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## Committee Updates: Planning Committee

Date: 20<sup>th</sup> October 2014

### UPDATES:

Item	Address	Agenda page	Update – page
B1	130-154, 154A Pentonville Road (including 5A Cynthia Street, 3-5 Cynthia Street, 2 Rodney Street), Islington, London, N1 9JE	7-135	74-76

**Item Nos:** B1

**Case Officer:** John Kaimakamis

**Application Nos:** P2014/1017/FUL

**Application Type:** Full Planning

**Site Address:** 130-154, 154A Pentonville Road (including 5A Cynthia Street, 3-5 Cynthia Street, 2 Rodney Street), Islington, London, N1 9JE

#### **Description of Development:**

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

The addendum covers the following:

#### **A. Islington Community Infrastructure Levy (CIL)**

Since the planning application was last presented to the Planning Committee on 22 July 2014, the Islington Community Infrastructure Levy (CIL) has come into effect as of 1<sup>st</sup> September 2014. This will now apply to this development, with the total payable to be adjusted to show the affordable housing relief that is likely to be due.

The CIL contributions are calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent. The following CIL contributions have been calculated for the proposed development based on the proposed amount of additional Floorspace (minus the affordable housing relief):

- Islington CIL - £1,953,820.65
- Mayor's CIL - £590,966.88

## **B. Section 106 Obligations and Revised Recommendation B**

Given the introduction of the Islington CIL there are a number of financial obligations contained in Recommendation B of the 22 July 2014 Officer Committee Report that need to be deleted given that these infrastructure matters are now to be funded through the Islington CIL. They are:

- A. Community Facilities Contribution.
- B. Health Facilities Contribution.
- C. Open Spaces Contribution.
- D. Play Space Facilities Contribution.
- E. Transport and Public Realm Contribution.
- F. Sports and Recreation Contribution

Prior to the introduction of Islington CIL, the section 106 obligations amounted to £1,222,977. Given the above obligations are now funded through Islington CIL, the remaining s106 obligations amount to £332, 524.

As such, Recommendation B of Appendix 1 is amended as follows:

### **RECOMMENDATION B**

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

1. Provision of affordable housing – 23% (by habitable room) 17% (by unit numbers) split 71% social rented and 29% intermediate (hab rooms). A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. Viability Mechanism Review - The owner will submit an Updated Viability Assessment (UVA) to the council prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning.

3. Car Free Dwellings clauses.
4. Installation of 5 cycle for the use of visitors to the residential element of the development;
5. Islington: 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;
6. Transport for London: The repair and re-instatement of the footways and highways adjoining the development along Pentonville Road (managed by TfL). These works / arrangements are to be secured by requiring the developer to enter into a s278 agreement with Transport for London (TfL);
7. A Green Travel Plan to be submitted for the Council's approval prior to implementation of the planning permission.
  - A final Green Travel Plan is to be submitted for Council approval 6 months after the first Occupation of the Development.
  - An update on progress to be submitted on the 3rd anniversary of first Occupation of the Development.
8. A contribution of £28,000 for the provision of accessible transport bays or alternative accessible transport measures;
9. Facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of first phase. If these placements are not provided, LBI will request a fee of £35,000.
10. A contribution of £10,010 towards end use employment opportunities for Islington residents. LBI Construction Works Team to recruit and monitor placement.
11. New jobs created within the re-provided Europcar facility shall be filled through prioritising existing Islington residents. A recruitment process for those jobs shall be agreed with the Local Planning Authority prior to any recruitment being undertaken and that approved recruitment process shall be followed strictly by the Europcar recruitment processes;
12. Compliance with the Code of Employment and Training.
13. Compliance with the Code of Local Procurement.
14. Compliance with the Code of Construction Practice, including a monitoring fee (£12,673) 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.

15. 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. Total amount: £244,076.

16. 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.

17. Submission of a Green Performance Plan.

18. Note: The financial contributions paid under planning permission reference: P092706 shall be subtracted from the financial contributions sought within this permission (subject to adjustment to reflect index linking); and

19. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.

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

That, should the **Section 106** Deed of Planning Obligation not be completed by 12 December 2014, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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