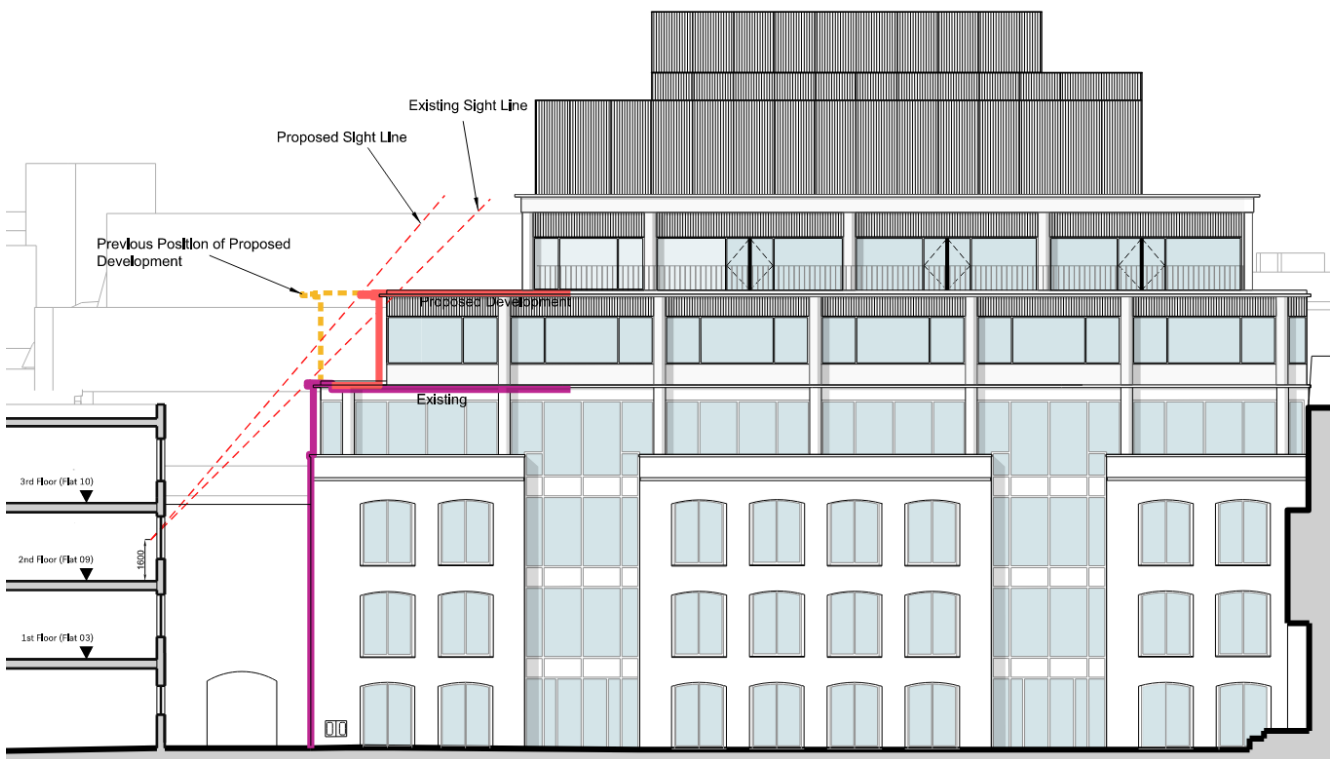


Image 49 – Existing and Proposed sightlines from Flat 9 in the Copperworks

10.295 Taking into account the existing setting and the existing distance between the surrounding properties, as a result of the amendments, it is considered that the proposed development would not pose unacceptable harm to the adjoining neighbours in terms of outlook and perceived sense of enclosure, and would not lead to an overbearing or over dominant impact given the scale of the additional height, bulk and massing on the existing building and the relationship to the neighbouring properties.

Noise and disturbance

10.296 Noise and disturbance are likely to be generated from the proposed construction works, as well as the commercial operations proposed under this application, including the office uses on the upper levels, and the flexible commercial uses on the ground floor.

10.297 In regard to the plant noise, the Council's Acoustic Officer has reviewed the submitted noise assessment. The proposal includes plant at sixth floor (known as Fifth Floor Gallery) and on the rooftop and the specification of the proposed plant has been reviewed. It is recommended that the acoustic specifications of the plant to be controlled by **condition 11**, and post installation verification report secured by condition **12**, to ensure that the noise impacts are minimised and that it would not adversely affect the surrounding occupiers in terms of noise.

10.298 The Acoustic Officer comments that the proposal includes building services plant, with the noise report advising 24 x air source heat pumps for air conditioning and 3 x ASHP for hot water. These will all have to be on the roof and acoustically enclosed. The units haven't been confirmed so it's not clear on the dimensions and the officer considers that planning officers will need to consider the visual impact for the appropriate enclosures. Therefore officers consider that appropriate details can be secured by condition **33**.

10.299 The proposals include a roof terrace for the office spaces at fifth floor level. It is referred to in the noise report but there isn't a direct assessment. Therefore the Acoustic officer has requested that a Noise Management Plan is secured by condition **13** prior to use of the terrace, covering management of the space, hours of use, controls of noise, numbers etc.

10.300 An objector has commented: *EL's noise level estimations for their plant machinery are lower than rated noise levels for this machinery. EL's report takes a "predicted value" of 38dB - nearly 30dB lower than the rated output 67dB for heat pumps. This low estimation appears to be based on the acoustic properties of a proposed screen. However this screen only attenuates 30dB at a frequency of 2000Hz. At all other frequencies the noise attenuation is much less. For example, at 125 Hz the attenuation is only 7dB. This would give a "predicted value" of 60dB - which is 15dB above the guidance.*

10.301 The Council's Acoustic Officer has provided the following response:
'The quoted 67dBA is the manufacturer's data for the sound pressure level at 1m away from the heat pump. The prediction of 38dBA is at 1m from the façade of the residential at the Ironworks. The prediction is made by calculating the attenuation provided by

the acoustic screens around the plant area, the building and the distance between the pumps and receptor. The required attenuation for the acoustic screen has been taken from a 300mm deep acoustic louvre. An acoustic screen provides less attenuation at lower frequencies but with the attenuation over distance, Islington's plant noise criterion is predicted to be complied with. The plant enclosure is at roof level and significantly higher than the Ironworks receptors and the building itself provides screening. The objection comments do not take into account this or the distance attenuation.

It is noted that the report has used the lowest 15 minute period for daytime background sound level (recorded at the weekend daytime) and lowest 15 minute period for night time (weekend night time). It also assumes all plant is operating in heating mode (the higher sound generating of the two modes). Therefore you could say it is a conservative assessment. The plant noise level is assessed as 6 dB below background at 1m from the façade of the Ironworks during the quietest weekend daytime period and 9dB below background during the loudest daytime period (weekday evening).

The noise report states that plant will be enclosed on all four sides and this is recommended as good acoustic design albeit the nearest residential is to the north at the Ironworks and north-west/west at the Copperworks.'

- 10.302 On the basis of the response received from the Council's Acoustics Officer, officers do not consider that the objection raises an issue not already considered and addressed (and mitigation to be secured via condition).

Construction Impacts

- 10.303 The construction works proposed under this application would inevitably cause some degree of noise and disruption which would affect neighbouring residents. It is considered that the construction works under this application would need to be carefully managed and controlled to minimise disturbance to the neighbours.
- 10.304 A Construction and Environmental Management Plan is required to be submitted to and approved by the Council (in consultation with TfL) prior to the commencement of development, the plan shall include details including methods of demolition, quiet periods and noise mitigation, in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by **condition 5** should the application be approved. It is worth noting that outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.
- 10.305 The transportation and highways impact during the construction stage is further discussed in the Highways and Transportation section below.

Hours of operations

- 10.306 In terms of hours of use, it is considered that the operational hours of the proposed flexible commercial uses would need to be controlled to ensure that the surrounding

neighbours would not be unreasonably affected. It is recommended that the hours of operations are restricted as follows:

Use	Recommended hours of operations
E (a) – retail	7am - 10pm Monday to Saturday 8am - 8pm Sundays
E (b) – café/restaurant	7am - 10pm Monday to Thursday 7am - 11pm Friday and Saturday 7am - 9pm Sundays
E (d) – indoor sport, recreation or fitness	7am - 10pm Monday to Saturday 8am - 8pm Sundays
E (g)(i) - Office	No restrictions commonly added (terraces to be restricted via noise management plan).

10.307 The hours of operations are controlled under **condition 20**.

Odour control

10.308 The proposed flexible use on the ground floor comprises of restaurant use in which the potential for odours would need to be addressed adequately.

10.309 **Condition 10** is recommended to secure details of extract ventilation system to be submitted prior to commencement of any restaurant uses on site to ensure that any potential odour impact caused by the restaurant operations would be adequately mitigated through management and design / other measures.

Air Quality

10.310 IDMP Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

10.311 The application submission includes an Air Quality Assessment and Air Quality draft Dust Management Plan. The EPPP officer notes that this states NRMM should meet Stage IIIA. Inside the CAZ, NRMM should achieve at least Stage IV and outside the CAZ should achieve at least IIIB. The officer does not raise an objection in this regard.

10.312 The Dust Management Plan report states that prior to the implementation of appropriate mitigation measures, the potential impact significance of dust emissions associated with the preparation works of the proposed development has potential as 'medium' at some worst affected receptors without mitigation. The document states that appropriate site-specific mitigation measures have been proposed based on Section 8 of the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction', 2014. The document concludes that with these appropriate mitigation

measures in place, the risk of adverse effects due to emissions from the preparation works will not be significant.

10.313 The Officer from the EPPP Team has reviewed the scheme and raised no objection in this regard. It is judged that mitigation measures for dust suppression during the construction stage should form part of the Construction and Environmental Management Plan.

10.314 In regard to the operational phase of the development, it was concluded that the proposal would not adversely affect the air quality of the local area, as the proposals would be car free and most of the trips generated would be through public transport.

Light pollution

10.315 The site has been established as a commercial building. The proposal would not alter the commercial nature of the site and therefore, it is not recommended that the hours of occupation of the development to be restricted for commercial use. However, the proposal raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours; due to the proposed intensification of commercial use of the site, the cumulative impact is likely to be greater than existing and therefore, it is considered that adequate measures would need to be in place to mitigate any adverse light pollution impact.

10.316 To address this, **condition 7** is recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors.

10.317 It is considered that this condition would ensure the extent of light being used within the building is reduced and help minimise any impact on neighbouring properties, and address any light pollution concerns as well as minimise energy use/waste.

Neighbouring amenity summary

10.318 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity, except the adverse impact identified in daylight/sunlight terms in accordance with the requirements of policies DM2.1 and DM6.1. The level of harm caused by the daylight/sunlight impact is discussed in the planning balance assessment below.

Biodiversity, Landscaping and Trees

10.319 LP policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network. Policy G5 further states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

- 10.320 ICS policy CS15 and IDMP policy DM6.5 state that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.321 The existing building has no green coverage or soft landscaping, and the existing trees in the courtyards are to be retained. Therefore, it is judged that the proposal would not adversely affect the existing natural environment.
- 10.322 The applicant has submitted details of green roofs in support of the application and during the application in response to responses from the Sustainability Officer, this has been revised to include blue roofs. The green roof is proposed under and around the PV panels to form a bio-solar roof. The proposed green/blue roofs are welcomed and would enhance the biodiversity and ecological value of the building.
- 10.323 It is considered that details of the green roof would need to be submitted prior to commencement of development to ensure it would promote and enhance the biodiversity of the site and surrounding area (**Condition 6**).

Urban Greening Factor

- 10.324 The London Plan 2021 has introduced an Urban Greening Factor assessment required by Policy G5 (Urban greening) which states that all major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage to increase the overall urban greening factor of sites. The policy also expects councils to develop their own urban greening factor.
- 10.325 Draft Local Plan policy G1 (Green infrastructure) states that major developments are required to conduct an Urban Greening Factor (UGF) assessment in accordance with the methodology in the London Plan. Schemes must achieve an UGF score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominantly commercial development.
- 10.326 Policy G1 received minor objections so has limited to moderate weight. An Urban Greening Factor assessment gives a rating to each type of surface on the site, with more biodiverse and permeable surfaces achieving a higher rating than hard landscaping and similar surfaces.
- 10.327 Currently the building has minimal ecological activity, with existing trees in the yards providing the only source of greening. The proposals amount roof extensions, infill extension and refurbishment of the existing building. The proposals include the addition of a green roof across much of the new rooftop.
- 10.328 The applicant has submitted a Biodiversity Net Gain Assessment and Urban Greening Factor Review. Following the removal of the previously proposed planters from Albion Yard and Ironworks Yard, the UGF has been confirmed as 0.15. The report considers that opportunities for greening have been maximised in what is predominantly a refurbishment scheme in a sensitive heritage location. In addition to the retention of all

existing ecological features and the provision of a green roof, there will be other ecological features created, such as bird, bat and invertebrate boxes.

- 10.329 Whilst acknowledging the scheme comprises of refurbishment and infill development so it may not be able to reach a UGF of 0.3, the sustainability officer queried whether there are opportunities for the Urban Greening Factor score to be increased. The applicant has commented that given the heritage matters relating to both Albion Yard and Ironworks Yard, there are no opportunities for tree pits within these yards. In respect of the forecourt to Jahn Court, tree pits are unsuitable because of the existing geo-cellular storage.
- 10.330 The Sustainability Officer has accepted that the site's physical and heritage constraints prevent the UGF from increasing towards the required 0.3 rating and raises no objections in this regard. Therefore the proposal is not considered to raise conflict with London Plan policy G5.

Energy and Sustainability

- 10.331 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 10.332 The NPPF para 157 states that in determining planning applications, LPAs should expect new development to a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.333 LP policy GG6 seeks to make London a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050. Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.
- 10.334 LP policy SI 2, in support of the strategic objectives set out in Policy GG6 above, stipulates for new developments to aim to be zero carbon with a requirement for a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. It requires all major development proposals to contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). Moreover, where it is clearly

demonstrated that the zero carbon figure cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.

10.335 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:

- connect to local existing or planned heat networks
- use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
- use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
- use ultra-low NOx gas boilers

10.336 Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

10.337 Policy SI 4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.

10.338 Core Strategy Policy CS10 requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.

10.339 IDMP Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

10.340 The applicant has submitted the relevant details within an Energy Statement prepared by Norman Disney & Young dated 29 July 2021 (Version 3.0).

Carbon Emissions

10.341 The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.

10.342 Based on SAP10 carbon factors, a saving of 59.0% is estimated, against a Part L 2013 baseline. This meets the London Plan target. For reference, based on SAP 2012

carbon factors, a 40.2% reduction is anticipated. No objection was raised from the Energy Officer in this regard.

- 10.343 In terms of Islington's policies, the council requires onsite total CO₂ reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 10.344 The initial submission indicates that the development would achieve an overall saving of 37.5% on total emissions . However, for the existing building, the baseline is derived using the GLA's specification (in Appendix 4 of their 2020 Energy Assessment Guidance). For assessment against the Islington target, a baseline of an equivalent development complying with Part L 2013 should be used.
- 10.345 A subsequent comparison against a Part L 2013 notional building has been undertaken. This shows that the development is anticipated to achieve an 11.2% reduction on total emissions (SAP10 figures) which falls short against the council target.
- 10.346 However the Energy Officer has accepted that given the substantial refurbishment elements of both developments, it is extremely unlikely that either could make sufficient improvements to hit the 27% target – and the 11-13% reductions made are not insignificant in the circumstances. The officer notes that it might be possible to make some small improvements to the efficiency specifications and the PV capacities, but even if this is possible, this is only likely to have a small impact on overall emissions.
- 10.347 It is noted that latest updates provided by the applicant's energy consultant, mention detailed design stage, while the Environmental Design SPD places the onus on applicants to demonstrate that, for refurbishments not achieving the 27%, emissions have been minimised as far as reasonably possible. Given this, the Energy Officer has accepted the current energy position, and requested that an assessment of any potential further improvements is required by condition **23** prior to implementation.

Zero Carbon Policy

- 10.348 As mentioned above, the London Plan Policy SI 2 stipulates development proposals to aim to be zero carbon, this is supported by Islington Core Strategy Policy CS10 which states that development will need to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO₂ emissions associated with the building through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.
- 10.349 The council's Environmental Design SPD states that "*after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution*", this includes both regulated and unregulated emissions. The SPD further states that the calculation of the amount of CO₂ to be

offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.

- 10.350 The latest energy statement quotes an offset contribution of **£172,025** based on residual emissions of 187.0 tonnes, which includes both the regulated and unregulated CO2 emission. This has been confirmed by the Energy Officer that this value is correct. If improvements are secured via condition **23**, then this amount will reduce.

BE LEAN – Reduce Energy Demand

- 10.351 IDMP policy DM 7.1 (A) states “*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*” It further states that “*developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy*”.
- 10.352 The proposed U-values for the development are new walls = 0.18; existing walls = 0.70, new roof = 0.13, existing roof = 0.35 and floors = 0.70. The proposed U-values for windows are new = 1.30 & 1.60, with retained windows = 2.20.
- 10.353 An air permeability of 3m³/hr/m² is specified for new-build areas, with 10m³/hr/m² anticipated for refurbished areas at Jahn Court. Since mechanical ventilation with heat recovery is proposed, the Energy Officer recommends that further improvements in air permeability for the existing building areas are considered.
- 10.354 Lighting controls including absence detection and daylight dimming are proposed. The luminous efficacies shown are relatively good, but the Energy Officer would suggest investigating further improvements to these.
- 10.355 The officer notes that for existing walls and roofs, the applicant has assumed that these meet the maximum thresholds under Part L2B, with the proposal that, if further investigation shows this not to be the case, insulation will be added.
- 10.356 The Energy Officer has accepted that no further amendments to the energy efficiency specifications are proposed for now, although there may be scope for further improvements at detailed design stage and this is secured by condition **23**.

Overheating and Cooling

- 10.357 IDMP Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by including details of internal temperature modelling under projected increased future summer temperatures.
- 10.358 Dynamic thermal modelling in line with CIBSE TM52 has been carried out. In general, the underlying assumptions for this analysis were considered to be reasonable. However, the analysis states that modelling was undertaken using the starting point

of a mechanically ventilated building (natural ventilation has been considered unfeasible due to local noise and pollution issues). The Energy Officer noted that the results of the analysis show no areas failing the assessment but in the conclusions, in seeming contradiction, it is stated that the results demonstrate the need for active cooling. As a result the Energy Officer requested that this is clarified, and to confirm the results of the analysis in the scenario of a mechanically ventilated building with no active cooling.

- 10.359 Subsequently further details of the overheating modelling have been provided, including the results for modelling of the development with mechanical ventilation alone. This scenario shows many areas of the building failing the criteria by a significant margin. Therefore, it is now accepted by the Energy Officer that active cooling can be used within the development.

The need for active cooling

- 10.360 Council policy states “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control”.
- 10.361 The use of active cooling in order to prevent overheating has been accepted by the Energy Officer as outlined above.

BE CLEAN - Low Carbon Energy Supply

- 10.362 The development is identified as being relatively close to both the Somers Town Heat Network and the Kings Cross Heat Network, and contact has been made with both network operators. However, on the basis of this, it would appear that neither network is likely to extend in the direction of the development in the short or medium term. In addition, there are issues regarding capacity constraints as well as distance to the networks – and therefore, it has been decided that the development will not connect to either network. This is accepted by the Energy Officer.
- 10.363 Space heating and cooling will be provided to the development via a VRF system. Domestic hot water will be provided via an air source heat pump system. No objection was raised by the Energy Officer in this regard.

Connection to a DEN

- 10.364 IDMP Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.365 The energy statement does not propose connection to a network as neither of the local heat networks is likely to extend in the direction of the development in the short or medium term and this is accepted by the Energy Officer.

Site-wide communal system/network and design for district network connection

- 10.366 London Plan Policy 5.6C states “where future network opportunities are identified, proposals should be designed to connect to these networks.” Council Policy DM7.3A states “all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN)”. The Council’s Environmental Design Guide states “to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.367 Council Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.368 The Council’s Environmental Design Guide states “to enable this and to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.369 GLA Guidance 10.14 states “the site heat network should be supplied from a central energy centre where all energy generating equipment, such as CHP and boilers, is located.”
- 10.370 The energy statement suggests that, given the development design, future-proofing for connection would be accomplished via reserved plant room space. This is agreed. The applicant has provided a drawing showing further details of protected pipework routes from the edge of the development to the plant room, which the Energy Officer has accepted as sufficient and nothing further is required at this stage.

Shared energy networks

- 10.371 Islington policy DM 7.3D states “Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.”
- 10.372 Potential for a shared heat network has not been assessed. The Energy Officer does not see that there is a clear opportunity for a shared heat network and longer-term, it would probably be more desirable to pursue a direct heat network connection in this area. Therefore, no further assessment of this is required.

CHP/CCHP or alternative low carbon on site plant

- 10.373 In accordance with the London Plan hierarchy (see 4.1 above) where connection to district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and CHP/CCHP prioritised (this may also form the basis of the alternative strategy, where the primary strategy is for connection to a district heating or cooling network if found viable through further investigation).
- 10.374 The Council’s Environmental Design Guide (page 12) states “Combined Heat and Power (CHP) should be incorporated wherever technically feasible and viable. Large

schemes of 50 units or more, or 10,000sqm floorspace or more, should provide detailed evidence in the form of an hourly heating profile (and details of electrical baseload) where the applicant considers that CHP is not viable; simpler evidence will be accepted on smaller schemes.”

- 10.375 On-site CHP is not proposed, on grounds of low heat loads and carbon factors. Given this, and the current GLA position on CHP, this is considered to be acceptable by the Energy Officer.

BE GREEN – Renewable Energy Supply

- 10.376 The Mayor’s SD&C SPD states “although the final element of the Mayor’s energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible.”
- 10.377 The Council’s Environmental Design SPD (page 12) states “use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets.”
- 10.378 A solar PV array covering an area of 109m² and ~20,000kWh/yr outputs is proposed, and this is supported. The latest update confirms that the PV array has outputs of 21.9kWp and now 14,550kWh/yr.
- 10.379 The Energy Officer has asked for further information to be provided regarding the potential to increase the solar PV capacity and this is secured by condition **23**

BREEAM - Sustainable Design Standards

- 10.380 Council policy DM 7.4 A states “Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding”.
- 10.381 The council’s Environmental Design Guide states “Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification”.
- 10.382 The submitted BREEAM pre-assessment tracker shows the development achieving a rating of ‘Excellent’ as required, with an overall score of 74.59%. This offers a fair margin of comfort over the minimum 70% required to achieve an ‘Excellent’ rating. This is secured through **Condition 24**.

Draft Green Performance Plan

- 10.383 IDMP policy DM7.1 and the Environmental Design SPD 8.0.12 – 8.0.18 states “applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.” The council’s Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.

10.384 The initial draft Green Performance Plan did not include targets for renewable energy generation, based on the energy modelling of the building and more details were required in terms of Arrangements for Addressing Performance. Subsequently an amended GPP has been provided. At this stage, the Energy Officer has accepted the GPP, although there will need to be further updates under the s106 Draft and Full GPP requirements.

Circular Economy

10.385 LP Policy SI.7 'Reducing waste' states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.

10.386 The emerging SDMP policy S10 states that all developments must adopt a circular economy approach to building design and construction in order to keep products and materials in use for as long as possible to minimise construction waste.

10.387 The proposal comprises of significant building works, including the alterations to the existing building as well as the new roof level and infill extension.

10.388 It is required to demonstrate that materials extracted from demolition can be re-used where possible, and that the building will adapt to change over its lifetime. The development also needs to minimise the environmental impact of materials through the use of sustainably-sourced, low impact and recycled materials. The application includes a Site Waste Management and Circular Economy Statement. The Statement sets out how Circular Economy considerations have been a key part of the Development's sustainability strategy and have informed the Whole Life Cycle Assessment. The statement provides key circular economy commitments including minimising the quantities of materials and other resources used, prioritising materials that are responsibly sourced and with a high recycled content, designing for reusability, and to design out construction waste arising. The statement sets out the plans for implementation of the circular economy and the end-of-life strategy.

10.389 It is recommended that the details within the Sustainable Design and Construction Statement including Site Waste Management and Circular Economy Statement are secured and implemented by **condition 34**.

Sustainable Drainage

10.390 LP Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.

10.391 ICS Policy CS10 requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating

and incorporates sustainable drainage systems. IDMP Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate', where feasible.

- 10.392 The Sustainability officer queried if the surface water runoff rates could be reduced beyond offsetting the increase in foul water flows, including evidence of the structural limitations imposed by the existing structure and foundations to determine if there are further opportunities for blue roofs or attenuation tanks. The applicant has confirmed that all of the new roofs are additional storeys supported on the existing structure which load the existing foundations. The strategy used to determine structural loading is a "load balance" approach where the engineers have observed that the original structure was overdesigned for high floor loads, and by re-assessing the actual floor loads needed, the developers have freed up spare capacity in the foundations which is used for building the additional structure. Along with the floor and roof loads and building extra storeys, to ensure the foundations are not overloaded, it has been identified that 100mm blue roof thickness can be spared for blue roof in certain areas. The limited information on the foundations which means the applicant can't carry out calculations to add more load, and therefore must stay within the loads they were originally designed for.
- 10.393 In relation to the surface water drainage, the applicant states that '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 to meet local authority requirements.' This detail is secured by condition **39**.
- 10.394 In response to a further query by the Sustainability Officer, the applicant has confirmed that whilst rainwater and grey water recycling have been considered, the additional plant space and pipework distribution provision required would not make this feasible with the current schemes. The officer has reviewed the proposal and has welcomed the reduction of runoff rates and accepts that the proposal to reduce surface water runoff to offset the increase in foul water flows only.
- 10.395 The applicant has provided plans demonstrating there the extent of opportunities for geo-cellular storage is limited due to existing and proposed utilities in Albion Yard and Ironworks Yard and has been maximised in the circumstances.

Highways and Transportation

- 10.396 The NPPF para 110 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.397 The New London Plan Chapter 10 relates to highways and transportation. LP Policy T4 (A) states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Part (B) requires Transport Statements to be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of the same policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through

financial contributions, will be required to address adverse transport impacts that are identified.

- 10.398 The IDMP Policy DM8.1 states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 10.399 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 6b (Best). The site is located opposite Kings Cross Rail Station which sits adjacent to St Pancras International Rail Station and also provides Kings Cross St Pancras underground station. The station provides train services on several London underground lines and National Rail lines as well as international train services. The site is also located at relative proximity to a number of bus routes including on York Way, Euston Road and Pentonville Road.

Proposal

- 10.400 The main entrance to the existing building at Jahn Court is accessed via York Way, with a secondary entrance via Albion Yard which is accessed from Balfe Street to the east, Railway Street to the north and Caledonia Street to the south. 34b York Way is a self-contained building with access via York Way. Whilst there are alterations to both entrances, the position and access points remain largely the same.
- 10.401 The development is proposed to be car free, with no vehicle parking proposed on-site.
- 10.402 In regard to disabled parking, due to the constraints of the current site, no dedicated vehicle access or parking can be facilitated on-site and any provision of new disabled parking facilities will therefore need to be accommodated on the adjacent carriageways. The applicant identifies potential capacity for up to 2 designated parking bays across both applications (P2021/2269/FUL and P2021/2270/FUL), 1 no. located within the existing general use bays provided on York Way and 1 no. located within the existing general use bays adjacent to the Albion Yard entrance to Block C, on Balfe Street. The Council's Highways Officer has no objections to these proposals.
- 10.403 In terms of cycle parking, it is proposed to provide 125 secure cycle spaces and associated shower and changing facilities and mobility scooter charging points to be located in the reconfigured basement for use by the office workers. Visitor cycle parking is provided in the form of 9 short stay cycle stands for 18 cycle spaces across the courtyards in Block C and on the highways including 6 stands within Albion Yard, and the remaining 3 additional stands are located within the courtyard entrance to Jahn Court, adjacent to York Way. There are also a number of existing on-street cycle parking areas in close proximity to the site.

Vehicle parking

- 10.404 No vehicle parking is proposed on-site, this is considered acceptable and in line with Islington's policies CS10 and DM8.5, which requires development to be car free. TfL has reviewed the application and has also expressed their support of the proposal being car free.
- 10.405 The site has a PTAL rating of 6b(Best), which indicates that the site benefit by excellent public transport provision. There are on street parking spaces within close proximity to the site on York Way; however, based on the scale and nature of the proposed development, it is considered that the proposed commercial development is unlikely to generate an unacceptable level of vehicle trips to the site to adversely affect the local highways network. The Council's Highways Team has commented on the application and no objection was raised in this regard.
- 10.406 In regard to disabled parking, there is no disabled parking proposed on site, however, it is anticipated that the need for disabled parking provision would increase as a result of the development. In accordance with Policy DM8.5 and the guidance with the Planning Obligation SPD, a financial contribution of £2,000 per space is required to secure additional on-street blue badge parking bays, or alternative accessibility improvements to be agreed by the Council's highway officers. The financial contribution is to be secured by the s.106 agreement.

Cycling

- 10.407 In terms of cycling, LP Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
- 10.408 The London Plan states that office development should provide 1 space per 75sqm of office floorspace.
- 10.409 IDMP Policy DM8.4(C) requires the provision of cycle parking in accordance with the minimum standards set out in Appendix 6 of the Development Management Policies document. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.
- 10.410 Appendix 6 sets out the cycle parking requirements for each use (the area relates to Gross Internal Area for the purpose of calculations). It is required to provide 1 space per 60sqm of retail, café/restaurant floorspace, 1 space per 80sqm of office floorspace, and for leisure and sports 1 space per 275sqm.
- 10.411 Based on the total floorspace of the refurbished and extended office building of 10,304sqm the proposal would be required to provide 137 spaces to fully accord with the London Plan requirement and 128 spaces to accord with the adopted Local Plan requirements. The flexible Office (Class E Retail(a), Cafe/Restaurant(b), Fitness(d) or Office(g)(i) floorspace active unit of 7.17sqm (NIA) would necessitate 1-2 additional cycle parking spaces to accord with the London Plan policy requirements.

- 10.412 The proposed cycle storage would be located in the basement floor level, it would provide 90 doubled stacked spaces, with 3 oversized accessible spaces, 2 spaces will be adaptable spaces provided by Sheffield stands which could be used as oversized spaces; and 30 spaces will be provided as folding bike lockers.
- 10.413 Given the site's constraints, the provision of 125 secure spaces and 18 short-stay cycle parking spaces provided for visitors, located within and around Block C, is considered to accord with the aims of the new London Plan. **Condition 4** is to secure these details.
- 10.414 As per the requirement under Policy T5, 9 short stay cycle stands are required to meet the expected demand following the development. The cost of providing 9 short stay stands includes the design, consultation, approvals and implementation of the stands by the Traffic and Parking Team. This is to be secured by s106 obligation.
- 10.415 It is considered that overall, the proposal would provide an acceptable level of cycle facilities to support the development and to encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

Servicing and Waste management

- 10.416 IDMP Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.417 The site has access points on foot from York Way, Caledonia Street, Railway Street and Balfe Street. York Way is a busy main road within the area.
- 10.418 The southern end of York Way, extending from Pentonville Road to its junction with Caledonia Street, forms part of the Transport for London Road Network (TLRN). To the north of Caledonia Street, York Way is managed by LBI.
- 10.419 York Way provides a one-way route in a northbound direction along the western boundary of the site, connecting Euston Road / Pentonville Road to the A503 Camden Road. York Road feeds vehicular traffic onto Caledonia Street through Regent Quarter in an eastbound direction, whilst receiving westbound traffic from Railway Street at the northern edge of Regent Quarter. York Way is utilised as a major bus corridor by TfL with the western side of the carriageway reserved as a bus stand in the vicinity of the site. The eastern side of the carriageway is characterised by a series of loading bays, controlled parking bays and marked drop-off bays.
- 10.420 The site falls within Zone B of Islington's Controlled Parking Zone (CPZ) and as such the 2 controlled parking bays located adjacent to the southern portion of Regent Quarter are operational between the hours of 08:00 – 18:30 (Monday to Friday) and 08:00 – 13:30 (Saturdays), consistent with the other local parking bays. There are

also 2 loading bays provided on the southern (TLRN) section of York Way, whereby stopping is not permitted between the hours 08:00-19:00, except for disabled parking and deliveries, with loading activity permitted between 10:00 and 16:00 hours for a maximum duration of 20 minutes.

- 10.421 The applicant has submitted a Transport Statement (RGP – 30 July 2021), and a Delivery and Servicing Management Plan (DSMP) (RGP - 30 July 2021) in support of the application, to demonstrate the proposed servicing arrangements and how waste would be managed on site. During the course of the application a Transport Statement Addendum has been submitted (RGP – October 2021).
- 10.422 TfL have confirmed their acceptance of the locations for the short-stay cycle parking, the proposed arrangements for the disabled parking on the eastern side of York Way, and the loading bays on York Way.
- 10.423 The submitted Transport Statement Addendum anticipates that the additional office floor space to be provided as part of the proposed development at Jan Court and the hub would likely generate a net increase of 23 two-way vehicle trips over the course of a typical weekday. As a worst-case scenario, 4 additional two-way movements could occur during the AM peak hour period, representing on average 1 additional vehicle arrival / departure every 15 minutes. It is noted that some of the collections and deliveries trips generated by this development are unlikely to be new but already on the highway serving neighbouring properties.
- 10.424 The DSMP has not been updated to reflect the proposed change of use from office to flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit in Laundry Building. As a result, the details of the Delivery and servicing Arrangements are proposed to be secured by condition **(26)**.
- 10.425 The Council's Highways officer has reviewed the documents including latest Transport Statement Addendum and has not raised an objection to the details.

Refuse and recycling

- 10.426 The DSMP anticipates that the office accommodation will generate 2-3 weekly refuse collections, which would be undertaken from Railway Street and Balfe Street by a private waste removal contractor. All collections would be scheduled outside of the conventional highway peak hour periods.
- 10.427 The DSMP considers that based on local waste storage guidance, the office would be required to provide a capacity of 26,000L to accommodate a single weekly collection of waste and recycling on-site, equating to 24 x 1,100L Eurobins.
- 10.428 It is proposed that a total of 11 x 1,100L Eurobins would be provided across the site, generating a requirement for 2-3 weekly collections to be scheduled as part of the site's operation post-development. 7 x 1,100L Eurobins would be provided in the basement, as well as a further 4 x 1,100L Eurobins within the temporary holding location at ground floor to the rear of the Jahn Court building, accessible from Ironworks Yard. As per existing arrangements, all waste collections would be carried out from Railway Street and Balfe Street and scheduled with a private waste removal contractor. The DSMP storage areas would be shared between the office and flexible

Class E commercial use and would accommodate bins allocated for the disposal of general waste and mixed dry recycling.

- 10.429 Officers consider the arrangements for the office use to broadly accord with the council's guidance on refuse and recycling storage requirements, noting that that 50% of this capacity should be retained for the storage of separated waste for recycling.
- 10.430 Waste / recycling capacity is also required on-site for the use of the active flexible Class E commercial unit, as the uses include retail, café/restaurant, fitness and office. The requirements of the retail or restaurant use is dependent on the type of retail or food outlet. The Council's guidance indicates that Street Environment Services will assess each proposal individually. Therefore it is considered that some of the flexible commercial uses (i.e. restaurant) may require additional and separate refuse storage to accommodate the use. As a result it is recommended that final details of refuse storage are to be submitted and agreed by the council prior to the occupation of this part of the development (**Condition 8**), on how waste would be managed on site, in regard to the proposed flexible commercial unit.

Construction impacts - Highways

- 10.431 The proposed construction works would inevitably have some impact to the local area during the construction period.
- 10.432 The draft Construction Traffic Management Plan was noted to have included arrangements are for the Highway Footway on the eastern side of York Way to remain open however the Council's Highways officer has objected to this, and as such, a final revised version would need to be submitted and agreed by the Council prior to any construction work commencing on site.
- 10.433 The Council's EPPP Team also recommended submission of a final version of a CEMP prior to commencement of development and to include measures set out by the Air Quality and Dust Assessment and should adhere to the guidance of Islington's CoPCS.
- 10.434 A full Construction and Environmental Management Plan should outline measures for the routing, accommodation, loading and unloading of construction vehicles during the entirety of the construction phase. A construction programme should also be provided within the CEMP and once a contractor has been appointed. This will set out indicative timescales for each phase of construction. This is secured in **condition 5**, to ensure that the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbouring amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.435 The council's Highways Team has recommended that the applicant would need to cover any cost to repair any damages to the public footway/carriageway caused by the development. This would be secured under section 106 agreement.
- 10.436 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together

with a payment of £4,809 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

- 10.437 The applicant has agreed to a financial contribution of £71,000 towards public realm improvement works in the streets immediately abutting the development site. This amount is split equally between the two applications (£35,500).

Highways summary

- 10.438 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable subject to conditions (4) and planning obligations, and would comply with London Plan (2021) Policy T5 and T6, Islington Core Strategy (2011) Policies CS10, CS11 and CS13; Islington Development Management Policies DM8.2, DM8.4, DM8.5 and 8.6.

Safety and Security

- 10.439 The surrounding area is mixed with commercial and residential uses. Block C has existing pedestrian access points from York Way, Caledonia Street, Railway Street and Balfe Street.
- 10.440 As per consent P000434 (s106A) the existing gates in Block C are open between 08:00 and 18:00 hours on Mondays to Saturdays, and between 10:00 and 18:00 hours on Sundays from 1 October to 31 March; and between 08:00 and 19:00 hours on Mondays to Saturdays and between 10:00 and 19:00 hours on Sundays from 1 April to 30 September each year. The relevant parts of this condition are reattached at condition 36.
- 10.441 In response to comments made by objectors, the applicant has confirmed that no changes are proposed to the opening hours of the gates to Block C and that no changes are proposed to reduce the existing on-site security strategy, CCTV, security team. Details regarding CCTV and external lighting are to be conditioned so that the DOCO is able to review the details prior to the discharge of condition (27).
- 10.442 Cycling is prohibited within all the courtyards in Block C, which is indicated on the existing signage on all the gates providing access into the block. No changes are proposed to these existing arrangements. In response to objections received, regarding safety concerns over cyclists accessing the rear of Jahn Court, it is proposed to include an informative requiring the draft Travel Plan to 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 Balfe street.
- 10.443 The applicant has responded to queries from the Design Out Crime Officer at the Metropolitan Police (DOCO) as follows:
- The applicant has confirmed that the Estate Security Control Room is unaffected by this application, and the client plans to retain that capability to serve both these buildings and the wider estate. The applicant states that a security management capability and security presence is described for each building in this application

on top of the estate security measures.

- The latest plans show a secure line between the flexible use retail/café/gym/office unit and the main office building, with the option to open up for specific events. Generally, a member of the public will not be able to go through and enter the main Jahn Court building.
- The DOCO recommends that any new door between the flexible use unit and the main office space should be security rated and a LPS 1175 SR2 or STS 202 BR2 and should be single leaf. The SNA recommends LPS 1175 B3 (SR2) doors to the building envelope. This is secured by condition **(27)**.
- The DOCO recommends that if access for general public between the flexible use unit and the main office space is not permitted then the interconnecting doors should have some form of access control, in the form of an encrypted key fob with data logging to record usage and the interconnecting door be either PAS24:2016 or LPS 2081 security rated. The door should have an auto close feature, should be single leaf and use maglocks (minimum of two placed top third and bottom third of frame with a pull weight of 600kg per plate) integral to the frame. This is secured by condition **(27)**.
- The DOCO recommends emergency egress is considered at this location 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. The applicant has confirmed that emergency egress and security will be coordinated by the relevant consultants as they are for all projects. Glazing security rating to these standards will be met. This is secured by condition **(27)**.
- The DOCO has expressed concern that through the removal of the existing railings in front of Jahn Court on York Way, will open up the courtyard and invite potential antisocial behaviour due to the street population around this main transport hub, and this could become a hotspot overnight if it is not secured. The applicant has responded, with reference to security, reception attendance, and the new active ground floor use, citing there will be more natural surveillance in the entrance area to deter antisocial behaviour. In addition there will be lighting around the existing brewers chimney and there is existing CCTV covering this area. Officers recommend that a condition **(28)** is imposed requiring a review of anti-social behaviour by the applicant, after 3 months following first occupation of the development, to review if there is an issue with anti-social behaviour taking place in this location.
- The applicant has commented that the door to the flexible use unit, has been reviewed by relevant consultants. If occupancy of this unit is under 60, it may open inwards. The door has been recessed to allow space for ramping to create a level access from the entrance area. The door will be recessed less than 500mm as per SBD recommendations.
- The DOCO has suggested the use of ground level bedding within the recess between the chimney and the main entrance and putting in plants with a high prickly content or rail the area off to prevent anti-social behaviour. Officers consider the condition **(28)** outlined above to review the issues after 3 months is sufficient to address these queries given the constraints and need to ensure animation of the York Way frontage.
- The DOCO recommends the use of London Cycle Stands due to the use of a tapping bar. These details are to be secured by condition **(27)**.

- The DOCO recommends lighting to comply with BS 5489-1:2020 and be complimentary to any proposed or existing CCTV system. CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). The officer recommends 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 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. These details are to be secured by condition (27).
- The DOCO suggests the use of anti-graffiti treatments for exposed gable ends. There are treatments for both concrete/brick as well as metal textured materials. Also consider defensive planting or a rail or a combination of both to create a defensive space and provide a layer of additional security. Officers note the heritage considerations of the site and as such an informative is attached recommending consideration is given to these measures.
- The DOCO recommends further consultation is required in the pursuit of achieving SBD certification for the development. The applicant has commented that a Suitably Qualified Security Specialist has been engaged to assess the security risk and recommended security measures are to be designed by the architect and a specialist electronic security engineer.

10.444 Officers consider that following consultation with the DOCO, the applicant's responses and proposed conditions (27 and 28 that require consultation with the DOCO), these measures ensure that the proposals will accord with the principles of Secure By Design.

Fire Safety

10.445 London Plan policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

10.446 The Fire Statement submitted with the application, has been prepared by Richard Sherwood of Norman Disney & Young, consulting engineers, a suitably qualified person, a member of the Royal Institute of Fire Engineers. The development has been consulted with the London Fire Brigade, who on 17/6/2021 provided a written response to the approved inspector.

10.447 In response to queries from the Council's Building Control Officer relating to the requirements of the London Plan policy D12b), a revised document has been submitted and amended dated 3 February 2022.

10.448 The submitted information is specific and relevant to the proposal and the fire statement form references compliance with BS9999.

London Plan policy D12(b) requires all major development proposals should be submitted with a Fire Statement which	Response:
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details how the development proposal will function in terms of:	
1. The building's construction: methods, products and materials used, including manufacturers' details	<p>Existing retail and office building structure will be retained and external wall cladding retained where possible, with new rooftop and infill extensions to be added. The extension elements consist of steel frame construction, with metal deck slabs. The external walls are predominantly a metal rainscreen cladding. The proposed roof is a flat roof with areas of green and blue roof.</p> <p>The top storey is Level 5, which is below 18m. Level 5 contains an internal raised gallery which is above 18m, but is considered part of Level 5. The gallery is to be used as office as part of the tenancy of the 5th floor, although the gallery is +18m above adjacent ground level, building control and LFB has agreed that the gallery will not contribute to the overall height assessment of the building.</p>
2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach	<p>Level 5 has access to two stairs for means of escape: the central stair and satellite protected stair. The Level 5 gallery has access to the protected satellite stair via two protected alternative routes. Level 5 gallery has an additional stair down to Level 5, from which the central protected stair can be accessed.</p> <p>The satellite escape stair terminates into a protected lobby at ground floor with a direct protected escape route out of the building. A separate escape stair from the basement also discharges into this lobby. The central stair also terminates at ground floor, with a protected escape route out of the building. There is a separate escape stair from the basement that also discharges into this escape route. A plan has been included indicating the Ground Floor Separation Between Basement and Above Ground Storeys.</p>
3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans	<p>A Category L1 fire detection and alarm system is proposed with increased lobby protection to the satellite stair and disabled refuge points on all floors. A compliant basement smoke clearance</p>

	system will be provided within the basement.
4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these	The primary firefighting access is via a protected escape route within the central core. The fire control room is accessible off the protected escape route of the central core. The control room provides a muster point for the firefighters and has been added as an improvement to the fire provisions within the building. (Firefighting access to the central stair is not accessed via the fire control room itself) The design proposals have considered basement smoke clearance options of natural ventilation and mechanical ventilation with sprinklers. The current proposals aim to maintain the existing natural ventilation smoke clearance strategy and utilise the existing vents with the aid of additional vents where required to achieve a naturally ventilated basement. Further exterior changes maybe required once this is confirmed and the appropriate approvals will be obtained.
5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building	The satellite escape stair and central stair each have an existing dry riser inlet. The existing dry riser inlets are within sight of the appliance location, both accessed off Railway Street. A plan is included indicating the Fire Service Vehicle Access, the distance and the position of the existing dry riser. The building is not currently sprinklered and sprinklers are not proposed nor required to meet Building Regulation guidance. The design proposals have considered mains fed sprinklers with mechanical ventilation as an option for basement smoke clearance, however we are now looking to maintaining the existing strategy and utilise the existing vents with the aid of additional vents where required to achieve a naturally ventilated basement.
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.	There are no proposed further landlord modifications. Tenant fit-out modifications on floor would be in compliance with the buildings fire strategy. Any future modifications will be

	considered in conjunction with the basebuild fire strategy, with building control and LFB approval.
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10.449 It is proposed that any permission should be subject to a condition (35) ensuring that the development should only be occupied and managed in accordance with the submitted fire strategy.

Resident Engagement/Consultation

10.450 Paragraph 39 of the NPPF (2021) states:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

10.451 Paragraph 132 of the NPPF (2021) states:

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot

10.452 A number of residents have submitted comments concerning the applicant's consultation with residents.

10.453 Details of the pre-application consultation can be found within the Statement of Community Involvement (SCI) that was submitted with the application. During the course of the application, the applicant has provided the following additional comments:

As the long-term owner and steward of the Regent Quarter estate, the Applicant has committed to continuing its dialogue with residents beyond the life of the planning application that has been submitted. This includes discussions around the management of the estate and public spaces, with the aim to create an informed approach to the positive regeneration of the Regent Quarter.

This engagement has been undertaken by a range of methods including public meetings, one to one meetings with residents and newsletters and has led to the Applicant making significant alterations to the plans being brought forward and additional commitments to residents in order to respond to the concerns raised.

Post-submission engagement

On 28 August the Applicant issued a newsletter to all on-site residents and those living within close proximity to the Regent Quarter, summarising the planning applications that were submitted and notifying recipients of their opportunity to send comments on these applications directly to the local authority. This also outlined the Applicant's desire to continuing dialogue with residents going forward.

The Applicant has since hosted three resident meetings on site, on 13 July, 18 November and 30 November 2021 respectively. Both meetings were attended by representatives of the Applicant and the project team, including planning consultants, Savills, and architects, Piercy & Company. These meetings offered a chance for the project team to present the schemes coming forward and listen to residents' views, specifically about issues relating to the public realm and management of public spaces.

The Ward Councillors were also notified of both meetings and offered a chance to attend. In light of this Cllr Una O'Halloran joined the event on 18 November.

In addition to these meetings, the Applicant has continued to host one-to-one meetings with residents. So far, 25 separate meetings have been held to this end and the Applicant remains committed to continuing this open and direct dialogue going forward.

Since the planning application was submitted, the Applicant has also held follow up meetings and site tours with key community stakeholders, including the Learning Quarter Partnership (Hugh Myddelton and Winton primary schools) and the Knowledge Quarter. This engagement has led to an ongoing collaboration and steps toward a formal partnership.

The Applicant also took the opportunity to present the scheme to members of the planning committee and local ward councillors at a briefing that was held by the London Borough of Islington on 8 October.

Feedback and Applicant's response

The Applicant has carefully considered the feedback it has received from residents and ward councillors during this period of engagement and in response has made a number of changes to the plans and commitments going forward. These include:

- *Excluding noise generating uses within Jahn Court's internal courtyards such as cafes, restaurants and bars or fitness uses and maintaining the existing office use in this location.*
- *Removing the benches, seating and pergola from Ironworks Yard and Albion Yard in order to limit the potential for noise and disturbance to residents on the Estate;*
- *Producing daylight and sunlight reports for individual properties, and drawings that show the impact from their windows upon request;*
- *Appointing TOREN security consultants to improve on-site security management;*
- *Committing to the appointment of a contractor who is part of the Considerate Constructors Scheme;*
- *Providing on-site cycle spaces for residents.*
- *Improving the interface of the development with York Way by providing more active uses and frontages where possible (within 34 and 34 B York Way).*

Planning Obligations and CIL

10.454 There is a requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

10.455 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if

specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.

10.456 ICS Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. As mentioned in the previous section in the report, the proposed development would be subject to section 106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

10.457 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a separate s.106 agreement for each application. The contributions outlined below relate solely to application P2021/2270/FUL:

- A contribution towards provision of off-site affordable housing of: £320,627.00.
- Provision of Affordable Workspace at 34b York Way for 10 years at peppercorn rent with a 50% reduction in service charge.(Note this provision addresses the requirement for both this application and application reference: P2021/2269/FUL).
- 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 £4,809 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.

- The costs of delivering 9 short stay cycle spaces within the public realm.
- A financial contribution of £35,500) towards public realm improvement works in the streets immediately abutting the development site.
- 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. During construction – Endurance Land will host site visits and seminars on construction and property matters for two local schools where there is an existing relationship with the developer:
 - Winton Primary School – close to the site;
 - Hugh Myddelton Primary School;
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

Planning Balance Assessment

- 10.458 Paragraph 47 of the NPPF dictates that “*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*”.
- 10.459 The proposed development is considered acceptable in principle and in land use terms, the scheme is considered to be compliant with the London Plan policy SD5 and E1, Islington Core Strategy policies CS6 and CS13, Islington Development Management Policies DM5.1. The proposal includes an on-site provision of 388sqm of affordable workspace to be secured at peppercorn rent for 10 years with a 50% reduction in service charge which accords with policy E3 of the London Plan 2021, and exceeds the minimum requirements of policy DM5.4 of the Islington Development Management Policies 2013 for this scheme and also for the associated planning application ref: P2021/2269/FUL.

- 10.460 The scheme would also comply with policies relating to design, energy, sustainability, accessibility and transportation.
- 10.461 There is a degree of conflict with policies relating to amenity (policy DM2.1) and specifically in relation to daylight/sunlight impacts. This has been carefully examined and while some of the adverse daylight/sunlight impact is considered to be material and would therefore weigh against the scheme, regard is given to the site's urban context and its physical constraints; it is considered that the level of harm to neighbouring amenity would not be significant to justify a warrant of refusal of planning permission on this ground.
- 10.462 The conclusions of Conservation Officers is that the proposals would cause less than substantial harm to the setting of the King's Cross Station (Grade I) building, 34B York Way and to the conservation area. However this harm is considered at the lower end of the scale and policy allows for this harm to be balanced against public benefits.
- 10.463 The public benefits which should be afforded weight have been discussed throughout the report, and include:
- Uplift in commercial floorspace uplift of 2,404.7sqm GIA within this application within the CAZ, refurbishment to the existing office building, with flexible commercial uses on ground floor level to provide greater degree of active frontage on York Way;
 - Provision of an on-site affordable workspace (stand-alone building) to support the council to provide affordable workspace within the borough at peppercorn rent levels for 10 years including a 50% reduction in service charges, exceeding the minimum 5 percent stipulated in the adopted policy;
 - Provision of financial contributions towards affordable housing provision in the borough amounting to £320,627.00;
 - Increase in employment at the site, as well as the relevant jobs and training contributions set out in the Planning Obligations SPD;
 - Enhancement to the appearance of the facades of the building;
 - Improvements to the energy efficiency and the operation of the building and reuse of structural elements of the existing building in its redevelopment.
 - Engagement Plan with named local schools to be secured by s106 agreement.
- 10.464 In summary, Officers consider that the aforementioned public benefits outweigh the limited harm caused from the development to neighbouring amenity in relation to loss of daylight (VSC) and loss of sunlight to properties in The Ironworks, in the overall planning balance as well as the less than substantial harm caused to the heritage assets as identified above.

11. CONCLUSION

- 11.1 As set out in the above assessment, the proposal has been assessed against the adopted Development Plan, the emerging Local Development Plan and the comments made by residents and consultees.
- 11.2 A summary of the proposals and their assessment is provided at paragraphs 4.0 – 4.10.

- 11.3 As such, the proposal represents sustainable development and would comply with the relevant national, regional, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies, and associated Supplementary Planning Documents).
- 11.4 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations 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:

- A contribution towards provision of off-site affordable housing of: £320,627.00.
- Provision of Affordable Workspace at 34b York Way for 10 years at peppercorn rent with a 50% reduction in service charge.(Note this provision addresses the requirement for both this application and application reference: P2021/2269/FUL).
- 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 £4,809 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 2 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	Commencement (compliance)
	<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	Approved plans list (compliance)
	<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; L00- Demolition - 13601-A-L00-02-099; L00 - Demolition - 13601-A-L00-02-100; 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; West Elevation - Demolition - 13601-A-LXX-02-200; 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; Proposed Site Plan (1:500) - 13601-A-Z3-LXX-07-020 P1; Proposed Site Plan (1:200) - 13601-A-L00-07-050 P1; Proposed Ground Floor Plan - 13601-A-L00-07-100 P1; 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 P2; Proposed Fifth Floor Plan - 13601-A-L05-07-105 P 2; Proposed Fifth Floor Gallery Plan - 13601-A-L06-07-106 P2 ; Proposed Roof Plan - 13601-A-RF-07-107 P 2; Proposed Basement Plan - 13601-A-L00-07-100; Proposed West Site Elevation - 13601-A-LXX-07-150 P1; Proposed East Site Elevation - 13601-A-LXX-07-151 P2; Proposed Site Section AA - 13601-A-LXX-07-160 P1; Proposed Site Section CC - 13601-A-LXX-07-161 P1; Proposed West Elevation - 13601-A-LXX-07-200 P1; Proposed East Elevation - 13601-A-LXX-07-201 P 3; Proposed South Elevation - 13601-A-LXX-07-202 P 2; Proposed North Elevation - 13601-A-LXX-07-203 P 2; Proposed Section AA - 13601-A-LXX-07-300 P2; Proposed Section BB - 13601-A-LXX-07-301 P1; Proposed Section CC - 13601-A-LXX-07-302 P 2; Proposed Section DD - 13601-A-LXX-07-303 P1;</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; 0182C-</p>

	<p>PR2-P-GA-AY-01 Rev B; 0182C-PR2-P-GA-AY-02 Rev B; 0182C-PR2-P-DT-AY-02 Rev B; 0182C-PR2-P-GA-JCAY-01 Rev 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; Daylight sunlight and overshadowing report - Point 2 Surveyor July 2021; 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 & 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>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>
3	Materials and Samples (Details)
	<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"> a) Solid Brickwork (including brick panels and mortar courses) b) Entrance soffit c) Metalwork d) Metal cladding e) Glazed facades f) Window treatment (including sections and reveals); g) Roofing materials including roof extension facing; h) Balustrading treatment (including sections); i) Green Procurement Plan 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, k) Any other materials to be used <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>
4	<p>Cycle Parking (Compliance)</p> <p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-L00-07-100 and Proposed Ground Floor Plan 13601-A-L00-07-100-P1, shall be covered, secure and comprise of no less than:</p> <ul style="list-style-type: none"> - 125 secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points. - 9 short stay cycle stands for 18 cycle spaces; <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 on site and to promote sustainable modes of transport.</p>
5	<p>Construction and Environmental Management Plan (Details)</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"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; 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; 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; 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; 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.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents; 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>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.</p>
6	Green/Blue roofs (Details)
	<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 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>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>
7	<p>Light Spill Prevention (Details)</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> <p>Automated roller blinds; Lighting strategies that reduce the output of luminaires closer to the façades; Light fittings controlled through the use of sensors.</p> <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>
8	<p>Refuse and Recycling (Details)</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> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan; and 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,</p> <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>
9	<p>Bird and Bat Nesting Boxes (Details)</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>
10	Extract ventilation for restaurant use (Details)
	<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>
11	Plant Equipment (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ 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 $L_{AF90,T}$. 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>
12	Plant Equipment Post-Installation Verification (Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 12. 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>
13	Noise Management Plan
	<p>CONDITION: Prior to the first use of the fifth floor roof terrace hereby approved and indicated on Proposed Fifth Floor Plan drawing 13601-A-L05-07-105-P 2, 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>
14	<p>Restricted use - roof terraces (Compliance)</p> <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"> - 0800 to 1800 hours Monday to Friday <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policy DM2.1 of Islington's Development Management Policies 2013.</p>
15	<p>Restriction of PD rights - Class E to residential (Compliance)</p> <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>
16	<p>Restriction of office use (upper levels) (Compliance)</p> <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>
17	<p>Restriction of flexible commercial uses (ground floor front unit) (Compliance)</p>

	<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>
18	<p>Accessible Showers/WC's (Compliance)</p> <p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing no's 13601-A-L00-07-100 P1; 13601-A-L00-07-100-P1; 13601-A-L01-07-101-P1; 13601-A-L02-07-102 P1; 13601-A-L03-07-103; 13601-A-L04-07-104 P2; 13601-A-L05-07-105-P 2; 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>
19	<p>Lifts (Compliance)</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>
20	<p>Hours of Operation (Compliance)</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></p>

	<p>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>
21	No Plumbing or Pipes (Compliance)
	<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>
22	No obscure glazing or vinyl graphics (Compliance)
	<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>
23	Energy (Details)
	<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"> a) Potential improvements to energy efficiency specifications; b) Potential increase to solar PV capacity. c) Details regarding solar PVs: <ul style="list-style-type: none"> - Location; - Area of panels; - Design (including elevation plans); - PV specification / efficiency; and - How the design of the PVs would not adversely affect the provisions of green roofs on site <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 CO₂ emission reduction targets by energy efficient measures/features are met.</p>
24	BREEAM (Compliance)
	<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>

25	Flattening of Cobbles (Details)
	<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"> a) A sample flattened/adapted cobble stone; b) Details of the mortar/pointing; c) Section details showing the profile of the cobble stone and mortar when laid. <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>
26	Servicing and Delivery Plan (Flexible Use Unit) (Details)
	<p>DELIVERY & 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>
27	Crime Prevention (Details)
	<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"> 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. 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. c) Details of the London Cycle stands. 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 would need to be registered with the Information Commissioner's Office, as it

	<p>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>
28	Review of Anti-social Behaviour (Details)
	<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>
29	Flat Roofs (Compliance)
	<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. 13601-A-L06-07-106-P2 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>
30	Network Rail – Construction Methodology
	<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.</p>
31	Network Rail – Ground investigation
	<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.</p>
32	Tree Protection
	<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> <ul style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. 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. f. 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. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. 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

	<p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <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.</p>
33	Roof-Top Plant & Lift Overrun (Details)
	<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 pallette and shall relate to:</p> <p>a) roof-top plant;</p> <p>b) ancillary enclosures/structure; and</p> <p>c) lift overrun</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 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>
34	Site Waste Management and Circular Economy (Compliance)
	<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>
35	Fire Strategy (Compliance)
	<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>
36	<p>Hours of opening – Gates (Compliance)</p> <p>CONDITION: The hours of opening of the gates to Block C shall remain as follows: (a) the period from 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); (b) the period from 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>
37	<p>Inclusive Design (Compliance)</p> <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>
38	<p>Future connection to a district energy network (Compliance)</p> <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> <p>REASON: To ensure the facility is provided and allows for the future connection to a district heating system.</p>
39	<p>Surface Water Discharge (Compliance)</p> <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>
40	<p>Air Quality Assessment</p> <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>

	REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Car-Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
4	Roof top plant
	<p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
5	Construction works
	<p>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 pollution@islington.gov.uk) 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.</p>
6	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to</p>

	<p>“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>. All agreements relating to the above need to be in place prior to works commencing.</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>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <u>streetworks@islington.gov.uk.</u></p> <p>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 <u>streetworks@islington.gov.uk.</u></p>
7	Highways Requirements (2)
	<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 <u>highways.maintenance@islington.gov.uk</u> 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 <u>streetworks@islington.gov.uk</u>. 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>
8	Highways Requirements (3)

	<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 streetlights@islington.gov.uk</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>
9	Secured by Design:
	<p>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.</p>
10	Fire Safety
	<p>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 Building Control@islington.gov.uk.</p>
11	Thames Water – Ground Water
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures</p>

	<p>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 trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section</p>
12	<p>Thames Water – Surface Water</p>
	<p>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. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p>
13	<p>Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS</p>
	<p>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. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>
14	<p>Draft Travel Plan</p>
	<p>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.</p>

15	Network Rail
	<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 Cure 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</p> <p>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"> " The type and method of construction of foundations " Any increase/decrease of loading on the tunnel both temporary and permanent. <p>Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>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 RAILS tunnels or railway land.</p> <p>Works in Proximity to the Operational Railway Environment</p> <p>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.</p> <p>Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>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 Rails tunnels or railway land.</p>
16	Network Rail
	<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>

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 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.

	<p>Two Metre Boundary</p> <p>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.</p> <p>ENCROACHMENT</p> <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>
17	Trees
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <p>BS: 3998:2010 Tree work – Recommendations.</p> <p>BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.</p>
18	Transport for London
	<ul style="list-style-type: none"> - 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

	<p>safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic.</p> <ul style="list-style-type: none">- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.- 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.
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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

1 Planning London's Future - Good Growth

Policy GG1 Building strong and Inclusive Communities

Policy GG2 Making best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering homes Londoners need

Policy GG5 Growing a good economy

Policy GG6 Increasing efficiency and resilience

2 Spatial Development Patterns

Policy SD4 The Central Activities Zone

Policy SD5 Offices, other strategic functions and residential development in CAZ

3 Design

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D5 Inclusive Design

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

4 Housing

Policy H4 Delivering affordable housing

6 Economy

Policy E1 Offices

Policy E2 Providing suitable business space

Policy E3 Affordable workspace

Policy E11 Skills and opportunities for all

7 Heritage and Culture

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

Policy HC6 Supporting the night-time economy

B) Islington Core Strategy 2011

Spatial strategy

Policy CS6 King's Cross Road and Pentonville Road

8 Green Infrastructure and Natural Environment

Policy G1 Green Infrastructure

Policy G5 Urban Greening

Policy G6 Biodiversity and access to nature

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI3 Energy Infrastructure

Policy SI4 Managing heat risk

Policy SI5 Water infrastructure

Policy SI7 Reducing waste and support the circular economy

Policy SI12 Flood risk management

Policy SI13 Sustainable drainage

10 Transport

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T6 Parking

Policy T6.2 Office parking

Policy T6.5 Non-residential disable persons parking

Policy T7 Deliveries, servicing and construction

Policy T9 Funding transport infrastructure through planning

11 Funding the London Plan

Policy DF1 Delivery of the Plan and Planning Obligations

Policy CS11 Waste

Policy CS12 Meeting the housing challenge

Policy CS13 Employment Space

Strategic Policies

Policy CS8 Enhancing Islington's character

Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment

Policy CS10 Sustainable Design

Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

C) Development Management Policies June 2013

2. Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

5. Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

6. Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

7. Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised Energy Networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

8. Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

9. Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Affordable Housing Small Sites Contributions (October 2012)
- Development Viability (January 2016)
- Environmental Design (October 2012)
- Inclusive Design in Islington (February 2014)
- Islington Urban Design Guide (January 2017)

London Plan

- Affordable Housing & Viability (August 2017)
- Crossrail Funding (March 2016)
- Housing (March 2016)
- Central Activities Zone (March 2016)
- Accessible London: Achieving an Inclusive Environment (October 2014)

- Planning Obligations (Section 106) (December 2016)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- London Planning Statement (May 2014)
- Sustainable Design and Construction (April 2014)
- Planning for Equality and Diversity in London (October 2007)

Draft Islington Local Plan Policies

The following policies are considered relevant to the site and this application:

Draft Islington Local Plan Policies	
<p>Policy PLAN1 – Site appraisal, design principles and process</p> <p>Policy SP2 – Kings Cross and Pentonville Road</p> <p>Policy SC3 – Health Impact Assessment</p> <p>Policy B1 – Delivering business floorspace</p> <p>Policy B2 – New business floorspace</p> <p>Policy B4 – Affordable workspace</p> <p>Policy B5 – Jobs and training opportunities</p> <p>Policy R1 – Retail, leisure and services, culture and visitor accommodation</p> <p>Policy R4 – Local Shopping Areas</p> <p>Policy S1 – Delivering Sustainable Design</p> <p>Policy S2 – Sustainable Design and Construction</p> <p>Policy S3 – Sustainable Design Standards</p> <p>Policy S4 – Minimising greenhouse gas emissions</p> <p>Policy S5 – Energy Infrastructure</p> <p>Policy S6 – Managing heat risk</p> <p>Policy S7 – Improving Air Quality</p> <p>Policy S8 – Flood Risk Management</p> <p>Policy S9 – Integrated Water Management and Sustainable Drainage</p> <p>Policy S10 – Circular Economy and Adaptive Design</p>	<p>Policy T1 – Enhancing the public realm and sustainable transport</p> <p>Policy T2 – Sustainable Transport Choices</p> <p>Policy T3 – Car-free development</p> <p>Policy T4 – Public realm</p> <p>Policy T5 – Delivery, servicing and construction</p> <p>Policy DH1 – Fostering innovation and conserving and enhancing the historic environment</p> <p>Policy DH2 – Heritage assets</p> <p>Policy DH3 – Building heights</p> <p>Policy DH4 – Basement development</p> <p>Policy DH5 – Agent of change, noise and vibration</p> <p>Policy DH7 – Shopfronts</p> <p>Policy ST1 – Infrastructure Planning and Smarter City Approach</p> <p>Policy ST2 – Waste</p> <p>Policy ST3 – Telecommunications, communications and utilities equipment</p> <p>Policy ST4 – Water and wastewater infrastructure</p>

APPENDIX 3 – INITIAL DRP COMMENTS ON PRE-APPLICATION SCHEME

CONFIDENTIAL

ATT: Nicola Forster
Savills
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London W1G 0JD

nicola.forster@savills.com

Planning Service
Community Wealth Building
PO Box 333
222 Upper Street
London
N1 1YA

T 020 7527 7733
F 020 7527 2731
E linda.aitken@islington.gov.uk
W www.islington.gov.uk
Our ref: Q2020/3318/PPA

Date: 19th April 2021

Dear Ms Forster,

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel meeting on 13/04/21 for a 1st Review of the above scheme. The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), Tim Ronalds; Sarah Featherstone; Martin Pearson; and George Saumarez Smith

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals. The site visit was presented virtually, as part of the presentation by the applicant team.

The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment on the scheme and thanked the design team for such a clear presentation. A question and answer session then took place followed by a commentary on the scheme provided by each panel member. The meeting concluded with the Chair's summing up. Each section is therefore recorded below.

Questions and Answers

Panel Query: The Panel sought clarification with regard to cycle infrastructure including connectivity to existing or planned cycle routes. Also would like to understand the hierarchy of movement through and adjacent to the site – existing and proposed.

Answer: Secure cycle parking is to be accommodated within each block, in two distinct locations. Visitor cycle parking proposed to be located to Caledonia Street. Servicing strategy currently being formulated.

Panel Query: How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.

Answer: All about the financing. Must demonstrate a commercial return on the principal buildings before going further with public realm. But investing early in a major upgrade of Laundry Yard will further enhance and support the already successful uses and activities within the adjacent Varnishers Yard.

Panel Query: Concerned at the claim that some buildings are wrongly identified as Locally Listed. Clarification was sought.

Answer: Jahn building has been significantly altered including a large element that was demolished to create a new and enlarged opening. The fenestration to the flank is also not therefore original and the proportions at odds with those of the host. These changes detract from its significance leading the team to consider the listing potentially faulty.

Council response: The site lies within a conservation area which protects all buildings from unregulated demolition. The guidance states that all 19th C buildings are positive contributors, regardless of listing status, and should therefore be protected and enhanced. The Grade I and II listings across the site are all accurate.

Panel Query: Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington Walk are excluded and yet seem integral from the outset.

Answer: The Southern block is to be more civic and more active - more "city". The Northern block is more residential and more "Islington".

Overall the conception for the 2 main buildings is very different. This is to reflect the more granular and crumbly form of the southern block which is of a more complex character. Scale and massing to north is larger therefore requires a different form and approach.

Focusing on improved connections as a unifying element and together with devices such as proposed use of a pigmented base material to new build elements throughout.

Panel Query: Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's control.

Answer: The applicant has a strong commercial relationship with the hotel owners and other landholdings that are outside of their demise. Does not see this as a barrier to change given the likely benefits arising from the changes proposed that will enhance neighbouring buildings and their settings.

Panel Query: How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?

Answer: There will be a managed programme with some parts being closed relatively early, particularly those with residential adjacencies, while less sensitive spaces will be open for longer and later. A nuanced approach is proposed to hours of operation and access. Removal of some railings and gates is also needed to remove clutter and to upgrade boundary treatments not to threaten safety.

Panel Query: Is the approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?

Answer: No. The southern block will be much livelier reflecting its existing uses and proximity to the station forecourt and to the busy Pentonville Road while the northern block will be less active and quieter given it contains more residential uses with less commercial adjacencies.

Panel Commentary

SF: How do you attract and draw people in? Public realm changes will signal some change but would suggest that earlier intervention on improvements to the exterior faces of the blocks, rather than the focus on the interior, may be more beneficial and make the invitation to enter into the heart of the block clearer.

Routes and desire lines through the blocks as well as to the blocks need to be better explored and explained. Are there existing barriers to be overcome? Where are people coming from – who are they? Is it a new audience being catered for? Is the scheme competing with the Kings Cross offer to the west or looking to move towards a greener and more local character? What are you offering that is different? Didn't get the sense that the proposals are actively building on the strengths of the existing food and cultural offers.

Concerned that there may be conflicts arising between the realities of servicing requirements and the pedestrian environment including movement. Transforming Caledonia Street from vehicle to pedestrian would be a big win.

Inputs and commentary from residents living in the northern block would be useful to be fed back to the next DRP.

GSS: Not convinced about the merit of challenging classifications of some locally listed buildings and would advise against it.

Found it difficult to fully appreciate the change proposed to the movement routes and spaces. An overlay of the proposed on the existing plan would have been useful.

Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.

There needs to be clarity that the scheme is deliverable in its entirety by the current owners of the site given the position of the redline boundary.

Security and surveillance of the yards needs to be factored into the design process.

The architecture is still quite high level but a bit more integration between the two sites might be needed, in terms of materials and palette. Any increase in bulk and mass will need to be justified if it has an impact on heritage assets. Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.

TR: There has been lots of discussion about public realm inside the blocks. But the public realm on the perimeter of the blocks/street is horrendous at the moment. Could the scheme improve the public pavement and street junctions in conjunction with TFL/Islington/relevant owners?

There needs to be a sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.

At the moment there is a strong contrast between the old and the new buildings in terms of materials, glass against brick, void vs solid etc. The existing site isn't particularly successful in this sense. The proposed new and re-faced buildings are also very glazed. A less contrasting palette may be preferable and allow for a more detailed architectural conversation between old and new.

MP: There is some confusion as to what is driving the design decisions. The base-pavilion-crown arrangement on the north block and the interlocking volumes on the south block seem to lack a context in the retained form of the rest of the site. An overarching architectural narrative is needed.

The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.

The Times House extension is bulky and a more consistent approach to the roofscape as a whole would provide more articulation to the site as a piece of cityscape.

Chair's Summing Up

DRP is supportive of the principles of the project which have the potential to contribute positively to the area. There is tremendous ambition to make this somewhat underused

precinct a more permeable and inviting quarter of the city and to see the location of the blocks as a hinge site within a wider rich and varied urban context.

The analysis and background study, to date, is very responsible and informative in its approach. Identifying key opportunities is a constructive outcome from all of this initial work.

The Panel has highlighted the development of the north and south blocks as an opportunity to bring forward proposals for the perimeters of the blocks to ensure that the outside and inside are consistently inviting. The materials within the public realm could form a stronger and more cohesive link between the two blocks.

Servicing for food/beverage and retail will need to be considered soon as this will have an impact on the design and character of the public space.

There is a need to work closely with the existing heritage of the site and not to challenge designations. The different ownerships of the site needs to be better understood in terms of the connections etc being proposed. As the design moves forward the need to avoid or justify any non-positive impacts on heritage assets will need to be demonstrated and the role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.

The detailed architectural design needs to be developed to offer more sense of what is driving the contextual development of the site, a clearer architectural narrative. A process of questioning the conjunction of the old and new and considering how the two address each other is needed. A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces. The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other. The opportunities to improve Kings Cross/ York Way/Pentonville public realm are there and need to be explored.

There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.

The roof-form of Jahn Court has industrial northlights which then change direction at the south, undermining the authenticity of the form. There needs to be a more logical relationship between the form and roofscape references to create a convincing relationship with the surrounding heritage context.

The proposals have a lot of potential, but a considerable amount of detailed development is needed. The DRP would be pleased to consider future iterations of this scheme.

Confidentiality

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

Yours sincerely

Linda Altken
Principal Design Officer

APPENDIX 4 – SECOND DRP REVIEW

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Our ref: Q2020/3318/PPA

Date: 23rd December 2021

Dear Ms Forster

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel, Chair's Review, meeting on 17th December 2021 for a 2nd Review of the above scheme.

The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), and Martin Pearson.

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals.

The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment further on the scheme and thanked the design team for such a clear presentation noting that 'untangling' such a complex site with its pair of intricate urban blocks and associated issues is not an easy task. He acknowledged the amount of detailed design work that had gone into the proposals to produce such a coherent and successful response.

A question and answer session then took place followed by a commentary on the scheme provided by the two members. The meeting concluded with the Chair's summing up.

Each section is therefore recorded below.

Questions and Answers

Panel Query: The applicant team was commended on its very clear presentation and the considerable amount of work that has gone into this scheme since the Panel last saw it in April 2021.

It was noted from last DRP meeting that there had been a lot of discussion around the potential wider public realm benefits that lie outside of the red line and sought an update on the progress of any opportunities beyond the red line. Was there still a reliance on the spaces and routes outside of the applicant's control? To what extent, for example, is the applicant physically proposing changes to connections such as Bravington's Walk as a key threshold into the site?

Answer: The most recent revisions focused on improvements onto York Way. While there are relatively limited opportunities to do this, due in part to the heritage buildings to the frontage and the amount of building line actually within the red line boundary which is quite limited, solid doors have been replaced with clear glazed doors and opaque glazing replaced with clear glazing. Changes have also been made to the ground floor to the corner unit to Jahn Court to increase the site's visual permeability to the York Way edge. Sensitive signage is being considered to further promote the uses and spaces within the blocks and encourage and welcome people into the core of the blocks.

The applicant team is examining how to comprehensively treat the multiple entrance points off the surrounding streets to the entire estate. This is an extensive exercise which will take time. But there is an intention to produce that study going forward.

The applicant confirmed that Piercy & Co have just been instructed to consider design changes for Bravington's Walk and environs as a next phase of the project. So while the proposed changes to the Times Court block establish new and improved connections with this important Bravington's Walk route, actual works to Bravington's Walk will come forward following the Times House and Laundry Yard project.

The applicant team has been in discussion with Transport for London with regard proposals to improve the pedestrian environment to the junction of York Way with Pentonville Road.

The team reported that TfL's intention is to widen the pavement and reorganise the crossing points to make them safer and to improve the alignment of the cycle lane. This work was not expected to be undertaken for two to three years.

Panel Query: It seems a shame to have lost the pergola and seating initiatives to the northern block and these particular spaces now feel as though they are lacking something as a result.

Answer: The applicant acknowledges that these features did contribute to the richness of the area but that these changes are because of resident objections. The applicant confirmed their preference to do something more interesting and so will engage with residents going forward to find a middle ground.

Panel Query: Clarification was sought on the sunlight and daylight impacts to both the squares and to residential amenity

Answer: The applicant confirmed that the proposal will result in some limited over shadowing on the courtyards. However these are already quite overshadowed but nevertheless, the spaces will continue to meet the BRE 21st March assessment date standards.

Some impacts on the flats in the Ironworks building is also evident but those impacts are to some degree worsened by the existing overhang providing reasonable mitigating reasons for the impact. Where impacts affect residential homes these are mostly to bedrooms – or to rooms with additional windows/dual aspect.

Panel Query: Is there a sustainability and energy strategy for the revamped offices

Answer: The design team confirmed that the Mayoral required target for urban greening factor would be achieved.

BREEAM excellent is demonstrated as being achieved on both buildings. Carbon reductions are to GLA standards and will significantly exceed these standards.

Renewable energy and green factors – both new build elements have green roofs.

A net increase in biodiversity is being achieved on both sites.

Panel Query: Are you planning on reusing any existing materials after demolition?

Answer: Yes.

To Jahn Court – there is very limited demolition and therefore little opportunity for this. However to Times House, with a greater element of demolition, as much of the existing fabric as possible will be reused.

Both schemes, with their limited amounts of demolition, are highly sustainable and make good use of retaining materials and their reuse. Looking internally to retain existing floors as well.

Panel Commentary

Times House and Laundry Building

The Panel commented it considers this to be a very carefully considered and successful scheme. While there had been some concerns expressed in the spring at the earlier DRP review about the impact on longer views, the subsequent refinement of the massing has been successful, particularly to the backdrop to the heritage sensitive Kings Cross Station.

The choice of materials and applied materiality is also successful which coupled to the change to the massing has had a really positive impact. The colours of the materials proposed were also supported.

The evolution of the designs of the roof form have created a more sympathetic response to the broader townscape including in its response to Kings Cross and as seen in the longer views. The historic referencing to Victorian water tanks is a particular delight.

Struggled to fully understand the approach to the landscape design to the yard spaces which historically are generally quite fluid spaces that evolve over time. And yet there are rather 'civic' styled interventions proposed.

However consider the proposed interventions to York Way, including visual connections are negotiated very well. Since the first DRP the applicant has made beneficial improvements to the new 'Times Yard'. This space opens up oblique views, improves legibility, and creates a better sense of connection with Laundry Yard.

There is a real distinction between the two blocks, their characters and nature are quite different.

The paving to the Laundry Yard is working at 2 levels – the orientation of the joining creating a suggestion of movement through the yard as one transitions from York Way to Caledonia Street and the triangle patterning successfully responding at a larger scale responding to the buildings that address and hold the space.

If the scheme gets the materials right, i.e. a good stone or granite – this will result in an interesting duality of geometries going on there – simple and subtle but influential as to how one experiences that space.

Times Yard – considers this is working well as a sequential space – an ante room. This is commended as a very important element as it is this intervention around the new Times Yard in particular that heightens the block's overall legibility.

The balconies to the offices above significantly help to animate the space and are supported.

The new Bravington's Walk link is also greatly helping in terms of opening up this key route. The importance of that link is stressed given connections to it create the opportunity for the success of this route in the future.

The Panel very much liked the way the arcade is enhancing the public realm and the circular light motive gives coherence and consistency for the route through Block B.

Caledonia Street – new frontage at street level is successful, creating an enhanced rhythm and transparency to the street. Coupled with the planned removal of the railings will help activate this as an important east/west link street. The Panel supports the work that has been done to this street edge.

In respect of the architecture, previously struggled to understand the overarching architectural approach. However, consider there is now a really strong materiality and that the refinement of detail and language are all really successful.

The Panel commend the design team on a very interesting architectural narrative with Times House. It supports the more filigree top and crown with its integrated glazing and this contrast with the more solid base.

The Panel consider this to be a well-crafted, sensitive and tailored response and consider that the modifications have enhanced the buildings. The Panel now feels very positive about the scheme.

Jahn Court

The Panel acknowledges the considerable amount of work that has gone into the evolution of the massing. Combined with the work undertaken to reduce the heights, the building now feels calmer and recessive – a suitable backdrop to the heritage buildings to the fore. This works well.

The Panel therefore considers that changes to the Jahn Court building are now appropriate and successful having moved forward from the earlier interesting and characterful reference to industrial buildings with the saw tooth roof form, which perhaps was not quite appropriate in this location.

The concept around the revised and simplified crown is successful including the reference to Victorian water towers. The result is a much calmer appearance on the street front but with a very effective jostling of volumes on the courtyard side.

The massing, particularly the way the top floors in the longer views have been addressed, now creates a calmer, more coherent backdrop including in relation to the classic heritage views and settings.

As such, the design team has created a fine backdrop with proportions that work very well including the suitably recessive treatment to roof top plant. This all evidently follows a series of sophisticated and clever moves.

It was particularly noted how the design has succeeded in taking an interesting ensemble of buildings and elements on York Way – the Chimney, Jahn and Hub building and created a complimentary 4th element – the entrance – as a positive contribution to the other trilogy of elements.

The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.

The design is referential and the way key elements have been picked out and celebrated – the gatehouse, pavilion, plinth, and crown, coupled with making the base more permeable – are all part of a successful scheme design.

Publica's, and others, work on York Way to create active uses, and to changes to the ground floor of the Jahn building, now create positive contributions and enhancements to the busy York Way and to the broader conservation area. The proposals will make an interesting and subtle backdrop to the activities and events of this street.

The Panel feels fully comfortable and supportive of these moves which reflect the design teams long and hard thinking about the narrative it seeks and which now it successfully portrays.

The Panel considered it a shame to have lost the earlier proposed pergola and the public seating within courtyards, losses which now somewhat diminish the character of the spaces. It was suggested that perhaps they could be subsequently softened, perhaps just with planting rather than simply stripping out all the characterful features in response to public objections?

The applicant's amendments to the courtyards in response to resident concerns is understood. However it would be interesting to see what could be introduced that adds character and give something back to the residents while promoting a rich journey through the interiors of the urban blocks – designs that reflect to the transitional nature of moving through the lanes and courtyards.

The choice of materials and the refinement of the character and approach to materiality is coming through very successfully. This is considered to be a particularly successful element of the proposal.

The Panel commended the applicant and design team on the work that has been done – including in particular the pedestrian movement and wheelchair users and cyclists – all can now access the activities and functions at ground floor level throughout the block making everyone feel much better connected.

Chair's Summing Up

The Panel supports what you have created and enhanced – a great, high quality and sympathetic range of new office and workshop spaces. This will be a fantastic place to come and visit and to work in. Every aspect of the place will be much better as a result and will likely continue to improve over time.

The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.

There will also be a significant upgrading of the office space.

The Chair wished to credit the applicant team with the work undertaken beyond the red line, particularly to York Way and to the Pentonville Road junction at the threshold of the development.

The Chair considers that the team has now developed a successful approach to scale and massing. These important elements respond well to the immediate and wider context. In addition to that, a significant amount of public benefit is evident that The Panel would support and agree with which encompasses economic, social and environment benefits.

A last thought – in all of this demonstrable enhancement and improvement it is important that at the end of the day, in terms of the public realm and using it, that these urban blocks feel like they are a part of the city, and not separated from it.

In a recent visit the Chair felt overly surveilled, as though there were cameras all over the place. Guards were popping out and the effect was a feel of trespassing as one moved through an urban block.

The Panel do not want these blocks to feel like they are gated communities. Rather the aspiration should be to feel like you are strolling through the lanes and courtyards of Covent Garden and Soho. This is the sort of ambience the proposals should strive for.

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Yours sincerely

Linda Aitken

Principal Design Officer