



PLANNING COMMITTEE

4 June 2024

SECOND DESPATCH

Please find enclosed the following items:

Item 6	Minutes of Previous Meeting	1 - 8
Item 1	69-85 Edward Rudolph House, Margery Street, London WC1X 0JL	9 - 16

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London Borough of Islington

Planning Committee - 19 March 2024

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 19 March 2024 at 7.30 pm.

Present: **Councillors:** Klute (Chair), North (Vice-Chair), Convery and Hamdache

Councillor Martin Klute in the Chair

105 **INTRODUCTIONS (Item A1)**

Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

106 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor Clarke, Councillor Hayes, Councillor Jackson, Councillor McHugh and Councillor Ogunro.

Councillor Poyser had initially been scheduled to attend but was absent due to no longer being a member of the committee.

107 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

108 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

109 **ORDER OF BUSINESS (Item A5)**

The order of business would be Item B2, Item B1.

110 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 20th February 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

111 **1 PEAR TREE STREET LONDON EC1V 3SB (Item B1)**

The variation of conditions 2, 3, 4, 8, 11, 16, 19, 20, 21, 24, 27 and 30 of planning permission reference: P2018/0909/S73 dated: 01/11/2018. Amendments seek the following: Amendments to Conditions 2 and 11 include:

Internal – Relocate the SME space to the first floor to provide a better quality and an increased SME area; Repositioning of bicycle storage area with increased capacity; Insertion of a small mezzanine floor to provide fully accessible end of journey facilities

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(showers and changing rooms); Adjust slab-to-slab heights to accommodate a more sustainable energy system; and increased reception area.

External - Increase in slab-to-slab heights resulting in a cumulative maximum height increase of the Approved Scheme building of 1.00 metre; Changes to the proposed roof level with relocation of the lift core and changes in the proposed energy system; and changes to the elevational design and appearance of the Pear Tree Street façade.

Further amendments include - revision to the Energy Strategy (Condition 24), 4. Variation of Condition 8 (Obscured Windows) to confirm timing of compliance for office windows being obscured; Variation of Conditions 16 (Solar Photovoltaic Panels), 21 (Acoustic Report) and 27 (Bat and Bird Boxes) to amend the timing of when details should be submitted and approved by the LPA; and Variation of Conditions 3 (Small/Micro Workspace requirements), 4 (Small/Micro Workspace amalgamation), 19 (Cycle Storage) and 20 (Refuse/Recycling) to amend specific plan and drawing references.

(Planning application number: P2023/2345/S73)

In the discussion the following points were made:

- The Planning Officer gave a description of the site location, advising the meeting that the site was on the northern side of Pear Tree Street between Goswell Road to the west and Central Street to the east; located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area; and also within the Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General). The site was currently in use by Cadent as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London and there was an existing vehicular entrance from Pear Tree Street, originally a car park and small single and two storey buildings on site associated with the National Grid operation.
- The Planning Officer told the meeting that the proposal sought several amendments. Externally this included an increase in floor-to-floor height of each floor which in total increases the height of the building by one metre; alterations at roof level with relocation of lift core and energy system; alteration of floorplates and layouts on site to the upper levels at the rear; and alteration to the elevational design including appearance and materials. Internally, the amendments included the relocation of the SME floorspace from ground floor to first floor; introduction of a mezzanine level between ground and first floor level to provide for cycling changing facilities. Amendments were also sought for the approved plans references sought within this s73 application.
- The Ground Floor had already been built out as part of granting of planning permission.
- Planning Officers recommended the application for approval subject to the reimposition of conditions and Deed of Variation to the S106 Legal Agreement.
- In response to members questions about whether thought had been given to significant design changes to the scheme, Planning Officers advised that it had been determined by the Design & Conservation Officer that it was a superior architectural design on the approved scheme that made much more effective use of the site. The Planning Officer also stated that in the original permission from 2015 permission, the roof plant, equipment and overruns weren't on the original approved plans and in the submission details itself there were comparisons between approved scheme in 2015 and the current proposed amendments.
- Members asked why the net internal area was reduced in terms of space. In response, the Planning Officer advised that this was because of the relocation and

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rearrangement of the ground floor level and introduction of more end of journey facilities for cycling.

- Members noted that the whole life carbon cycle analysis wasn't done as the scheme had been consented before this was planning policy. Planning Officer advised that this was an implemented scheme and members should give weight to what can be delivered, and testing hadn't been done on this as it was not thought to be reasonable to do so.
- Planning Officer advised that the planning policy on the affordable workspace at the time of consent of the original scheme was 5%.
- Members acknowledged that they were strictly considering amendments to an existing, approved scheme, and that this was not an opportunity to revisit aspects that had already been approved.
- Members expressed concern that there didn't seem to be anything to adjust Condition 10 to including wording clarifying that the terraces being ancillary to the office use.
- Planning Officers confirmed that the terraces were ancillary with the office space and advised that it was at the members' discretion if they wanted to delegate the wording of a condition mandating that.
- Objectors stated to the meeting that the area was already overdeveloped in an area of residential properties of social ownership, shared ownership and private dwellings, and that in considering the application, members were minded by the Council's planning policy to assess the impact on the loss of light, amenity and privacy which the proposals would affect.
- Objectors stated that the developer was essentially seeking permission for a taller building despite the approved building already being too large for its setting, and that the side view is what would impact residents most.
- Objectors also stated that should the application be approved, that they sought meaningful engagement on construction management, no Saturday working and appropriate restriction on use and hours of use on terraces.
- The applicant stated that they were taking a long-term approach to the site, that they were looking at ways to enhance and streamline the building, that they were very attuned to viability issues, and that they would ensure that disruption was minimised wherever possible.
- The applicant stated the whole life carbon assessment was usually used when demolishing a site and assessing it against retrofitting a building, and that the building that had stood on this site was demolished before the applicant had purchased it. The applicant confirmed that they had been more focused on the operational, environmental value of the building use as opposed to the construction.
- The applicant stated that their plans were a drive to improve the efficiency of the building and the existing glazing to side ratios were difficult to deliver and provide energy efficiency.
- In deliberation, members asked the applicants whether they would consider amendments to conditions prohibiting construction works on Saturdays, which applicants confirmed that they were happy to look at it as a commitment to discuss with residents' measures to minimise disruption by not conducting noisy works.
- Planning Officers confirmed that the construction management plan had already been approved.
- Councillor Klute moved a motion to amend Condition 13 so that, notwithstanding the previously approved details an updated construction management plan is submitted mandating no noisy construction works to take place on Saturdays, with wording delegated to officers. This was seconded by Councillor North.
- Councillor Klute moved a motion to amend condition 10 to limit the use of the terrace Monday to Friday, using the Regent's Wharf CMP as a template, and incorporating the previously approved hours in the template.

Councillor Klute proposed a motion to approve. This was seconded by Councillor North and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the additional condition outlined above; and subject to 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 of the officer report as amended above, the wording of which was delegated to officers; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

112 CASTLE HOUSE, 37-45 PAUL STREET 13-17 EPWORTH STREET & 1-15 CLERE STREET, LONDON (Item B2)

Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

- The site is located in the easternmost corner of the borough, adjoining the neighbouring London Borough of Hackney, and bounded by the highways of Epworth Street to the south, Paul Street to the east, Clere Street to the north and existing buildings of Tabernacle Street to the west.
- The Planning Officer informed the committee that since the publication of the deferral committee report, a further 17 representations have been received, raising the number to 218.
- The application was previously heard on 18th July 2023, 12th October 2023, and 9th January 2024, with members resolving to defer consideration of the application at each meeting. The committee's most recent reason for deferral (9th January) was to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street noting that the unavailability of evidence from the applicant regarding the claimed previous analysis of setbacks to those elevations and impact would have been helpful to the deliberation of the committee. The Chair strongly advised the committee and objectors to focus on the points of deferral in the discussion.
- The Planning Officer informed the committee that following on from the January 9th deferral, the applicant had revised the scheme and submitted revised plans and supporting documents. This included further revisions to floorplans, elevations, and sections; landscaping plan to the roofs at fifth and sixth floors; updated Design and Access statement; and a further addendum to the Daylight and Sunlight report. The description of the proposal remained as originally submitted.

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- Members asked officers for clarification on the policy position regarding how they should weigh mirror massing as opposed to BRE guidance in determination of the application. Officers advised that the BRE guidelines suggests that the main methods of assessment was the VSE and Access to Daylight Distribution, but also alternatives where appropriate, one of which regularly used in urban areas which was mirror massing, a replication of the site across the road as an example of acceptable development to see what a reasonable loss of light looked like. Officers further advised that it was up to members as to how much weight they give to it in their decision making.
- Officers showed the meeting a mirror-massed image in which the massing of 17-18 and 20 Clere Street was mimicked as part of the mirror-massing test.
- Officers advised that the alternative target testing showed that the majority of the windows at 17 and 18 Clere Street would only experience minor additional VSE reductions over the existing application site, whereas for 20 Clere Street there would be some gains in VSE daylight, which altogether meant that a mirror massed building would have slightly less transgressions than the application site.
- Officers further advised that mirror massing can be used as an alternative baseline to the existing value.
- Objectors informed the meeting that they were not anti-development and appreciated the committee's serious consideration of the application over several sittings.
- Objectors stated that members were legally bound to consider each of the issues and that the applicant had done less than the bare minimum to comply and had refused to set the building back.
- Objectors further informed the meeting that the proposals affected a large footprint of the local area, and that no local resident supported it in its current form.
- Objectors also stated that they felt the proposals went against the Council's green pledges as a retrofitting of the applicant site was more cost-effective than demolition for the site and that it also was a departure from policy in terms of the height of the proposed building.
- It was also said by objectors that Hackney Council continued to object to the scheme.
- Objectors stated that no one from Islington Council had come to visit residents as part of the plans, that the Council had a duty of care to the residents and should take a similar approach to Hackney.
- Objectors also raised issues regarding the impact of noise and roof terraces, of the impact to residents that have autism, cerebral palsy, MS and/or are wheelchair bound. Further objections included assertions that the light assessment had been wrong and the light to their properties would decrease as a result of the proposals.
- The applicants informed the meeting that this was their fourth time to committee on this proposal and that they had retained a consistent approach to feedback each time.
- The applicants told the meeting that they had amended the scheme where appropriate and had revised the massing and increased setbacks to reduce the impact, that their revised proposals had retained the support of the Design Officer and that there had been no further objections from Hackney Council.
- The applicants told the meeting that they had owned the site for decades and were pleased that it was a designated site for development.
- The applicants told the meeting that they were sympathetic to concerns around the proposed height and its impact to other local buildings; that they had engaged with residents before and after the application was made; and that they had been diligent

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in revising scheme, stating that recent amendments had included increasing setbacks and improvements to windows.

- In response to members questions, the Planning Officer advised that every formal amendment of the application had been consulted on with Hackney Council and that their last objection was in May 2023. The Planning Officer also stated that as was common with local authority representations, Hackney's observations were fairly short as they would have only been asked to comment on particular aspects of the scheme and their only observation was on daylight and sunlight in which they noted transgressions under BRE guidelines. The Planning Officer told the meeting that there had been no formal objection raised since by Hackney Council.
- In response to objectors' request to present to the meeting, what they stated was recent correspondence from Hackney Council in objection to the scheme, the Legal Advisor to the Committee advised that no new information could be presented for consideration at the meeting and as it had been confirmed that Planning Officers had not been in receipt of this information prior to the meeting, this would constitute new material and therefore could not be considered.
- In response to questions about the whole life carbon cycle and how long it would take for the site to offset the carbon loss, the applicants stated that the whole life carbon process is an emerging one, that they had been working on it in collaboration with planning officers and the GLA and that making the existing building suitable to modern standards would be more resource intensive. The applicants also stated that in terms of achieving the aspirational levels planned for, that they would be applying increasing along the journey to achieve this and that they were at stage two of a seven stage plan. The applicants also stated that in their assessment of retrofit or demolition, the existing was shown to already be in carbon deficit.
- Planning Officers confirmed that they were required to put in a whole life cycle assessment for review by the GLA as part of stage one, and that should members resolve to grant permission planning officers would then send it back to the GLA for review as part of their second stage of engagement.
- In deliberation, members stated that this had been a difficult application to consider and that also, over the course of its consideration to the committee, members had sought to shape the proposal into something acceptable.
- Members expressed sympathy for the objectors' position and acknowledged concerns that the applicant had made what was described as the bare minimum of efforts to comply with members' requests, but that the proposal was compliant.
- Members also took into consideration that the site was in a very dense urban area, that the proposed building's architecture had been described by the Council's Design Officer as outstanding, that the whole life cycle, scale and massing were compliant and although minimal, betterments had been achieved.

Councillor Klute proposed a motion to approve planning permission. This was seconded by Councillor North and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to 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 of the officer report.

The meeting ended at 9.57 pm

CHAIR

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**ADDENDUM TO
 PLANNING COMMITTEE REPORT**

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	04 June 2024	NON-EXEMPT

Application number	P2023/2059/FUL
Application type	Full Planning Application – Major
Ward	Bunhill
Listed building	N/A
Conservation area	Adjacent to New River Conservation Area
Development Plan Context	Central Activities Zone (CAZ); Bunhill & Clerkenwell Core Strategy Key Area; Employment Growth Area (Margery Street – Easton Street); Protected Vista: Kenwood viewing gazebo to St Paul’s Cathedral;
Licensing Implications	N/A
Site Address	Edward Rudolf House, 69-85 Margery Street, London, WC1X OJL
Proposal	Demolition of the existing building and erection of a 4-storey office (Use class Eg(i)) building, including cycle associated cycle parking, waste and recycling storage, plan enclosure to the roof, hard and soft landscaping, and associated substation

Case Officer	Simon Roberts
Applicant	Royal UK Properties III Ltd
Agent	ROK Planning

1. RECOMMENDATION

1.1 The Committee is asked to resolve that it would have REFUSED planning permission for this application for the reasons set out in Appendix 1, should the application have not been appealed to the Planning Inspectorate for Non-Determination.

2. CLARIFICATIONS AND UPDATES

2.1 Clarification and amendments to the text of the published committee report are highlighted in **bold** and text to be deleted in ~~strikethrough~~:

2.2 Revision to paragraph 3.5 as follows:

“3.5 In land use terms, the site is located within the Central Activities Zone, ~~the Bunhill and Clerkenwell Key Area~~ and the Margery Street/Easton Street Employment Growth Area. As such, the proposed land use of employment (office) floorspace is in accordance with the policy thrust for these designations”.

2.3 Revision to paragraph 6.8 as follows:

“6.8 The Applicant subsequently appealed the Council’s decision. The Appeal was dismissed following public inquiry held between 20-27 April 2020¹. The Appeal decision is appended to this report (Appendix 3)”.

2.4 Revision to paragraph 7.15 as follows:

“7.15 Energy Services – The applicant should recalculate the Total (regulated and unregulated) emissions against a Part L 2013 baseline. If this does not meet the 27% reduction required in Islington Policy, improvements should be found to achieve this. The revised Sustainability and Energy Statement shows a reduction in total (regulated and unregulated emissions) from 234,810kg to 223,715kg. This is equivalent to a 4.73% reduction however, it appears to have been calculated against a Part L 2021 baseline rather than 2013. This is a worse performance than the earlier Sustainability and Energy Statement.

The Carbon Offset calculation has been miscalculated by the applicant when using the London Plan methodology on Regulated Emissions only. The identified offset should be: 16.363 (tonnes Regulated Emissions) x £2,850 (£95 x 30 years) = £46,634.

Further, the applicant has not provided detail of how the proposal will meet London Plan ‘Be Seen’ requirements in relation to monitoring, verifying and reporting on energy performance.

[Officer Response: Noted, paragraphs ~~9.x—9.x~~ 9.229 – 9.262 consider the energy credentials of the proposal.]”

Affordable Workspace

2.5 Paragraph 9.15 of the committee report erroneously outlined that the proposed affordable workspace would provide an affordable workspace unit with an area of 2,252sqm. This was incorrect and should be 252sqm, amended as follows:

“9.15 The applicant proposes affordable workspace provision to be located to the north eastern part of the building, at ground and lower ground level. The affordable workspace unit would measure a total of ~~2,252sqm~~ **252sqm** which equates to 10% of the total floorspace proposed. The applicant has agreed that the affordable workspace unit would be leased to the Council for a period of 20 years in accordance with policy B4”.

Impact upon heritage assets

2.6 The following text should be added to the committee report following paragraph 9.101 as follows:

“It is considered the proposal would cause harm to the significance of designated heritage assets.

In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The proposed works, by virtue of its unsympathetic design, would adversely affect the character and special architectural and historic interest of the nearby listed buildings and conservation area. The works would therefore cause less than substantial harm to the significance of the heritage asset contrary to paragraph 208 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2023.

The level of harm is significant and should be given ‘great weight’ in the decision making process (NPPF 2023, paragraph 193).

Paragraph 208 of the NPPF 2023 requires 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 Applicant’s Statement of Case asserts if there is harm, that it will be outweighed by the planning benefits of the scheme. It also suggests that the proposals would bring a number of benefits, some of which may be public benefits. The suggested benefits, which are overstated by officers (either mitigation or of little weight) and are incapable of outweighing the harm to the identified designated heritage assets. It is considered the proposal does not fulfil the local policy requirements of high-quality architectural design to overcome the level of harm to the surrounding heritage assets.”

Statutory Test

Officers consider that the identified ‘less than substantial harm’ and recommended reasons for refusal comply with s.66 of the PLBCAA 1990 and upholds the duty to give “considerable weight and importance” to heritage interests (East Northamptonshire District Council v Secretary of State for Communities and Local Government [2014] EWCA Civ 137) and the “strong presumption against development” where there is an adverse impact on a heritage asset (R. (on the application of Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin)).

Daylight

2.7 Revision to paragraph 9.178 as follows:

“9.178 When compared with the previous Appeal scheme, the current scheme is an improvement in VSC with ~~X~~ **19** additional windows now meeting BRE guidance. With regards to NSL, there is also an improvement, with ~~X~~ **1** additional rooms meeting BRE guidance over the Appeal scheme.”

2.8 Revision to paragraph 9.191 as follows:

“9.191 The submitted Daylight and Sunlight report highlights transgressions beyond BRE guidance. There are a number of instances where there are reductions in either VSC or NSL, but not both. When an alternative target is tested (specifically the ‘without overhangs/balconies’ exercise), more windows and rooms would meet BRE guidance, specifically at Sherston Court. Whilst neighbouring properties at Bagnigge House and St Annes House would see reductions in VSC of up to %, these windows would still receive in excess of 18% in VSC values. ~~% of neighbouring windows assessed would not see reductions to VSC contrary to BRE, whilst % of neighbouring rooms assessed would not see reductions to NSL contrary to BRE.~~”

Updates to recommended reasons for refusal

2.9 Following further discussions with internal consultees, the reasons for refusal are amended as follows (additions in **bold** and text to be deleted in ~~strike through~~):

Reason for Refusal 1

2.10 Remains as recommended.

Reason for Refusal 2

2.11 REASON: The proposed development by reason of its design fails to conserve or enhance the setting of Grade II listed buildings on Yardley Street and the New River Conservation Area. The proposal is not considered to be of high-quality contextual design. The proposal would adversely affect the character and special architectural and historic interest. The works would therefore cause harm to the significance of the heritage assets, contrary to paragraph 208 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2023, London

Plan (2021) policy HC1, Islington Local Plan (2023) policies DH1 and DH2, and guidance contained within Islington's New River Conservation Area Design Guidelines (2002) and Islington's Urban Design Guide (2017).

- 2.12 London Plan Policy H1 (Increasing housing supply) was erroneously referenced when it should have referenced London Plan Policy HC1 (Heritage conservation and growth).

Reason for Refusal 3

- 2.13 REASON: The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of **neighbouring residents** ~~nearby residential buildings~~ through loss of daylight receipt experienced ~~by~~ **to windows and rooms of** those properties and unacceptable levels of overlooking, resulting in loss of privacy and usability to the adjoining residential community garden and play area, contrary to London Plan (2021) policies GG2, D3 and D4 and Islington Local Plan (2023) policies PLAN1, DH1 and DH2, as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (2022).

- 2.14 Following review of this putative reason for refusal, officer have recommended revisions to clarify the impact upon neighbouring residential amenity.

Reason for Refusal 4

- 2.15 REASON: The proposed affordable workspace unit fails to provide high standard of amenity for occupiers, by reason of its inappropriate location, **awkward layout**, lack of outlook and natural light, which would result in a substandard office environment contrary to London Plan (2021) policies E2 and E3, and Islington Local Plan (2023) policies B2 and B4.

Reason for Refusal 5

- 2.16 Remains as recommended.

Reason for Refusal 6

- 2.17 Remains as recommended.

Reason for Refusal 7

- 2.18 REASON: In the absence of sufficient detailed submission, the proposed development has failed to submit a Flood Risk Assessment ~~demonstrate an integrated approach to water management and sustainable drainage and is therefore~~ contrary to the London Plan drainage hierarchy contrary to London Plan (2021) policies SI 12 and ~~SI 13~~, and Islington Local Plan (2023) policy S8 ~~and S9~~.

- 2.19 Following review of further information provided by the applicant, in relation to Drainage Management, the Council's Sustainability Officer states that the application is deficient due to the absence of a Flood Risk Assessment.

Reason for Refusal 8

- 2.20 Remains as recommended.

Reason for Refusal 9

- 2.21 Remains as recommended.

3. CONCLUSION

- 3.1 Following the publication of the deferrals, a number of clarification and amendments are proposed to the recommended reasons for refusal. Officers continue to ask the Committee to resolve that it would have REFUSED planning permission for this application for the reasons set out in Appendix 1, should the application have not been appealed to the Planning Inspectorate for Non-Determination.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

That planning permission would have been REFUSED for the reasons listed below had the application not been appealed:

1. REASON: The proposed development, by virtue of its poor design, results in a building which fails to respond to or enhance the existing local context. It appears incongruously and therefore harmfully within the street scene. This is due to the design of the fenestration within the elevational bays, the gaps between the bays which present an uncharacteristically corporate and relentless street elevation, insufficiently articulated materiality, an out of scale, poorly detailed and unresolved corner entrance, and an excessively inactive frontage to both edges. The elevational design throughout is considered to undermine the quality of the streetscape and visual amenity of adjoining sites. The proposal is therefore contrary to London Plan (2021) policies GG2, D3 and D4, Islington Local Plan (2023) policies PLAN1 and DH1, and national (National Design Guide) and local (Urban Design Guide SPD) guidance.
2. REASON: The proposed development by reason of its design fails to conserve or enhance the setting of Grade II listed buildings on Yardley Street and the New River Conservation Area. The proposal is not considered to be of high-quality contextual design. The proposal would adversely affect the character and special architectural and historic interest. The works would therefore cause harm to the significance of the heritage assets, contrary to paragraph 208 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2023, London Plan (2021) policy HC1, Islington Local Plan (2023) policies DH1 and DH2, and guidance contained within Islington's New River Conservation Area Design Guidelines (2002) and Islington's Urban Design Guide (2017).
3. REASON: The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of neighbouring residents through loss of daylight receipt experienced to windows and rooms of those properties and unacceptable levels of overlooking, resulting in loss of privacy and usability to the adjoining residential community garden and play area, contrary to London Plan (2021) policies GG2, D3 and D4 and Islington Local Plan (2023) policies PLAN1, DH1 and DH2, as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (2022).

4. REASON: The proposed affordable workspace unit fails to provide high standard of amenity for occupiers, by reason of it's inappropriate location, awkward layout, lack of outlook and natural light, which would result in a substandard office environment contrary to London Plan (2021) policies E2 and E3, and Islington Local Plan (2023) policies B2 and B4.
5. REASON: The proposed development fails to demonstrate the required details and commitments in reducing whole life-cycle carbon emissions contrary to London Plan (2021) policy SI 2 and Local Plan (2023) policy S4.
6. REASON: In the absence of sufficient detailed submission, the proposed development fails to demonstrate the required detail and commitments in circular economy and adaptive design and is therefore contrary to London Plan (2021) policy SI 7 and Local Plan (2023) policy S10.
7. REASON: In the absence of a Flood Risk Assessment, the proposed development is contrary to London Plan policy SI 12 and Islington Local Plan (2023) policy S8.
8. REASON: The proposed development, in the absence of adequate detail relating to 'be seen: monitor, verify and report on energy performance', fails to provide accurate calculation of the total (regulated and unregulated) emissions against a Part L 2013 baseline and calculation of a cash in lieu contribution to Islington's carbon offset fund. The proposed development is therefore contrary to London Plan (2021) policy SI 2 and Islington Local Plan (2023) policies S1, S2, S3 and S4, and Islington's Environmental Design SPD (2012).
9. REASON: In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (affordable workspace provision, public realm improvements, highway and footway works and to cover the cost of any repairs required, accessible transport, employment and training, carbon offsetting contributions, a Green Performance Plan, connection to a local energy network if available, and Travel Plan), and as such the proposal is contrary to London Plan (2021) policies E2, E3, E11, SI 2, T4, T5, T6, T9, DF1, and Local Plan (2023) policies B1, B2, B4, S1, S2, S3, S4, T2, T3, T4 and T5, and Islington's Planning Obligations SPD (2014) and Environmental Design SPD (2012).

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 2023 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 and Islington Local Plan: Strategic and Development Management Policies 2023. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021	
<p>1. Planning London's Future - Good Growth Policy GG2 Making the best use of land Policy GG5 Growing a good economy</p> <p>2. Spatial Development Patterns Policy SD4 The Central Activities Zone Policy SD5 Offices, other strategic functions and residential development in the CAZ</p> <p>3. Design Policy D1 London's form, character and capacity for growth Policy D3 Optimising site capacity through the design led approach Policy D4 Delivering good design Policy D5 Inclusive design Policy D8 Public Realm Policy D10 Basement development Policy D11 Safety, security and resilience to emergency Policy D12 Fire safety Policy D13 Agent of Change Policy D14 Noise</p> <p>6. Economy Policy E1 Offices Policy E2 Providing suitable business space Policy E3 Affordable Workspace Policy E11 Skills and opportunities for all</p>	<p>7. Heritage and Culture Policy HC1 Heritage conservation and growth</p> <p>8. Green Infrastructure and Natural Environment Policy G5 Urban Greening Policy G6 Biodiversity and access to nature Policy G7 Trees and woodlands</p> <p>9. Sustainable Infrastructure Policy SI 1 Improving air quality Policy SI 2 Minimising greenhouse gas emissions Policy SI 4 Managing heat risk Policy SI 5 Water infrastructure Policy SI 7 Reducing waste and supporting the circular economy Policy SI 12 Flood risk management Policy SI 13 Sustainable drainage</p> <p>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 Car parking Policy T6.2 Office parking Policy T7 Deliveries, servicing and construction</p> <p>11. Funding the London Plan Policy DF1 Delivery of the Plan and Planning Obligations</p>
B) Islington Local Plan Strategic and Development Management Policies 2023	
<p>1. PLAN1 Site appraisal, design principle and process</p> <p>4. Inclusive Economy Policy B1 Delivering a range of affordable business floorspace Policy B2 New business floorspace Policy B4 Affordable workspace Policy B5 Jobs and training opportunities Policy R8 Location and Concentration of uses</p>	<p>Policy S7 Improving Air Quality Policy S8 Flood Risk Management Policy S9 Integrated Water Management and Sustainable Drainage Policy S10 Circular Economy and Adaptive Design</p> <p>7. Public Realm and Transport Policy T1 Enhancing the public realm and sustainable transport Policy T2 Sustainable Transport Choices</p>

<p>5. Green Infrastructure Policy G4 Biodiversity, landscape design and trees Policy G5 Green roofs and vertical greening</p> <p>6. Sustainable Design Policy S1 Delivering Sustainable Design Policy S2 Sustainable Design and Construction Policy S3 Sustainable Design Standards Policy S4 Minimising greenhouse gas emissions Policy S5 Energy Infrastructure Policy S6 Managing heat risk</p>	<p>Policy T3 Car-free development Policy T4 Public realm Policy T5 Delivery, servicing and construction</p> <p>8. Design and Heritage Policy DH1 Fostering innovation while protecting heritage Policy DH2 Heritage assets Policy DH3 Building heights Policy DH4 Basement development Policy DH5 Agent-of-change, noise and vibration</p>
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Designations

The site has the following designations under the London Plan 2021, Islington’s Local Plan: Strategic and Development Management Policies 2023 and the Bunhill & Clerkenwell Area Action Plan 2023:

- Central Activities Zone (‘CAZ’);
- Employment Priority Area (Margery Street - Eastern Street);
- Article 4 Direction Use Class E to C3 (CAZ) Class MA;

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Basement Development (2016)
Environmental Design
Planning Obligations and S106 (2016)
Urban Design Guide (2017)

London Plan

Accessible London (2014)
Character and Context SPG
Sustainable Design & Construction (2014)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (2013)
Fire Safety draft LPG