



AGENDA FOR THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on **4 September 2014 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 27 August 2014

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

Committee Membership

Councillor Khan (Chair)
Councillor Klute (Vice-Chair)
Councillor R Perry (Vice-Chair)
Councillor Chowdhury
Councillor Fletcher
Councillor Gantly
Councillor Kay
Councillor Nicholls
Councillor Picknell
Councillor Poyser


Wards

- Bunhill;
- St Peter's;
- Caledonian;
- Barnsbury;
- St George's;
- Highbury East;
- Mildmay;
- Junction;
- St Mary's;
- Hillrise;

Substitute Members

Councillor Convery - Caledonian;
Councillor Makarau-Schwartz - Junction;
Councillor O'Sullivan - Finsbury Park;
Councillor A Perry - St Peter's;
Councillor Poole - St Mary's;
Councillor Smith - Holloway;
Councillor Spall - Hillrise;
Councillor Ward - Holloway;
Councillor Wayne - Canonbury;
Councillor Williamson - Tollington;

Quorum: 3 councillors



A. Formal Matters **Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meeting 1 - 4

B. Consideration of Planning Applications **Page**

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| 2. | City North Islington Trading Estate, Fonthill Road and 8-10 Goodwin Street, Islington, London, N4 | 29 - 84 |
| 3. | Zimco House, 16-28 Tabernacle Street and 10-14 Epworth Street, London, EC2A 4LU | 85 - 134 |

C. Consideration of other planning matters **Page**

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| 1. | Planning Enforcement and Appeal Performance: First quarter 2014/2015 | 135 -
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D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Committee, 14 October 2014

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Committee - 22 July 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 22 July 2014 at 7.30 pm.

Present: **Councillors:** Khan (Chair), Klute (Vice-Chair), R Perry (Vice-Chair),
Fletcher, Gantly, Kay, Nicholls, Picknell and Poyser (for
Agenda Items B2, B3 and B4)
Also **Councillor:** Greening
Present:

Councillor Robert Khan in the Chair

16 **INTRODUCTIONS (Item A1)**

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED:

That the minutes for the meeting held on 8 July 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

22 **130-154, 154A, PENTONVILLE ROAD, (INCLUDING 5A CYNTHIA STREET, 3-5, CYNTHIA STREET, 2, RODNEY STREET), ISLINGTON, LONDON, N1 9JE (Item B1)**

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 storeys with a setback floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a setback 5th.

(Planning application number: P2014/1017/FUL)

In the discussion the following points were made:

Planning Committee - 22 July 2014

- The planning officer reported that the Site Allocation referred to in paragraph 11.16 of the officer report had been adopted and was no longer emerging.
- At the time of the planning inquiry, the Site Allocation and Development Management Policies document had both been adopted and therefore the inspector would have given it more weight than if it was emerging (which was the situation at the time the scheme was appealed for non-determination).
- A member raised concern about the 'sui generis' use class when there would be a low employment generating use. He referred to there being 38 employees within the car hire business (as expanded) and stated that if this was an office development, it could employ 297 people. A member raised concern that in terms of building regulations standard occupancy levels, an office would generate employment levels of one person per 6 square metres, a warehouse would have one person per 30 square metres and the proposed car hire business would have one person per 100 square metres.
- Clarification was sought as to whether the concept of a ransom price was an accepted concept when considering site amalgamation practices within any viability guidance. The independent viability consultant (from BPS) explained that the guidance covered generic site amalgamation concepts but did not offer guidance on 'ransom' situations. While the ransom concept was not specifically supported by guidance, there was also no guidance to say that it was not appropriate.
- 17% affordable housing (by unit numbers) would be provided, 23% by habitable rooms. Policy sought 50% affordable housing.
- The quality of the evidence supporting the applicant's build cost figures was questioned. The BPS viability advisor explained that benchmarking was used. A BCIS cost analysis which used standard cost headings had not been used. This created a lack of clarity and a degree of interpretation was required. However any variance would have minimal impact as it was significantly less than the deficit of the scheme.
- Members raised concern about the accuracy of some of the figures in the viability study.
- Concerns about the height and massing of the previous scheme, privacy and overlooking had been addressed.
- The planning officer advised that land use was not previously raised and was not considered by the inspector as a reason for refusal.

Councillor Klute proposed a motion to refuse planning permission on the grounds of lack of affordability and employment use. This was seconded by Councillor Gantly and carried.

RESOLVED:

That planning permission be refused on the grounds of lack of affordable housing and employment use with the wording of the reasons delegated to officers.

- 23** **EMIRATES STADIUM, DRAYTON PARK, ISLINGTON, LONDON, N5 1BU (Item B2)**
Approval of details pursuant to condition AG16 (Arsenal event day coach parking locations) of planning permission ref: P061170.

Condition AG16 of planning permission ref: P061170 stated:

'That during any major event, at least 40 coach parking spaces shall be made available for use within the stadium or at another location(s) outside the stadium previously agreed by the Council'

The proposed parking locations in order of priority:

Queensland Road (18 spaces)
Hornsey Road (9 spaces)
Sobell Centre (12 spaces)
Hornsey Street (11 spaces)
Finsbury Park (90+ spaces)

The applicant sought permanent permission.

(Planning application number: P2014/1017/FUL)

In the discussion the following points were discussed:

- Prior to the 2013/14 season, Hornsey Road had been used for police vehicle parking rather than coach parking.
- The consultation included the maximum number of coaches that would be parked on each road and the number of times each season each road would be used.
- New residents of the Queensland Road development were advised that this road would be used for coach parking.
- People disembarked from the coaches once they had parked at each parking location. At the end of each game they returned to the same point.
- A police representative advised that Queensland Road was the police's first preference for the parking of away fan coaches as this was near the away fan turnstiles and the away fan pub. If the away fan coaches were parked further away e.g. at the Sobell Centre, extra policing would be required.
- It was not possible for coaches to park under the stadium. Coaches would have to be scanned and this was not feasible at the current time. The stadium was also not designed for fans to disembark under the stadium.
- It was acknowledged that different groups of people had different priorities; residents would not want their road at the top of the priority parking list, ward councillors wanted the Sobell Centre used and the police wanted Hornsey Road to be used. If the Committee wished to change the order of the roads to be prioritised, reconsultation would be required.
- Concern was raised that repeatedly granting temporary planning permission meant a final decision was not made.

Councillor Khan proposed a motion to agree planning permission for one year to enable the monitoring of the proposed scheme. This was seconded by Councillor Klute and carried.

RESOLVED:

That permission for the approval of details on a temporary basis be granted for a period of one football season (2014/15) subject to the conditions and informative set out in Appendix 1 of the officer report plus 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.

24

SHIRE HOUSE WHITBREAD CENTRE, INCLUDING CAR PARK AND SERVICE YARD, 11 LAMB'S PASSAGE, LONDON, EC1Y 8TE - FULL (Item B3)

Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.

(Planning application number: 2013/3257/FUL)

In the discussion the following points were made:

- Islington Council's lease of part of the site expired in 2126.
- Concern was raised that the scheme had not been resubmitted to the Design Review Panel after it had been amended. Officers were asked to resubmit schemes on future developments of this scale.
- The Core Strategy aimed to maximise affordable housing and not impinge on people's amenity.
- A structural survey had been undertaken and a condition would be put in place requiring further details to be submitted to ensure the listed vaults would not be damaged by the development.
- Concern was raised about daylight and sense of enclosure to neighbours in Shire House, particularly as some of them already had low levels of daylight. The planning officer advised that there were a number of tests conducted and there would not be a high loss of both daylight and sunlight to any windows. In many cases, rooms had more than one window which retained higher levels of Daylight Distribution to the rooms.
- Concern was raised that although the affordable housing provided by the scheme was 50% and in line with council policy, in absolute terms the figure was low.
- Concern was raised that there would be detrimental impacts to social housing occupants of Shire House.

Councillor Klute proposed a motion to refuse planning permission to protect neighbouring amenity. This was seconded by Councillor Khan and carried.

RESOLVED:

That planning permission be refused to protect neighbouring amenity with the wording of the reason to be delegated to officers.

25 SHIRE HOUSE WHITBREAD CENTRE, INCLUDING CAR PARK AND SERVICE YARD, 11 LAMB'S PASSAGE, LONDON, EC1Y 8TE - LISTED (Item B4)

Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.

(Planning application number: P2013/3297/LBC)

Councillor Klute proposed a motion to refuse listed building consent on the ground of prematurity. This was seconded by Councillor Khan and carried.

RESOLVED:

That listed building consent be refused on the ground of prematurity.

The meeting ended at 10.00 pm

CHAIR

COMMITTEE AGENDA

1 5-11 Worship Street London London EC2A 2BH

2 City North Islington Trading Estate, Fonthill Road & 8-10 Goodwin Street, Islington, London, N4

3 Zimco House, 16-28 Tabernacle Street & 10-14 Epworth Street London EC2A 4LU

1 5-11 Worship Street London London EC2A 2BH

Ward: Bunhill

Proposed Development: Proposed use of the building within the sui generis use class, comprised of office at lower ground, ground, 1st and 5th floors and office or Private Education at 2nd, 3rd and 4th floors. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73.

Application Number: P2014/1761/FUL

Application Type: Full Planning Application

Case Officer: Ben Le Mare

Name of Applicant: Mr Jake Schwartz

Recommendation:

2 City North Islington Trading Estate, Fonthill Road & 8-10 Goodwin Street, Islington, London, N4

Ward: Finsbury Park

Proposed Development: Variation of Condition 2 (Approved Plans) of Planning Permission Ref: P092492 dated 19th November 2010 that granted demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings; 10 storey building; and 3 storey building for 355 residential dwellings (use class C3); 2172sqm (GEA) of office floor space (use class B1); 436sqm (GEA) of restaurant and café floor space (use class A3); 9665sqm (GEA) of flexible floor spaces for uses within use classes A1-A4 and/or gym (use class D2) and/or including up to 2000sqm (GEA) of office floor space (B1 use class) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space. The amendments propose to amend the external elevations of the proposed buildings including alterations to the top three floors of the towers, increase in lift shaft width from 4.4m to 4.95m, creation of a new western station entrance to Finsbury Park Station and step free access to station platforms, the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures, along with associated amendments to access arrangements.

Application Number: P2014/0782/S73

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: John Kaimakamis

Name of Applicant: City North Finsbury Park Ltd

Recommendation:

3 Zimco House, 16-28 Tabernacle Street & 10-14 Epworth Street London EC2A 4LU

Ward: Bunhill

Proposed Development: Refurbishment and extensions to the existing building comprising: demolition of existing rear two storey courtyard part of building including former caretaker's flat; demolition of existing fourth floor plant room on Bonhill Street; erection of rear infill extension at ground to fourth floor level; erection of fourth and fifth floor level roof extension along Bonhill Street and Tabernacle Street; recladding and alteration to external facades; together with internal reconfiguration; and change of use of the basement (1,778sqm) from B8 distribution warehouse to B1 office. The extensions would provide 2,503sqm of new B1 office accommodation (total 8,578sqm of B1 office floorspace) and the provision of six new residential flats with front terraces at fifth floor level, comprising one x three-bedroom flat and five x two-bedroom flats.

Application Number: P2014/1103/FUL

Application Type: Full Planning Application

Case Officer: Benjamin Dixon

Name of Applicant: Lawnpond LLP

Recommendation:



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	4 th September 2014	NON-EXEMPT

Application number	P2014/1761/FUL
Application type	Full Planning
Ward	Bunhill
Listed building	Unlisted
Conservation area	Bunhill Fields and Finsbury Square
Development Plan Context	- Central Activities Zone (CAZ) - Employment Priority Area (Offices) - City Fringe Opportunity Area - Bunhill Fields and Finsbury Square Conservation Area - Moorfields Archaeological Priority Area
Licensing Implications	None
Site Address	5-11 Worship Street, London, EC2A 2BH
Proposal	Change of use comprising offices (B1a) at lower ground, ground, first and fifth floors (1,285sqm) and offices (B1a)/ private training (D1) uses at second, third and fourth floors (945sqm).

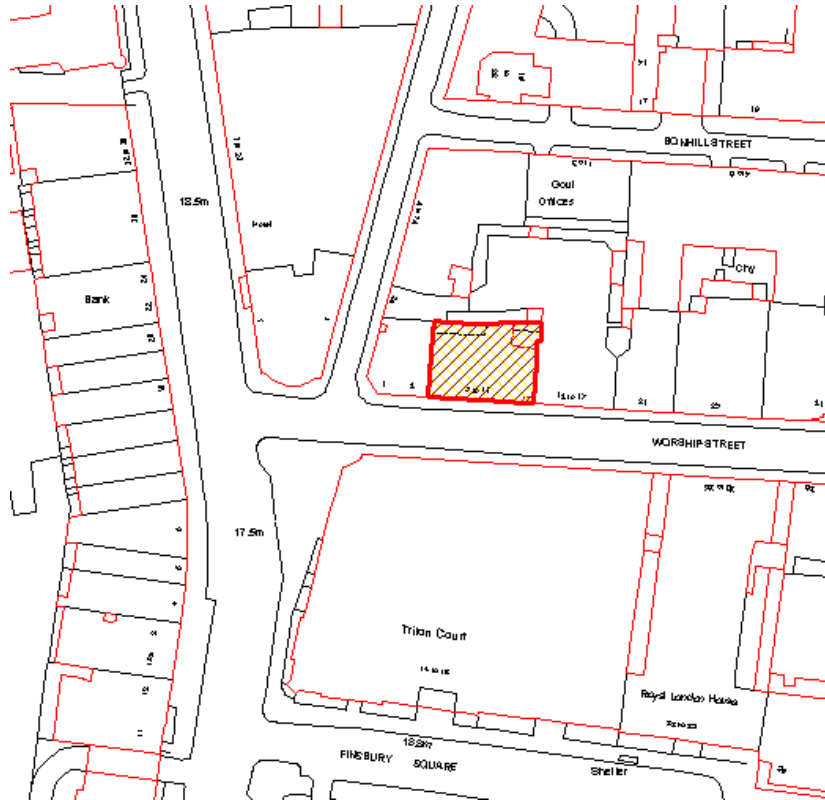
Case Officer	Ben Le Mare
Applicant	General Assembly Space
Agent	G.L Hearn

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to:
 - conditions set out in Appendix 1.

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Front elevation from Worship St/ Finsbury Sq



Typical floorplate layouts

View west along Worship Street



View from the ground floor into basement level

SUMMARY

- 3.1 The application proposes a change of use of the building to provide office (B1a) floorspace on the lower ground, ground and fifth floors and offices (B1a) / training facility (D1) on the second, third and fourth floors. The building has been refurbished for office use and restaurant at ground floor and basement under relevant consents but is currently empty (see planning history for a summary of consented and implemented schemes) The occupiers would be

General Assembly Space Inc, a company that specialises in training for start-up companies and entrepreneurs in the Tech Sector.

- 3.2 There are no external alterations proposed. Internally, 30 secure cycle parking spaces would be provided at lower ground floor level.
- 3.3 The proposals would result in an increase in the amount of B1a floorspace and therefore complies with local plan policies. Furthermore, the D1 use would complement the B1a use and add to improving the skills and training of a workforce that could contribute to Islington's employment growth.
- 3.4 The conversion of consented C3 residential floorspace on the fifth floor to B1a is justified given the strong policy support for office use in this location, the significant losses of office floorspace within the borough. The loss of consented residential units is mitigated by securing a financial contribution towards housing.
- 3.5 The proposals would not harm neighbouring amenity in terms of noise disturbance or have an adverse impact on the local transport network subject to planning conditions.

4. SITE AND SURROUNDING

- 4.1 The application site is a new 6 storey (plus basement) building fronting Worship Street, which was constructed following the previous building being lost to fire damage in 2010. The building was completed in May 2014, but remains empty and has not been fully fitted out internally.
- 4.2 The adjoining buildings along the streetscene are of a similar height and scale. Further east and on the south side of Worship Street the height of buildings increase. The site is within the Bunhill Fields and Finsbury Square Conservation Area. The character of the street is predominately commercial.
- 4.3 The site is located within a highly accessible area and therefore has a PTAL rating of 6b (excellent). It is within 500m from Old Street and Moorgate Tube Stations and opposite a regular bus route along City Road.
- 4.4 In terms of land use policy, the relevant site specific designations in this application include Central Activities Zone (CAZ), Employment Priority Area (Offices) (EPA) and City Fringe Opportunity Area (CFOA).

5. PROPOSAL (IN DETAIL)

- 5.1 The application proposes to change the use of the building to offices (B1a) and training / education (D1) uses to allow General Assembly Space Inc to accommodate their business operations. The supporting information which has been submitted with the application confirms that 1285sqm would be used as B1a and 945sqm as D1. There are no external alterations or extensions proposed.

- 5.2 General Assembly Space (GA) is a global educational company with 12 campuses worldwide and are looking to establish themselves in the UK. GA are currently based in temporary accommodation in Clerkenwell and are seeking to make 5-11 Worship Street their European headquarters.
- 5.3 GA specialises in delivering extensive training for start-up companies and entrepreneurs in the Tech Sector. These classes include web development, user experience design, digital marketing and data science. It is understood that GA have selected the Worship Street site as they require to be within close proximity to Silicon Roundabout given the growth of Tech companies in the area. Occupying the building would allow them to align their products, services and communications with the businesses who require the skills they teach.
- 5.4 GA expect to provide 35 Full Time jobs and 15 part time jobs initially, but this could potentially rise to 70 FTE. There would be in the region of 450 trainees enrolled on the courses based at the building and up to 105 students would be using the building at any one time within 6 teaching areas on the second to fourth floors.

6. RELEVANT HISTORY

- 6.1 In 2011 planning permission and conservation area consent was granted for the demolition of the existing fire damaged building(s) and the construction of a six storey building (plus a basement level) to provide for a drinking establishment (A4 use class) on basement and ground floor (700sqm); office accommodation (B1 use class) on first to fourth floors (1260sqm) and residential accommodation (C3 use class) to the fifth floor (270sqm) (refs: P101995 & P101996).
- 6.2 Planning permission and conservation area consent was granted in 2012 for the demolition and reconstruction of six storey building (plus basement) for use as a drinking establishment (A4) at basement ground and office (B1) on upper floors (refs: P111427 & P11428). This consent was not implemented.
- 6.3 Many of the conditions attached to application P101995 were discharged between 2012 and 2013. P101995 is therefore recognised as the building's host permission.
- 6.4 In May 2012 consent was granted for non-material amendments of planning permission ref: P101995, including:
- The replacement of 4.2sqm area of paving with stainless steel metal grating that is suitable for pedestrian use.
 - Minor changes in the front elevational treatment including the sub division of the building into 4 bays,

- Changes in the proposed materials including Jordans Whitbed Portland Stone, sandstone brick, and grey polyester powder coated metal for window frames, Zinc cladding for roofing.

- 6.5 A S73 application (ref: P2013/1421/s73) was submitted for the variation of condition 2 (development in accordance with approved plans) attached to planning permission ref: P101995 in order to allow a change in the approved use of the ground floor and basement from an A4 public house to B1 office accommodation, and change in the approved use of the fifth floor from C3 residential accommodation (2 x two-bedroom flats) to B1a office accommodation; together with changes to the approved internal layout, enlargement of the fifth floor mansard roof, creation of plant enclosure on roof, changes to the approved front and rear elevation including creation of first, second, third, fourth and fifth floor rear balconies, alterations to ground floor shopfront and entrances and alterations to fenestration on all floors. This application was subsequently withdrawn in November 2013.
- 6.6 In January 2014 planning permission was granted for change of use of ground and basement floors from A4 public house to B1 office accommodation and to A3 restaurant and café with no increase in floorspace (ref: P2013/4091/FUL).
- 6.7 Planning permission is sought for the change of use of the fifth floor from residential (C3) to office (B1a) accommodation (2014/1280/FUL), however at the time of writing, this application remains undetermined.
- 6.8 A s73 application has been submitted for variation of Conditions 6 (BREEAM) and 8 (Energy) of P101995 for the development to achieve BREEAM offices rating no less than 'very good' with reasonable endeavours to achieve 'excellent' and the use of gas fire boilers instead of CHP (P2014/1253/S73).

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 218 adjoining and nearby properties at Finsbury Square, Tabernacle Street and Worship Street on 02/07/2014. Site notices and press advert were displayed on 10/07/2014. The public consultation period of the application expired on 31/07/2014; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

External Consultees

- 7.3 Transport for London: No comment.

Internal Consultees

- 7.4 Access Officer: No objection to the proposals, however some minor issues were raised with regard to building's fire arrangements.
- 7.5 Policy Officer: No objection to the loss of A4 and C3 uses. The proposals should ensure that the building optimises the amount of B1a floorspace, in accordance with the local plan policies. The introduction of a D1 training use would compliment the existing B1a function of the building.
- 7.6 Spatial Planning and Transport (Transport Officer): No objection, as the consented servicing arrangements would be suitable for the proposed use. The provision of a policy compliant number of cycle parking spaces as shown by the proposed basement plan should be secured through a condition.

8. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 8.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Employment Priority Area (Offices)
 - Central Activity Zone (CAZ)
 - CPZ Area
 - Bunhill Fields and Finsbury Square Conservation Area
 - Within 100m of Strategic Road Network
 - Archaeological Priority Area (APA2)
 - City Fringe Opportunity Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land-use;
- Accessibility;
- Transport, servicing and waste;
- Neighbouring amenity;
- Energy and Sustainability;
- Planning obligations & CIL.

9.2 These matters are addressed below in the context of planning policy and other material considerations.

Land-use

Loss of Public House (A4)

9.3 As identified above in the planning history section, consent was granted in January 2014 for a change of use of the ground and basement from a public house (A4) to offices (B1a) and restaurant (A3) (ref: P2013/4091/FUL). This consent is not considered to have been implemented.

9.4 At the time of determining this application it was debated whether the use as permitted would accord with the definition of a Public House as provided in Appendix 13 of the Development Management Policies, in particular whether the specific pub use contributes to the historical character of the area. The application was approved on the basis that policy DM4.10 would not apply in this instance and there was no objection raised to the loss of A4 use in this location.

9.5 Furthermore, the building is located within an area where policy BC8 seeks to maximise office space, where the possibilities arise. Whilst the proposed development would create a B1a / D1 use, the loss of an A4 use would ensure that the intended use retains B1a floorspace.

Loss of residential (C3)

9.6 Whilst there is in principle support for B1a uses in this part of the borough the loss of residential use (C3) on the fifth floor has been given some careful consideration. Core Strategy Policy CS12, part B, states that proposals resulting in a reduction of the land supply for conventional housing would be refused, while policy DM3.2 highlights that the loss of existing self-contained housing will be resisted unless the housing is replaced with at least equivalent floorspace.

- 9.7 Although the residential units on the fifth floor were permitted as part of the host consent (P101995) these have not been provided in the 'as built' layout. Instead the fifth floor has been constructed in an office layout. Despite there being no physical provision of housing within the building it is considered to contribute to the borough's housing land supply. The inclusion of a residential use on the fifth floor within the proposal under P101995 was considered appropriate as it is an efficient use of the site and ensured that the Bunhill area retained a variety of land uses to preserve its traditional character and improve street vitality. It was also viewed as being compliant with Policy BC8D which requires that major developments which involve a net increase in office floor space should also incorporate housing.
- 9.8 Officers have the view that the housing element on the fifth floor contributed to a loss of office floorspace under the 'as built' consent. In line with policy BC8 d) of the Finsbury Local Plan a total of 20% of that uplift is now sought to be housing or a contribution in-lieu.
- 9.9 In order to mitigate for the loss of consented C3 residential floorspace a financial contribution towards residential floorspace should be sought as part of this application. This equates to £26,080 contribution towards housing. The applicant has agreed to paying this contribution and it would be secured through a section 106 agreement.
- 9.10 In light of the above mitigation, and given that the building is identified as being predominantly in office use, the strong policy support for office use in this location and the significant losses of office space elsewhere in the borough as a result of new permitted development rights, this departure from policy is on balance considered acceptable.

Proposed office (B1) / educational (D1) use

- 9.11 The proposed development would result in the creation of a part office (B1a) part training (D1) use to accommodate a single occupier (General Assembly Space). As explained above, the proposals would provide B1a on the lower ground, ground, first and fifth floors and a mixture of B1a and D1 on the second, third and fourth floors which would be used for teaching purposes.
- 9.12 The planning supporting statement which has been submitted provides a breakdown of the existing and proposed floorspace figures for the building. These are set out in the following table:

Floor	Original permission (area sqm GIA)	Proposed (area sqm GIA)
Offices – B1a	1,260	1,285
Residential – C3	270	-
Public house – A4	700	-
Training – D1	-	945
Totals	2,230	2,230

- 9.13 As the above table illustrates, the application proposes a slight increase of B1a floorspace compared to the original consent – 1,285sqm as opposed to 1,260sqm. This satisfies part A of policy BC8 in the Finsbury Local Plan. There is a further requirement in part C of the policy, within the Employment Priority Area for offices, to not only guard against net loss of B1a floorspace but to optimise B1a provision. It appears that the building would be suitable for B1a throughout, and the implemented consent provides office at second, third and fourth floors, proposed to be changed to ‘flexible B1a/D1’ to recognise the proposed education use.
- 9.14 Whilst a strict reading of the policy could conclude that since floors two to four are currently suitable for B1a, this proposal does not optimise B1a floorspace, the proposals must be seen in their full context.
- 9.15 This proposal would result in the basement and ground floor level being changed from A4 to B1a use, and an overall slight uplift in B1a floorspace, even with the 945sqm of D1 floorspace. Furthermore, the proposed D1 use complements the uplift in B1a and would contribute to improving the skills and training of a workforce that could add to Islington’s employment growth. When comparing the implemented consent with A4 over two floors and residential to the top floor, and the more employment-focused scheme proposed here, officers are therefore satisfied that B1a floorspace has been optimised in this case.
- 9.16 In order to optimise the future B1a use of the building, the applicant has agreed to a condition which requires for the second to fourth floors to revert back to B1a use before a period of ten years has elapsed, unless agreed in writing by the council.

Accessibility

- 9.17 The proposed inclusion of an educational use would increase public access into the building; rather than an employer that can provide for its employees, a training organisation is a service provider that would not know but must anticipate the diverse needs of the ever changing users.
- 9.18 Policy DM2.2 requires that all developments shall demonstrate that they can provide for ease of and versatility in use, deliver safe, legible and logical environments, produce places and spaces that are convenient and enjoyable for everyone and bring together design and management of a development from the outset.
- 9.19 The submitted plans show that as it stands the building provides level access from the street, a single passenger lift serving all floors and an accessible WC on each floor (albeit they are not handed). In terms of fire safety there are single space safe refuges on many of the floors that would be used by disabled people in an emergency. Further fire safety measures would be required under Building Regulations prior to occupation of the building.
- 9.20 The building is considered to meet the council’s standards for inclusive design and complies with policy DM2.2.

Transport, servicing and waste

- 9.21 The proposals would result in the creation of an educational use and a minor increase in the amount of office floorspace. On the basis that the educational element comprises under half of the total floorspace (945sqm) there is no policy requirement under DM8.4 for a travel plan to be secured.
- 9.22 The servicing arrangements which are in place for the building would by and large remain the same as the 2011 consent, which was subject to a condition requiring that deliveries, collections, unloading and loading shall only take place between the hours of 8:00 – 20:00 Monday to Saturday and not at all on Sundays/Bank Holidays. It is considered appropriate that these restrictions are secured through a condition on this application.
- 9.23 In terms of cycle parking there was a requirement under the original consent for the provision of a cycle store, which has yet to be provided. The submitted plans however show 30 secure cycle spaces (including one disabled space) with lockers, a bench and hooks for drying clothes in the basement of the property, which is accessible via a lift. There are also accessible showers on each of first to fifth floors. This level of provision meets the Council's policy requirement for offices (1 per 80 m²) and educational uses (1 per 7 peak time students) and would be secured through a condition.
- 9.24 The council's refuse and recycling requirements are 2.5m³ of storage space per 1000m² GIA. Based on the building's total floorspace of 2,230m², 5.8m³ of storage space is required to be provided. The submitted plans show an area in the basement which would provide 8m³ of storage and the applicant has confirmed that the occupants would carry the refuse sacks up the stairs or using the lift where they will be left on the pavement for collection at the appropriate time. This is considered to be an acceptable arrangement.

Neighbouring amenity

- 9.25 There are no external alterations or extensions proposed by this application and as a result would not impact on the neighbouring amenity in terms of a loss of privacy or outlook.
- 9.26 Turning to matters relating to noise and disturbance, the proposed educational use is likely to result in large numbers visitors to the building during the daytime hours and up until 9pm, when classes are due to finish. However, the removal of a Public House use over lower ground and ground floor removes the potential for noise and disturbance during the late evening. Furthermore, the building benefits from having sound insulation which was approved by condition 14 attached to P101995. The proposed use is therefore considered to have a negligible impact on amenity in the area.
- 9.27 To ensure that any fixed plant associated with the use of the building does not impact on neighbouring amenity it is recommended that the council's standard noise condition is appended to any approval which requires at 1m from the facade of the nearest noise sensitive premises, the plant shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg

Energy and sustainability

- 9.28 The building is expected to meet BREEAM Very Good rating, which was recently approved under application P2014/1253/S73. The Sustainability Officer stated that given the site's constraints, a variation of condition altering a BREEAM to 'very good' is supported on the understanding as that many credits as possible are sought.
- 9.29 In terms of energy requirements, P2014/1253/S73 also granted consent for the building to be heated by gas boilers, as opposed to CHP which was proposed under the host permission (P101995). The CHP scheme was not considered viable now that the building will be primarily in an office use.

Planning Obligations and Community Infrastructure Levy

- 9.30 The proposals are not subject to any planning obligations or CIL charges. All planning obligations required under P101995 have been secured by the council.

National Planning Policy Framework

- 9.31 The proposed use would bring a building into active use by providing employment and training that is directly in accordance with the aims of chapter 1 'building a strong, competitive economy' as well as addressing the planning policy requirements of the Local Development Plan. Furthermore, the provision of secure cycle parking spaces would provide opportunities for sustainable transport modes in line with chapter 4 'promoting sustainable transport'.
- 9.32 With these considerations in mind the proposals are considered to constitute a sustainable development addressing all economic, social and environmental strands effectively.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposed change of use would result in an increase in the amount of B1a office floorspace which is supported given the building's location within the Employment Priority Area (Offices).
- 10.2 The proposed D1 teaching facilities within the building would offer specialist training for existing and future Tech industry professionals which would have further economic benefits on the area.
- 10.3 The loss of consented C3 residential floorspace on the fifth floor is considered acceptable in this instance given the strong policy support for office use in this

location and subject to securing a financial contribution towards affordable housing.

- 10.4 The building's existing access arrangements would cater for the increase in public visitors attending the training courses.
- 10.5 The proposals would not have an adverse impact upon neighbouring amenity in terms of noise and disturbance or on the local transport network.

Conclusion

- 10.6 It is recommended that planning permission be granted subject to:
 - conditions as set out in Appendix 1;
 - a section 106 agreement securing a £26,080 contribution towards housing.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. A contribution of £26,080 towards the provision of housing elsewhere in the borough. Payment of Council’s legal fees in preparing the S106 Agreement and officer’s fees for the preparation, monitoring and implementation of the S106 Agreement.

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. 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).
2	Approved plans and documents list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>P001; P099; P100; P101; P102; P103; P104; P105; P199 Rev B; P200; P201; P202; P203; P204; P205; Letter from GL Hearn (dated 6 May 2014)</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	Servicing
	<p>CONDITION: Deliveries, collections, unloading and loading shall only be between 08:00 - 20:00 Monday to Saturday and not at all on Sundays and Bank Holidays.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
4	Cycle Parking Provisions (Details)
	<p>CONDITION: The bicycle storage area on the lower ground, shown on drawing no. P199 Rev B, shall provide for no less than 30 cycle spaces (including one disabled cycle space) prior to the first occupation of the building and shall be 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	Noise
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
6	10 year use
	<p>CONDITION: The second, third and fourth floors of the building shall be operational as offices (B1a) or a training facility (D1) and for no other uses within the D1 use class of the Town and Country Planning (Use Classes) Order 1987 (As amended) for no longer than 10 years unless otherwise agreed in writing by the Local Planning Authority. On cessation of its use as a training facility (D1) shall revert to offices (B1a) and shall remain as such thereafter unless express planning permission is obtained for a</p>

	<p>change of use.</p> <p>REASON: To optimise the amount of office (B1a) floorspace within the building, and to ensure that no other D1 uses, which may have greater amenity impacts, are not allowed to operate.</p>
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List of Informatives:

1	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>In this instance pre planning application advice was provided to the applicant in April 2014. This advice acknowledged the economic benefits of the proposed change of use to a mix of offices and education, but advised that any loss of Business floorspace would need to be justified.</p>
2	<p>SECTION 106 AGREEMENT: 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>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

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

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

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

Health and open space

DM6.1 Healthy development

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

BC9 Tall Buildings and contextual considerations for building heights

BC10 Implementation

3. Designations

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

- Employment Priority Area (Offices) - Within 100m of Strategic Road
- Central Activity Zone (CAZ) Network
- CPZ Area - Archaeological Priority Area (APA2)
- Bunhill Fields and Finsbury Square Conservation Area - City Fringe Opportunity Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

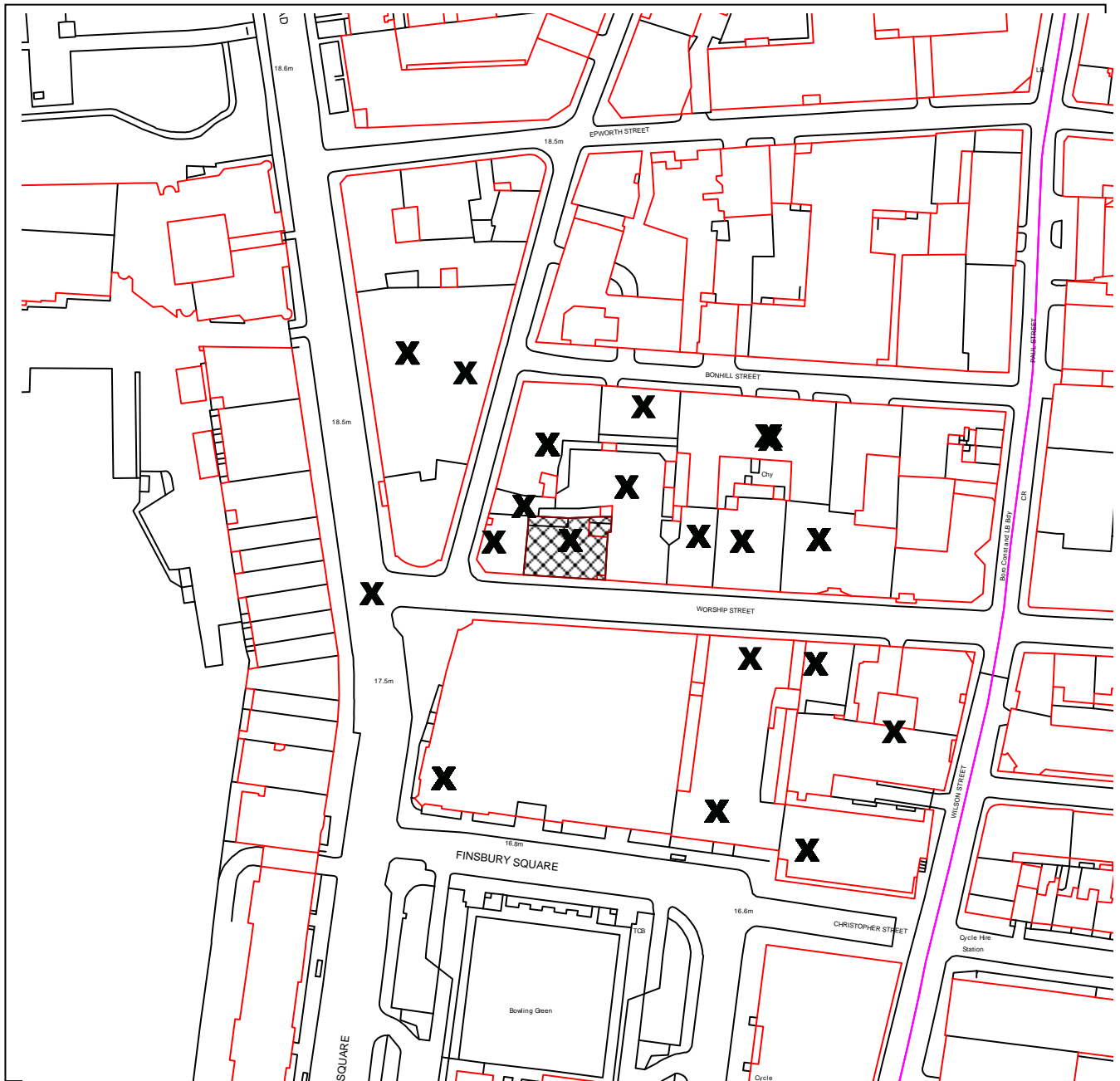
- Environmental Design
- Planning Obligations and S106

London Plan

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



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1761/FUL

LOCATION: 5-11 WORSHIP STREET LONDON LONDON EC2A 2BH

SCALE: 1:1700

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	4 September 2014	NON-EXEMPT

Application number	P2014/0782/S73
Application type	Section 73 Application
Ward	Finsbury Park
Listed building	Adjoins locally listed building at 4-5 Goodwin Street Southeast of Grade II Listed Park - Finsbury Park Northeast of Grade II Listed Rainbow Theatre
Conservation area	Site is not within Conservation Area but adjoins the Stroud Green Conservation Area (within LB Haringey) to the northeast and adjoining the latter to its northeastern end lies the Council's Stroud Green Conservation Area. To the northwest lies the Tollington Park Conservation Area.
Development Plan Context	Finsbury Park Core Strategy Key Area Adjoins Locally Listed Building at No. 4 Goodwin Street Finsbury Park Town Centre Rail Safeguarding Area Thameslink 2000
Licensing Implications	Not Applicable
Site Address	City North Islington Trading Estate, Fonthill Road & 8-10 Goodwin Street, Islington, London, N4
Proposal	Variation of Condition 2 (Approved Plans) of Planning Permission Ref: P092492 dated 19th November 2010 that granted demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings; 10 storey building; and 3 storey building for 355 residential dwellings (use class C3); 2172sqm (GEA) of office floor space (use class B1); 436sqm (GEA) of restaurant and café floor space (use class A3); 9665sqm (GEA) of flexible floor spaces for uses within use classes A1-A4 and/or gym (use class D2) and/or including up to 2000sqm (GEA) of office floor

	space (B1 use class) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space. The amendments propose to amend the external elevations of the proposed buildings including alterations to the top three floors of the towers, increase in lift shaft width from 4.4m to 4.95m, creation of a new western station entrance to Finsbury Park Station and step free access to station platforms, the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures, along with associated amendments to access arrangements.
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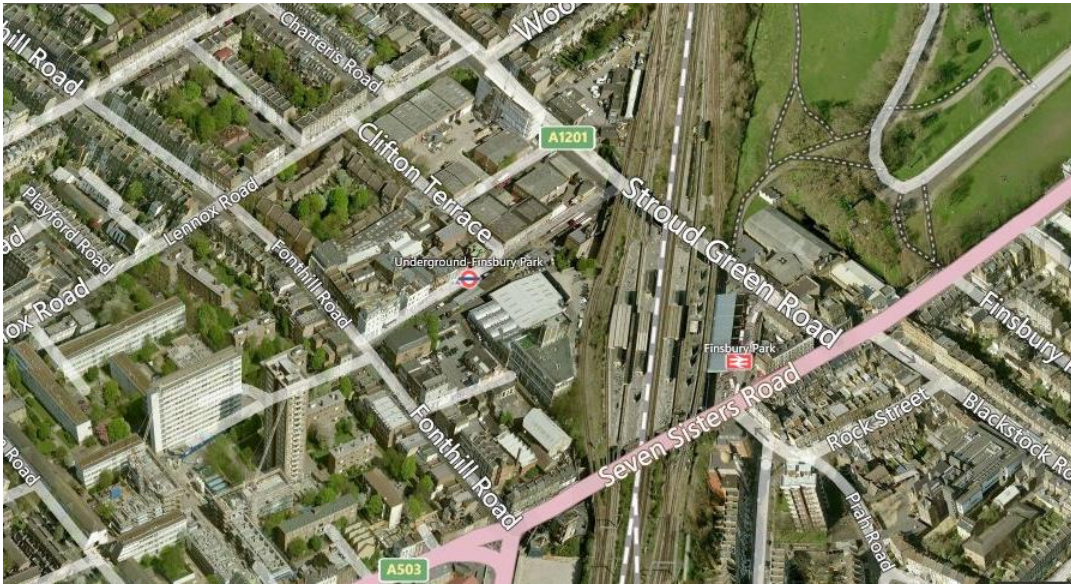
Case Officer	John Kaimakamis
Applicant	City North Finsbury Park Ltd
Agent	United Housing

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;
3. conditional upon the prior completion of a Deed of Variation to the existing legal agreement of 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;
4. where applicable, subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. SITE PLAN



3. SUMMARY

- 3.1 The consented development was considered overall to have a significantly positive regenerative impact on the immediate surrounding area. Its high quality design, permeable and appropriate layout would ensure that it is a welcomed addition to the existing townscape. The proposed overall mixture of land uses was considered to be beneficial to the area and would also create many local employment opportunities. The accommodation is of a high standard of design and appropriate layout.
- 3.2 The proposed amendments do not seek to alter the maximum floorspace granted for each individual use class but to re-arrange the location of some of these uses at basement, ground, first and second floors. The amended layouts do not compromise the positives achieved under the consented scheme and also provide for an improvement because of the relocation of the restaurant as its consented location on the second floor had greater potential to impact on the residential uses above.
- 3.3 The design of the proposed buildings under the consented scheme were considered appropriate in mass and scale when viewed from the surrounding area, whilst the design achieved a high quality appropriate to the streetscape. The proposed amendments do not compromise the design intent of the consented scheme and also offer enhancements to the high quality design with the introduction of reglit glazing and ceramic cladding in place of previously rendered areas.
- 3.4 The consented scheme relied on access from the northwest of the site from the existing entrance at Wells Terrace. The amendments seek to create a new western station entrance to Finsbury Park Station from the new internal road within the site and to close down the Wells Terrace entrance. The

amendments will also see the introduction of step free access to station platforms. This is in accordance with the site's allocation whereby it will offer an improvement to the public realm, including routes to the station, and provision of public space adjacent to the station for future connection to a new western station entrance from Goodwin Street.

4. SITE AND SURROUNDING

- 4.1 The application site (0.86ha) is located to the north of the borough, adjacent to Finsbury Park Station. The site is close to the borough boundaries with Haringey to the northeast and Hackney to the southeast. The site fronts Wells Terrace to the north, with the railway line and Finsbury Park Station to the east. The boundary to the west faces the rear commercial properties on Fonthill Road open car park of the disused Sorting Office and properties which front Goodwin Street. Vehicle access to the site is from Goodwin Street and Fonthill Street. The existing four storey building faces Goodwin Street to the south of the site and is adjoined by a two storey building. Two single storey warehouse buildings face onto the railway lines. The Wells Terrace frontage is formed by single storey buildings. The existing land uses comprise of a mix of Business/Light Industry (B1), Storage and Distribution (B8) and Non-residential institutions (D1), totalling 8855m².
- 4.2 To the north and adjacent to the site (along Wells Terrace) is one of the two western entrances to Finsbury Park Station. The entrances (other off Seven Sisters Road) are linked by the tunnels running beneath the site which connect with the central and eastern concourse of the Finsbury Park Station. On the opposite side of Wells Terrace are three and four storey buildings. These comprise a variety of uses at ground floor and are generally used as offices and residential at upper floors. The Bus Station is also located opposite the site with buses entering via Wells Terrace and exiting via Stroud Green Road. Clifton Terrace leads off Wells Terrace to the north with a mix of two to four storey buildings used as commercial and further north as residential. To the west (along Goodwin Street) are two, three and four storey buildings. The disused 20th century sorting office adjacent to the site is designated as a locally listed building. Further west lies Fonthill Road comprising three, four and five storey terraced buildings, with a variety of uses at ground floor and offices and residential at upper floors.
- 4.3 The immediate area is characterised by the strong fashion-orientated trade with a number of independent clothing retailers and wholesalers along Fonthill Road and Seven Sisters Road. Further north, the area becomes predominantly residential with typical four storey terraces and then to the east with the Tollington Estate and Andover Estate, which comprise a mix of 4 to 6 and 12 storey buildings. To the south lies Seven Sisters Road which forms part of the greater London distribution network. The three storey terraced properties along Seven Sisters Road comprise mainly retail at ground floor and residential or offices at upper floors. East lies the Finsbury Park Station, one of the busiest transport interchanges in London outside Zone 1. Further east lies Stroud Green Road with two and three storey terraced buildings comprising retail or commercial at ground floor and residential above. North

east lies the Grade II listed Finsbury Park, with approximately 45ha of open space used for recreation, leisure and events.

4.4 The site does not fall within a designated Conservation Area. However, the Stroud Green Conservation Area (within LB Haringey) lies to the northeast. Adjoining the latter to its northeastern end lies Islington Council's Stroud Green Conservation Area. Northwest lies the Tollington Park Conservation Area.

4.5 None of the existing buildings on the site form statutory listed buildings; or are noted on the Council's register of locally listed buildings. As mentioned, the locally listed Sorting-Office (4-5 Goodwin Street) adjoins the site to the west and although not immediately adjoining the site, particular reference is made to a number of statutory and locally listed buildings within the vicinity of the site at:

- Grade II Rainbow Theatre, Seven Sisters Road;
- Locally listed 149 Fonthill Road;
- Locally listed 240 Seven Sisters Road; and
- Locally listed 254-256 Seven Sisters Road.

5. PROPOSAL (IN DETAIL)

5.1 The proposal seeks the variation of condition 2 (approved plans) of planning permission reference: P092492, dated 19th November 2010.

5.2 Specifically, *"Variation of Condition 2 (Approved Plans) of Planning Permission Ref: P092492 dated 19th November 2010 that granted demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings; 10 storey building; and 3 storey building for 355 residential dwellings (use class C3); 2172sqm (GEA) of office floor space (use class B1); 436sqm (GEA) of restaurant and café floor space (use class A3); 9665sqm (GEA) of flexible floor spaces for uses within use classes A1-A4 and/or gym (use class D2) and/or including up to 2000sqm (GEA) of office floor space (B1 use class) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space. The amendments propose to amend the external elevations of the proposed buildings including alterations to the top three floors of the towers, increase in lift shaft width from 4.4m to 4.95m, creation of a new western station entrance to Finsbury Park Station and step free access to station platforms, the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures, along with associated amendments to access arrangements."*

5.3 In summary, the application seeks amendments to the consented scheme, which are as follows:

- amend the external elevations of the proposed buildings;
- create a new western station entrance to Finsbury Park Station and step free access to station platforms;

- the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures; and associated amendments to access arrangements

6. RELEVANT HISTORY:

Planning Applications

6.1 Details of the original planning application are summarised below:

LBI Ref: P092492: "Demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings above ground and first floor plinth; 10 storey building above ground and first floor plinth; and 3 storey building above ground floor plinth for: 355 residential dwellings (Use Class C3); 2172sq.m (GEA) of office floor space (Use Class B1); 436 sq.m (GEA) of restaurant and cafe floor space (Use Class A3); 9665 sq.m (GEA) of flexible floor space for uses within Use Classes A1 - A4 and / or gym (Use Class D2) and / or including up to 2000 sq.m (GEA) of office floor space (Use Class B1) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space."

6.2 This application was granted consent on 19 November 2010 and has since been implemented

6.3 A number of details have been submitted to discharge conditions relating to the above consent and these are reflected in the wording of the proposed conditions contained within Appendix 1.

6.4 A section 73 application was subsequently approved (LBI Ref: P2013.2785/S73) to amend the mix of residential units on the site in both the private and affordable sectors, however the total number of units remained unchanged. This was granted on 14 April 2014.

6.5 The originally consented mix of accommodation was as follows:

Private: 8 X studio, 130 X 1-bed, 119 X 2-bed, 47 X 3-bed and 4 X 4-bed (total of 308)
 Social Rented: 2 X 3-bed, 14 X 4-bed and 12 X 5-bed (total of 28)
 Intermediate: 2 X 1-bed, 11 X 2-bed and 6 X 3-bed (total of 19)

6.6 The subsequently approved mix under the section 73 application was as follows:

Private: 9 X studio, 131 X 1-bed, 127 X 2-bed, 38 X 3-bed and 3 X 4-bed (total of 308)
 Social Rented: 2 X 2-bed, 18 X 4-bed and 8 X 5-bed. (total of 28)
 Intermediate: 2 X 1-bed, 15 X 2-bed and 2 X 3-bed (total of 19)

Enforcement:

- 6.7 There are no enforcement cases that are relevant to the application site.

Pre-application Advice:

- 6.8 The applicant has discussed the current application extensively with Islington Council Officers in a pre-application capacity and the current application generally responds/follows the discussions held. These discussions were intensified after the Members Forum in June 2014, and the amendments made to the originally submitted plans since then reflect advice provided by officers to address initial concerns.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of over 3000 letters adjoining and nearby properties on 01 May 2014. Site notices and a press advert were displayed on 01 May 2014.
- 7.2 Amended plans were also submitted after the initial consultation period, and a further round of consultation was conducted. The public consultation of the application therefore expired on 21st August 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.3 At the time of the writing of this report a total of 8 objections had been received from the public with regard to the application. Following the re-consultation after amended plans were submitted one further objection was submitted by one of the original 8 objectors reiterating the points made in the original representation. There has also been 1 letter of support
- The cumulative height, mass and bulk of the development is excessive and is out of character resulting in an adverse impact on setting of Finsbury Park;
 - concerns with regard to scale of development and its impact on character of area and the associated impacts due to increase in pedestrian and traffic flow, impact on existing public transport network, increase in noise outside the site and loss of privacy;
 - loss of residential amenity in terms of impact on microclimate, daylight and sunlight, loss of privacy, undue noise and sense of enclosure;
 - failure to maximise energy savings, in particular renewable technologies;
 - undue impact during construction by reason of noise and traffic.
- 7.4 Officer Comment: The above objections relate to the originally consented scheme and not to the amendments being made under this section 73 application. This application does not represent an opportunity to revise or reconsider the original grant of planning permission under P092492. This

application only relates to the consideration of the variation of condition 2 as indicated in the proposal. Whilst objections have been received the current application proposes no changes to bulk and massing and therefore would introduce no new amenity impacts over and above those generated by the implemented scheme.

External Consultees

- 7.5 English Heritage were consulted and advised that they did not wish to make any comment.
- 7.6 English Heritage (Greater London Archaeology Advisory Service) raised no objection to the proposal and concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. They also noted that the original planning permission had a condition imposed relating to archaeological matters which has already been satisfied and as such recommend that no further assessment or conditions are necessary.
- 7.7 Thames Water have raised no objection to the application.
- 7.8 Transport for London (TfL) have stated that the proposed changes to the consented development is unlikely to result in significant changes to traffic and highway impact to TfL's highway network compared with the original proposal; however the proposed provision of the new station entrance for Finsbury Park station would need to be further considered by London Underground.
- 7.9 London Underground have stated that they are working closely with the developer to ensure plans for the new Underground station entrance - as part of the wider City North Finsbury Park Limited regeneration scheme - will offer customers an improved journey experience. They have also worked with the developer in providing additional information for the section 73 application.
- 7.10 Network Rail have stated that they are in communication with the developer in regards to the development of the site. Due to the nature of the development and its close proximity to operational railway infrastructure, Network Rail have advised that the developer should continue to correspond with Network Rail in relation to design and construction methods, in particular the Block B balcony situation. Further, Network Rail have requested that the developer continues to discuss details of the development, including the creation of a new western station entrance to Finsbury Park Station and step free access to station platforms, with Network Rail's Asset Protection LNE team. (Informatives).
- 7.11 London Fire and Emergency Planning Association (LFEPA) raised no objection and stated they are satisfied with the proposals.
- 7.12 Natural England stated they have no comment to make.
- 7.13 The London and Middlesex Archaeological Society stated they had no reason to comment given the lack of heritage assets.

7.14 The Civil Aviation Authority raised no objection

Internal Consultees

7.15 Conservation and Design Officer initially expressed concerns on the submission as originally submitted when assessed against the approved design commenting that the approved design had a certain clarity of form, and large areas of glazing provide it with a lightweight appearance in places to positive effect. Consequently amendments were made to the scheme, and design officers recommended the retention of existing conditions on materials to secure a high quality design.

7.16 Energy Conservation Officers have reviewed the information and stated that it does not have an impact on the Energy Statement/Strategy, and as such provided no further comments.

7.17 Spatial Planning and Transport (Transport Officer) have commented that the amendments are considered acceptable in principle subject to the following being secured via conditions.

- Station design – The Council should have an opportunity to review and comment on the detailed design of the entrance arrangement and internal layout of the Western Station Entrance and this should be secured via condition.
- Toilet facilities – One unisex disabled toilet is unlikely to meet the demands of a station of this size and conditions should be attached to increase provision.
- Matchday provision – Detailed design and landscaping should include passive provision for matchday crowds to use the Goodwin Street approach to the Western Station Entrance. This would provide resilience on matchdays and flexibility for future access.
- Servicing the station – The applicant states, ‘LU is proposing all servicing is carried out via the new entrance, in engineering hours’. The applicant should confirm that ‘servicing within engineering hours’, will meet the restrictions of the condition that prevents servicing on Sundays and bank holidays and Monday to Saturday between 2000 – 0800.

Other Consultees

7.18 Members’ Pre-application Forum – The proposal was presented to the Forum on 23 June 2014.

8. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Planning Advice Note/Planning Brief

- 8.3 A Planning Advice Note/ Planning Brief titled City North Planning Brief was published in November 2007.
- 8.4 The brief sought to secure the following key development objectives:
- Redevelopment of the site to provide the opportunity to act as a catalyst for the wider regeneration and improve the image of Finsbury Park;
 - To allow for new pedestrian routes through the site, strengthening links with the transport interchange and Fonthill Road. Opportunity to enhance views into and out of the site with opportunity to provide improved public realm and areas of high quality public space which will act as a focus within and around the Site. Also to offer the opportunity for London Underground Limited to provide a new station entrance and ticket hall on the western side of the station;
 - A diverse mix of uses with active frontages will increase the vibrancy and vitality of the site, enhance the night-time economy and provide opportunities for local residents to live, work and shop at Finsbury Park. This will also provide employment opportunities and promote further economic investment;
 - The brief indicates that a tall building may be acceptable providing that this is of exemplary design and appropriately located within the site;
 - Opportunity to create high quality mix use development, acknowledging the needs of uses through exemplar design and the creation of a new and recognisable identity for Finsbury Park;
 - Opportunity exists to create a high quality sustainable development which minimises waste, encourages reuse of water, addresses air quality and seeks to encourage biodiversity; and
 - achieve a development which is compatible with surrounding residential areas.

Designations

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

- Finsbury Park Core Strategy Key Area
- Finsbury Park Town Centre
- Rail Safeguarding Area Thameslink 2000
- Adjoins Locally Listed Building at No. 4 Goodwin Street

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

9.1 The original permission application had been accompanied by an Environmental Statement (ES), as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The ES considered the impact of the proposals in a wide range of areas and it was considered that the ES was sound and met the requirements of the Environmental Impact Assessment Regulations.

9.2 The National Planning Practice Guidance states that *“A section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations. Where the development is listed under either Schedule 1 or Schedule 2 to the Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion whether Environmental Impact Assessment is necessary. Where an Environmental Impact Assessment was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations.”*

9.3 It is considered that the proposed development under this application is a Schedule 2 section 10(b) "Urban Development Project" under the EIA Regulations. However, given its size and nature of the changes sought by this application, it is not considered that it would cause significant environmental effects as to require submission of a further Environmental Statement or supplemental information to the Statement submitted as part of the original permission application.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990

- Nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme
- Any significant material alterations since the original grant of planning permission.

Scope of the Consideration of the Case Under Section 73 of the T&CPA

- 10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 10.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.

The Variation

- 10.5 Planning Permission Reference No: P092492 granted consent for the demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings above ground and first floor plinth; 10 storey building above ground and first floor plinth; and 3 storey building above ground floor plinth for: 355 residential dwellings (Use Class C3); 2172sq.m (GEA) of office floor space (Use Class B1); 436 sq.m (GEA) of restaurant and cafe floor space (Use Class A3); 9665 sq.m (GEA) of flexible floor space for uses within Use Classes A1 - A4 and / or gym (Use Class D2) and / or including up to 2000 sq.m (GEA) of office floor space (Use Class B1) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space.
- 10.6 The application seeks amendments to the consented scheme, which are as follows:
- the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures;

- amend the external elevations of the proposed buildings;
- create a new western station entrance to Finsbury Park Station and step free access to station platforms; and
- associated amendments to access arrangements.

10.7 Land Use

- 10.8 The amendments do not seek to alter the maximum floorspace granted for each individual use class. However, the amendments seek to re-arrange the location of some of these uses at basement, ground, first and second floors.
- 10.9 The consented scheme provided for a mix of uses at basement, ground and first floor levels with Use Class A1-A4 (Retail, Financial Services, Restaurants, Cafes and Drinking Establishments) and D2 (Assembly & Leisure). These uses were also located at ground level fronting the newly created internal road in order to maintain active frontages. In the northeast corner of the site, adjacent to the Wells Terrace entrance, there was also Use Class B1 (Office) approved in an area over the ground and first floor.
- 10.10 The amendments seek to move the office space entirely to the first floor. As such, the basement and ground floors will comprise of Use Class A1-A4 (Retail, Financial Services, Restaurants, Cafes and Drinking Establishments) and D2 (Assembly & Leisure).
- 10.11 Moreover, a restaurant (Class A3) that was proposed on the second floor has now been relocated to the first floor adjoining the office space. The relocation of the restaurant is considered appropriate as its consented location on the second floor had greater potential to impact on the residential uses above. The move would therefore be beneficial to future residential amenity.
- 10.12 The consented quantum and land uses which comprise the mixed-use offer are listed below

Land Use	GEA (sqm)	No. of units
Flexible Class (A1-A4), Assembly and Leisure (D2), and/or Business (B1)	9,665 including 2,000 of B1	
Business/Office (B1)	2,172 with potential addition of 2,000	
Restaurant (A3)	436	
Residential (C3)	38,044	355
TOTAL	48,145	355

- 10.13 The proposed accommodation would be of a variety of sizes and good layout and is considered to cater for a broad range and type of users. The proposed business/office accommodation is considered to be of a high standard of

layout and design and with proposed serving arrangements would be attractive to a broad range of occupiers.

10.14 Overall the mix of land-uses suggested is considered appropriate for the site and supports the policy aims and objectives of the Development Plan for the improvement and development of the area earmarked for redevelopment.

10.15 Design

10.16 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).

10.17 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.

10.18 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.

10.19 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.

10.20 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).

- 10.21 The site is of an imperfect triangular shape comprising of an assortment of buildings, all of which are proposed to be demolished. Works have commenced on site with a number of buildings already demolished. The proposal provides for a new L-shape street layout that continues Goodwin Street eastwards and then links north with Wells Terrace. The built form continues at the perimeter and internally frames the new street with the ground and first floors creating a plinth for the taller elements of the scheme. These taller elements are arranged into four tall buildings, which are described below. Of these, the Linear Terrace Building of 10 storeys, the Cylindrical building of 21 storeys and the Rectangular Building of 21 storeys are considered as the landmark elements of the scheme.
- 10.22 The design of the proposed buildings under the consented scheme was considered appropriate in mass and scale when viewed from the surrounding area, and achieved a high quality appropriate to the streetscape.
- 10.23 The section 73 application as originally submitted proposed amendments to the external elevations of the consented scheme that included changes in the levels of glazing and amendments to some of the materials. No changes were introduced to the bulk and massing of the scheme other than an increase in the width of the lift shaft tower adjacent to the Cylindrical building. Planning and Design officers expressed concerns with the initially submitted plans in relation to the reduction in the level of glazing (particularly to the west elevation of the podium block and the west and north elevation to the round tower) and with the introduction of more solid elements. This undermined the positive qualities of the approved design. Furthermore, in places the proposed arrangement of solid to void often appeared overly fussy and undermined the quality of the consented scheme, which had certain clarity of form, and large areas of glazing to provide it with a lightweight appearance in places to positive effect.
- 10.24 Furthermore, the approved north elevation to Wells Terrace showed an architecturally satisfying arrangement of solid to void producing an almost 'abstract' architectural form whereas the initial proposed alterations resulted in a less appealing elevation (especially to the main tower) with a more conventional (as seen on post-war tower blocks) repetitive horizontal fenestration pattern which does little to enhance the townscape.
- 10.25 As a result of the above concerns, the developer entered into constructive and positive discussions with officers in order to address the above concerns and made amendments to the current section 73 application which reflect the intent of the design quality achieved under the consented scheme. This included the reintroduction of glazed areas so that the solid to void area reflected the original proposals. Furthermore, improvements have also been made to the consented scheme with better fenestration patterns along elevations, and the introduction of new materials that further enhance the design intent of the original proposal. Large expanses of glass on the main elevations are to consist of reglit glass cladding, while ceramic cladding has also been introduced as a replacement for previously rendered areas. Both of these materials are considered to be of a high quality and assist in the proposals achieving design excellence. These amendments have been

reviewed by Design officers, who consider the changes appropriate and help enhance the design quality achieved of the consented scheme.

- 10.26 The plinth part of the building contains a ground and first floor (with basement level) provides for the non-residential floor space, access cores for the residential elements within each building and the associated facilities. The elevations comprise façade treatment to maximise transparency as far as possible by using aluminium framed glazed units, with louvre systems at high level. The entrances will be visually distinguished from the main to assist with way finding and orientation. It is proposed that lighting reinforce the appearance and orientation. On 2nd floor (roof of the plinth), the proposal provides for communal open space.
- 10.27 The Wells Terrace building takes its scale from the junction between Fonthill Road and Wells Terrace. The building is four storeys where it adjoins the four storey blank wall of existing property (the proposed building appears as a five storey building by reason of the high ground floor and modern height standards). As with the façade details of the plinth along the new street, the ground floor façade continues the glazed transparent treatment. The upper floors are separated from the plinth with a 'split/set in' with aluminium louvre system. The upper floors comprising the residential element with large glazing to living areas with render system elsewhere. At plinth and top roof level, the building provides for communal amenity space arranged with ancillary play space.
- 10.28 The Linear Terrace building is located on the plinth to the west of the north/south axis of the new L-shaped street. This element of the scheme provides for a 10 storey building (71m high – with plinth it is 12 storeys in total). The building crosses the new street at the Goodwin Street end and then projects above the plinth. The top floor is set back with spaces used for communal and private amenity space. The building continues the elevation treatment of the Wells Terrace Building, with the top floor set back and constructed in combination of insulated render and metal/glass curtain wall system. The precast projecting balconies to east and west elevations comprise glass and precast vertical screening between, which seek to inform the appearance of the elevations. The south elevation comprises recessed openings which provides for shaded balconies. Along the north elevation the proposed building creates a break from the Wells Terrace building with similar setback as with the plinth. The resulting spaces are used as private amenity space.
- 10.29 The Cylindrical building is a 21-storey tower (106m high – with plinth it is 23 storeys in total) is located to the southern end of the site, south of the new street. Its position provides for a vertical counterpoint to the horizontality of the Linear Terrace Building. This presents the building as a marker for the site adjacent to the Finsbury Park Station with prime views towards the City southwards. This tall building comprises a cylinder form with an external rectangular circulation core. The cylinder is constructed in a combination of ceramic cladding and metal/glass curtain wall system. The cylinder comprises a 'split/set in' at the parapet height of the Linear Terrace Building where the

elevation treatment continues to the top. The design incorporates Brise-soleil to offer solar shading to the south elevation.

10.30 The external circulation core comprises the lifts and the stairs have glazed facade providing a sense of connection within the building and its surrounding. Under the consented scheme, the width of this external circulation core was proposed at 4.4 metres wide. The originally submitted plans under section 73 application sought to increase the width of this element of the scheme to 5.8 metres wide. Planning and Design officers raised concerns with this increase in width as it made the external circulation core much more prominent given its overall height and less of a complimentary structure to the Cylindrical tower.

10.31 As such, the applicant has sought to reduce this external circulation core to the minimum possible width but still able to achieve the double lift core originally consented. Information has been submitted from three different lift providers demonstrating the minimum widths required to accommodate the two lifts that would service a building of 23 storeys (including plinth). As such, the width of the external circulation core has been reduced to 4.95 metres wide, which is an increase of 550mm from the consented scheme. This accommodates the narrowest lifts possible, whilst the applicant has chosen a single sliding lift door as opposed to double doors to minimise the extent of built form necessary. Given the structural constraints in order to achieve appropriate access arrangements and the fact that the consented scheme had not made appropriate allowances for the inclusion of such lifts, the increase in 550mm is considered acceptable. Given the lifts chosen are the smallest possible for such a building, it is not considered that this additional width in the context of the overall scheme would have a negative impact on the bulk and massing of the proposal. Furthermore, this increase in the external circulation core would not make this element appear as a dominant feature and would still appear complementary to the main Cylindrical tower.

10.32 The Rectilinear building is located to the northeast of the site facing Wells Terrace and extends to 21-storeys (105m high – with plinth it is 23 storeys in total). Similar to the Cylindrical Building, the main elevation faces south to present its narrow elevations to Finsbury Park on the west and the residential areas east. The facing materials with elevation treatment match that of the Cylindrical Building and Linear Terrace Building. The building also comprises a 'split/set in' at upper floors and set back top floors.

10.33 The proposed choice of materials is considered appropriate in design terms and the use of such materials and cladding systems would be important to the success of the elevations and resulting appearance of the buildings described above. Consequently conditions are attached which require the submission of samples and details of not only all facing materials but also the treatment of surfaces, enclosures (e.g. lifts) and design finishes (e.g. roof top finishing).

10.34 Transport And Highways

10.35 The consented scheme relied on access from the northwest of the site from the existing entrance at Wells Terrace. The amendment relates to the

provision of a new street and western entrance and ticket hall for Finsbury Park Station, to replace the Wells Terrace entrance and the covered corridor leading to the station platforms. The application has consequential changes to disposition of permitted commercial accommodation.

- 10.36 The amendment does not increase the approved gross commercial area, change the approved commercial uses or increase the quantum of each approved commercial use. The provision of parking for cycles, blue badge holders and car clubs remain unchanged.
- 10.37 The application is for changes to the permitted layout of the lower floors to incorporate the change of use from the previously permitted commercial area to form a new London Underground station entrance, together with the reciprocal change of use of the areas currently occupied by the station access tunnel from Wells Terrace.
- 10.38 The amendments will also see the introduction of step free access to station platforms.
- 10.39 Currently, station users approaching the station from the west or from the Wells Terrace bus station access Finsbury Park Station via a ticket hall on Wells Terrace. Finsbury Park Station has three other entrances: an entrance to the Underground from Seven Sisters Road, an entrance to the Underground from Station Place and an entrance to mainland rail services from Station Place.
- 10.40 Bus services at Finsbury Park Station operate from three main locations: from the Wells Terrace Bus Station (Routes 210, W3 and W7); from the Station Place Bus Station (Routes 4, 19, 106, 153 and 236) and from Seven Sisters Road (Routes 29, 253, 254 and 259).
- 10.41 At present it is possible for bus passengers and local pedestrians to pass freely, without a valid ticket, through the pedestrian passageways through the station to travel between the three main bus stop locations.
- 10.42 The Council's Site Allocation (2013) document designates the site as Site FP1 – Finsbury Park Core Site. The site allocation states that there should be improvement of the public realm, including routes to the station, and the environment underneath the railway bridges is a high priority. Development will be expected to facilitate the following public realm improvement priorities:
- Footway renewal, de-cluttering of street furniture, lighting enhancements, accessibility improvements, tree planting, and public art along principal routes to the station (particularly on Seven Sisters and Stroud Green Roads).
 - Provision of public space adjacent to the station for future connection to a new western station entrance from Goodwin Street within Site A.
- 10.43 The consented scheme proposed the creation of a new L-shaped street to link Goodwin Street and Wells Terrace. The basement would provide 630

residential and 65 commercial cycle spaces, 15 car-parking spaces (13 of which are for disabled parking and two for car club), 6 mobility scooter spaces, refuse/recycling enclosures, general plant rooms, plant rooms associated with energy efficiency/renewable energy and storage rooms. The new street would be pedestrianised except for servicing, delivery, emergency vehicles, pick up/drop off for taxis and disabled users accessing the disabled parking spaces. The one-way route will be controlled by rising bollards and be controlled by on-site management. Except for the disabled parking spaces, the development is car free and the developer has agreed to a clause to the legal agreement which will remove the right of residential properties to apply for on-street parking permits.

- 10.44 Furthermore, the consented scheme made allowance for safeguarding part of the ground floor space to provide for a future link from the new street to the existing underground pedestrian tunnel accessing the Finsbury Park Station. Additional floor space was designated for a potential western station ticket hall as part of the London Underground Limited investment programme for Finsbury Park Station. This safeguarding is in line with the site's allocation, notwithstanding its impact on the viability of the scheme. TfL supported this approach to safeguard the floor space which will be integrated with the access routes when the general station improvement works commence. A clause under the legal agreement required the safeguarding and release of the floor space to TfL should improvement works commence.
- 10.45 The proposed amendments under this section 73 application to accommodate the new station entrance are considered acceptable subject to the following matters being secured via conditions.
- 10.46 The station design entrance arrangements are currently indicative and a condition has been imposed for the detailed design of the entrance arrangement and internal layout of the Western Station Entrance to be submitted when finalised. Furthermore, the provision of one unisex disabled toilet is unlikely to meet the demands of a station of this size and as such a condition has been imposed to increase the provision of such facilities.
- 10.47 Matchday crowds and their controlled access to the station has a significant impact on Finsbury Park Station and the surrounding area. The provision of a new station entrance and public space, combined with the internal station improvements provide an opportunity to re-examine matchday operations at Finsbury Park.
- 10.48 The new entrance and the opening of passageway four within the station could provide opportunities to better manage matchday crowds (e.g. by separating of national rail and Underground passengers).
- 10.49 In partnership with the Council and the Metropolitan Police, the applicant, LUL, Network Rail and the Met Police should review matchday operations in relation to the development and proposed changes to Finsbury Park Station. Both the Servicing and Delivery Plan and the construction phasing should include arrangements for matchdays. A condition relating to a Servicing and Delivery Plan that was imposed on the original consent is maintained under

this application in order for such details to be submitted regarding match day provisions. Furthermore, a landscaping condition for the newly created internal street is maintained, which should include passive provision for matchday crowds to use the Goodwin Street approach to the Western Station Entrance. This would provide resilience on matchdays and flexibility for future access.

10.50 The proposed documentation states that London Underground servicing access to the station would be required at all times, including overnight, if necessary for engineering works. A condition of the existing planning permission prevents servicing on Sundays and bank holidays and Monday to Saturday between 2000 – 0800.

10.51 Maintenance activities and the presence of maintenance vehicles on the 'new street' could potentially have a negative impact on the adjacent residential and commercial uses. Station maintenance activities should not be carried out from the new western station entrance. LUL servicing and maintenance activities should not be permitted outside the servicing times defined by the existing planning permission unless LUL provides details under servicing and deliveries plan secured by condition to outline how LUL maintenance activities will not conflict with the neighbouring uses. Should this require a variation to the above time restrictions, then a subsequent section 73 application will be required for submission outlining how such activities can take place outside of the above hours demonstrating there would be no impact on the amenity of neighbouring uses.

10.52 The station will not be closed at any stage during the constructions works. It is proposed to close the Wells Terrace entrance only until the new western entrance is completed and open. The closure of the Wells Terrace entrance for the duration of the works before the new western entrance is opened could potentially impact on the local business close to this entrance, however it should be noted that this is not a planning matter under consideration of this application. Nevertheless, TfL have advised that they have enhanced way-finding signage directing people to Wells Terrace from Seven Sisters Road in order to encourage continued footfall to the area.

10.53 TfL have provided the following update with regards to their timetable to implement changes to Finsbury Park Station (subject to planning consent being granted):

Key benefits for customers and current delivery timeframes include:

- *Introduce ticket gates at station entrances to improve security and reduce fare evasion, Summer 2014*;*

- *Replace the existing Wells Terrace entrance with a larger, more accessible Western station entrance,*

 - o Wells Terrace station entrance closure, Summer 2014**

 - o New Western station entrance, Spring 2017**

- *Install lifts, providing step-free access from street to Piccadilly and Victoria line platforms, Summer 2018**

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

- 10.54 The conditions of the previous decision notice shall be re-imposed to the decision notice.
- 10.55 Condition number 1 relates to the timeframe for implementation. Usually this is a 3-year time frame from the date of issue in accordance with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended). In this instance, the proposal has already been implemented and as such there is no need for the condition.
- 10.56 Condition 32 requested details of the proposed flues/extraction systems for Restaurant/cafe (A3) unit/s prior to the commencement of works. Given it would be unknown as to where the restaurant uses would be specifically located within the non residential uses at such an early stage, the trigger requiring this information has been altered to prior to any superstructure works commencing on the buildings to which they relate. This ensures that such details can still be provided prior to any such uses being implemented and ensuring that they do not have a negative impact on the amenity of any residential uses on or surrounding the site.
- 10.57 The original application was subject to a legal agreement to mitigate against the impacts of the development. As this application requires the issue of a new/fresh planning permission the applicant has agreed to re-apply the agreed Heads of Terms of the original legal agreement to the new planning permission. This is important as it ensures those obligations originally agreed are met in the case of the implementation of the current application.
- 10.58 The application would be subject to a Deed of Variation to the original section 106 legal agreement.

National Planning Policy Framework

- 10.59 The proposed development would bring an underutilised building back into active employment use and that is directly in accordance with the aims of chapter 1 'building a strong, competitive economy' as well as addressing the planning policy requirements of the Local Development Plan.
- 10.60 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth.

Other Matters

- 10.61 This application does not represent an opportunity to revise or reconsider the original grant of planning permission under P092492. This application only relates to the consideration of the variation of condition 2 as indicated.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The new entrance and re-disposition of consented land uses on the site is acceptable subject to conditions for the exact detail to be provided before the commencement of works on these elements of the scheme, as they would be in compliance with the site allocation.
- 11.2 Further, the design changes to the consented scheme are considered appropriate as they maintain the design intent of the consented scheme and offer a high quality design.
- 11.3 The proposed development is subject to appropriate conditions that were previously imposed along with some additional conditions as a result of the amendments, which seek to facilitate the development and mitigate its potential impacts. Obligations and financial contributions that were secured towards environmental, infrastructure and services required to facilitate and also mitigate potential impacts of the proposed development have been retained.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to any **direction by The Mayor to refuse the application or for it to be called in for determination by the Mayor of London.** Therefore, following the Council's resolution to determine the application, the application shall then be referred to the Mayor of London in accordance with Article 5 of the Town and Country Planning (Mayor of London) Order 2008 – allowing him 14 days to decide whether to:

- a. allow the draft decision to proceed unchanged; or
- b. direct the Council under Article 6 to refuse the application; or
- c. issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application.

RECOMMENDATION B

That planning permission be granted subject to the prior completion of a Deed of Variation to the existing legal agreement of 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. Affordable housing provision of 21% (on habitable rooms basis), with a tenure split of 72% social rented and 28% intermediate to be provided on site.
2. An environmental contribution of a total of £1,165,380 toward:
 - Transport and public realm (£393,750 and £100,000 to be allocated to TfL);
 - Sport and recreation (£250,000);
 - Open space improvements (£100,000);
 - Playspace facilities (£71,630); and
 - Community improvement schemes (£250,000).
3. A contribution of £46,000 for the provision of accessible transport bays or alternative accessible transport measures.
4. The facilitation of 17 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI and a contribution of £60,000 towards construction training upon implementation of first phase.
5. Compliance with the London Borough of Islington (2006) Noise Service: Code of Practice for Construction Sites, including a monitoring fee of £15,000.
6. Contribution of £55,825 towards training and support, and to enhance the prospects of local people obtaining employment relating to the end use of the building.

7. The developer shall in consultation with the Council's Arts officer appoint an artist to develop a public art scheme to be incorporated within the public space prior to implementation. To include a national artist competition and involvement of the local community. The public art scheme shall be integrated within the public open space and shall include features such as: water features, power points, sculpture, lighting schemes. Arrangements shall be made for artwork on the development hoardings during the construction phase of the development which shall include the involvement of the community. The public art should be provided at a cost of no less than £134,896 including artist fees additional to the costs of public open space of the development towards public art. The public art is to be provided in accordance with a timetable to be agreed with the council.
8. The repair and reinstatement of the footways and highways in the vicinity of the development, including the submission of pre and post construction conditions surveys for approval by the Council. Works to be costed by LBI Public Realm;
9. To meet the costs of the delivery of the new City North development and its impact on the public highway. To include all associated construction, signage, demarcation, monitoring, any necessary amendments to Traffic Management Orders (estimated at £2,000 per Traffic Order) and administration costs to be provided LBI Public Realm. Any works to be carried out by the applicant are to subject to approval by LBI Public Realm, details of which are to be included in a S278 agreement.
10. The developer to enter into an agreement with TfL prior to implementation which should include the following should TfL wish to implement this: details of safeguarding of access and works to facilitate link access to new entrance to Finsbury Park Station; details of safeguarding of access and works to facilitate provision of new Western Station Concourse to Finsbury Park Station; and any other TfL costs including repair and reinstatement.
11. The removal of the rights of future residents within the development to apply for residential parking permits.
12. The submission of the final component to the Green Travel Plan for the residential floor space to the Council for approval 6 months after the development has reached 75% residential occupancy and the final component to the Green Travel Plan for the office / retail floor space to the Council for approval 6 months after the development has reached 50% retail / office floorspace occupancy. An update on progress will be submitted to the Council on the 3rd anniversary of the development reaching 75% residential occupancy and 50% retail / office occupancy respectively.
13. Compliance with the Council's Code of Local Procurement, conditional on products / services of a suitable quality, design and cost being available in the 'local' area as defined by the Code.
14. The areas of publicly accessible space within the development will be provided in accordance with the drawings approved and will be retained as publicly accessible spaces.
15. The submission of a Site Management Plan to the Council for approval prior to commencement of works: specifying arrangements for maintenance, servicing, security, fire safety, public access, including maintenance and management of public art and complaints. The Site Management Plan will be made available to residents of the development on request. The final Plan to be submitted and approved prior to first occupation of the development.

16. The submission of a site specific response document to and approved in writing by the Council prior to the implementation of the development in accordance with the Council's Code of Practice for Construction Sites.
17. The submission to and approval in writing by the Council of a Construction Traffic Management Plan (TMP) prior to works commencing, which shall include details of haulage routes, hours of operation including how school start and finish times will be avoided in the adjacent area, how operators will be required to comply with the TMP, where and how vehicle holding areas would be managed. Also to include details of existing traffic calming measures along the designated haulage route. The costs of any necessary modification, removal or replacement traffic calming (e.g. to reduce noise and vibration) to be met by the applicant. The plan and the costs to be received before implementation.
18. Provision of a central CHP system sized to meet the heat requirements of the development, future proof the site with link to site boundary for future network, and to provide the oversized plant room (the additional 390 sq m) to accommodate further CHP plant to serve surrounding sites.
19. Written evidence to the Local Planning Authority's reasonable satisfaction that the CHP system is fully operational and is being used in accordance with the planning permission should be submitted to the Local Planning Authority for approval 2 years after first occupation of the development. This should include copies of GQCHP (Good Quality Combined Heat and Power) annual returns.
20. A detailed feasibility study, to be assisted by the council, evaluating the market opportunities, technical feasibility and financial viability of a district heating network, which would connect neighbouring schemes into the Development's combined heat and power network (the network) shall be submitted to and approved in writing by the Local Planning Authority (trigger for submission and approval to be agreed at later stage) Should the market response demonstrate that connecting one or more schemes to the Development's network would be technically feasible and financially viable in comparison to the alternative energy solution for the development (see below), the Developer shall in conjunction with the relevant neighbouring sites and the Council, produce the delivery of the district heating network to enable their heating and hot water requirements to be supplied by the network; and if technically feasible and financially viable to enable the delivery of electricity to the buildings via the public utility network. In the event that the appropriate schemes are not available to connect to the Development's network prior to completion of construction, such schemes will be allowed to connect to the network at a later stage if sufficient capacity still exists in the network or if further expansion is possible for such schemes allowing for their connection. Should the feasibility study demonstrate that a district heating network is not deliverable, a further feasibility study must be undertaken to identify the most suitable renewable technology, which could then make use of the additional plant space. The results and recommendations of this study must be agreed in writing with the Local Planning Authority and will be implemented by the applicant.
21. Evidence that the green roof has been maintained in accordance with the planning permission, including photographic evidence, should be submitted to the Local Planning Authority for approval 2 years following occupation of the development.

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

All payments to the Council to be index linked from the Committee date.

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

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

RECOMMENDATION C

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

List of Conditions:

CONDITIONS:

1	<p>Drawings and Documents</p> <p>CONDITION: The development hereby approved is comprised of the following drawings and documents:</p> <p>[LBI Reg: 24921]: E/SP/A/DR/101/00; E/SP/A/DR/102/00; E/LG/A/DR/001/00; E/LM/A/DR/002/00; E/UG/A/DR/003/00; E/UM/A/DR/004/00; E/1/A/DR/005/00; E/2/A/DR/006/00; E/3/A/DR/007/00; E/R/A/DR/008/00; E/S/A/DR/201/00; E/S/A/DR/202/00; E/S/A/DR/203/00; M/SP/A/DR/001/P0; M/SP/ADR/002/00; M/B/A/DR/0030/00; M/O/A/DR/001/00; M/S/A/DR/200/00; M/S/A/DR/201/00; M/S/A/DR/202/00; M/S/A/DR/203/00; M/S/A/DR/204/00; M/S/A/DR/205/00; M/S/A/DR/206/00; M/E/A/DR/100/00; M/E/A/DR/101/00; M/E/A/DR/102/00; M/E/A/DR/103/00, all dated 22/10/09; M/-/A/DR/025/01; A_-_90_03 Rev A; A_-_20_P01 Rev M; A_-_20_P02 Rev K; A_-_20_P03 Rev J; A_-_20_P04 Rev J; A_-_20_P05 Rev H; A_-_20_P06 Rev J; A_-_20_P07 Rev H; A_-_20_P08 Rev G; A_-_20_P09 Rev G; A_-_20_P10 Rev H; A_-_20_P11 Rev G; A_-_20_P12 Rev G; A_-_20_P13 Rev G; A_-_20_P14 Rev G; A_-_20_P15 Rev G; A_-_20_P16 Rev G; A_-_20_P17 Rev G; A_-_20_P18 Rev G; A_-_20_P19 Rev G; A_-_20_P20 Rev G; A_-_20_P21 Rev G; A_-_20_P22 Rev G; A_-_20_P23 Rev E; A_A_70_S_T02 Rev E; A_A_70_1B_T01 Rev D; A_A_70_1B_T01a Rev C; A_A_70_1B_T03 Rev E; A_A_70_1B_T04 Rev E; A_A_70_1B_T05 Rev E;</p>
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A_A_70_1B_T06 Rev E; A_A_70_1B_T07 Rev D; A_A_70_1B_T08 Rev F; A_A_70_2B_T01 Rev F; A_A_70_2B_T01 Rev F; A_A_70_2B_T02 Rev F; A_A_70_2B_T03 Rev D; A_A_70_2B_T04 Rev D; A_A_70_2B_T05 Rev E; A_A_70_2B_T05a Rev C; A_A_70_2B_T07 Rev D; A_A_70_2B_T08 Rev G; A_A_70_2B_T09 Rev F; A_A_70_2B_T10 Rev D; A_A_70_2B_T11 Rev E; A_A_70_2B_D01L Rev E; A_A_70_2B_D01U Rev E; A_A_70_3B_T01 Rev F; A_A_70_3B_Do1L Rev G; A_A_70_3B_D01U Rev G; A_A_70_3B_D02L Rev F; A_A_70_3B_D02U Rev E; A_A_70_4B_T01 Rev D; A_B_70_1B_T01 Rev E; A_B_70_1B_T02 Rev F; A_B_70_1B_T03 Rev F; A_B_70_1B_T04 Rev F; A_B_70_2B_T01 Rev F; A_B_70_2B_T02 Rev E; A_B_70_2B_T03 Rev F; A_B_70_2B_T04 Rev F; A_B_70_2B_T05 Rev E; A_B_70_2B_D01L Rev E; A_B_70_2B_D01U Rev E; A_B_70_2B_D02L Rev E; A_B_70_2B_D02U Rev E; A_B_70_2B_D04L Rev C; A_B_70_2B_D04U Rev C; A_B_70_3B_T01 Rev D; A_B_70_3B_T02 Rev E; A_B_70_3B_D01L Rev F; A_B_70_3B_D01U Rev E; A_B_70_3B_D02L Rev E; A_B_70_3B_D02U Rev D; A_C_70_S_T01 Rev E; A_C_70_S_T02 Rev E; A_C_70_1B_T01 Rev E; A_C_70_1B_T01a Rev C; A_C_70_1B_T01b Rev C; A_C_70_1B_T02 Rev D; A_C_70_1B_T03 Rev E; A_C_70_2B_T01 Rev D; A_C_70_2B_T01a Rev C; A_C_70_2B_T08 Rev E; A_C_70_2B_T09; A_C_70_2B_T10; A_C_70_2B_D01L Rev E; A_C_70_2B_D01U Rev E; A_C_70_2B_D01aL Rev D; A_C_70_2B_D01aU Rev D; A_C_70_3B_T01 Rev E; A_C_70_3B_T01a Rev D; A_C_70_3B_T01b Rev D; A_C_70_3B_T01c Rev A; A_C_70_3B_T02 Rev E; A_C_70_3B_T04 Rev F; A_C_70_3B_T05 Rev G; A_C_70_3B_T06 Rev E; A_C_70_3B_T07 Rev F; A_C_70_3B_T08 Rev E; A_C_70_3B_T09 Rev C; A_C_70_3B_T10; A_C_70_3B_D01L Rev F; A_C_70_3B_D01U Rev F; A_C_70_4B_D01L Rev G; A_C_70_4B_D01U Rev H; A_C_70_1B_A01 Rev D; A_C_70_2B_A01a Rev A; A_C_70_2B_A02 Rev D; A_C_70_2B_A03 Rev C; A_C_70_2B_A04; A_C_70_2B_A05; A_C_70_2B_A06; A_C_70_2B_A07; A_C_70_3B_A09 Rev A; A_C_70_3B_A10; A_C_70_4B_A03 Rev A; A_C_70_4B_A03a Rev A; A_C_70_4B_A03b Rev A; A_C_70_4B_A03c Rev A; A_C_70_4B_A04W Rev A; A_C_70_4B_A04aW Rev A; A_C_70_4B_A05 Rev A; A_C_70_4B_A05a Rev A; A_D_70_4B_A01W; A_D_70_4B_A03; A_D_70_4B_A04; A_D_70_5B_A01 Rev C; A_D_70_5B_A02 Rev C; A_D_70_5B_A05 Rev C; City North Finsbury Park Environmental Impact Assessment Non - Technical Summary, dated November 2009; City North Finsbury Park Environmental Impact Assessment Volume 1; 2 and 3, dated November 2009; Design and Access Statement, dated November 2009; Planning Statement, dated November 2009; Transport Assessment, Issue 1, dated 23/11/2009; Travel Plan, Issue 2, dated 27/11/2009; Management Strategy, dated November 2009; Retail Assessment, dated November 2009; Consultation Statement, dated November 2009; Viability Report, ref: JGK/cf01/02A935691, dated 27/11/09; Ecology Assessment, ref: ECO1838.EcoAs.vf, dated November 2009; Arboricultural Assessment, dated November 2009; and Sustainable Design and Construction Statement, dated November 2009
 [LBI Reg: 24922]: City North Draft Heads of Terms
 [LBI Reg: 24923]: Cover letter, dated 26 January 2010 with Disabled Parking at Car Free Developments Technical Note ref: 16636-01-1, dated 13/01/2010
 [LBI Reg: 24924]: City North Addendum to the Townscape, Built Heritage & Visual Assessment, dated 22/02/10
 [LBI REG: 24925]: Design and Access Statement – Addendum, dated February

	<p>2010; and Cover letter, dated 9 March with Table of Response; Technical Note – Response to transport and highway comments, ref: 16636-01-1, dated 24/02/2010</p> <p>[LBI Reg: 24926]: Cover letter - Housing Mix by Units, dated 16 March 2010</p> <p>[LBI Reg: 24927]: Cover letter – GLA REF: PDU/1810a/MA06, dated 18 March 2010</p> <p>[LBI Reg: 24928]: Cover letter - Housing Mix by habitable room, dated 18 March 2010</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended, the Reason to Grant and to ensure that the development is built in accordance with the drawings and documents so approved.</p>
2	Design and Method Statement for Foundations
	<p>CONDITION: The development hereby permitted shall not be commenced until design and method statements (in consultation with London Underground, Network Rail and Thames Water - the relevant parties) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved) in writing by the local planning authority (in stages (i) and (ii)) as highlighted below which:</p> <ul style="list-style-type: none"> a) provide details on all structures; b) accommodate the location of the existing London Underground and Network Rail structures and tunnels; c) accommodate the location of the existing subsurface water or sewerage infrastructure d) accommodate ground movement arising from the construction thereof and; e) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>Design and method statements shall be submitted for approval as follows;</p> <p>(i) before commencement of any works on site - design stage assessments and method statements. These should be sufficient for the relevant parties to identify those works that might impact upon Thames Water, London Underground or Network Rail infrastructure (relevant works) and provide a detailed strategy for ensuring that such infrastructure is adequately protected;</p> <p>(ii) before commencement of each element of the relevant works- detailed design and construction method statements. These should provide detailed proposals for ensuring that Thames Water, London Underground or Network Rail infrastructure is adequately protected during the works and thereafter.</p> <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p>

	<p>Reason: To prevent pollution of groundwater and to ensure that the development does not impact on existing underground transport infrastructure.</p> <p>The details submitted to the Local Planning Authority on 11 April 2013 pursuant to condition 3 (i) of planning permission reference: P092492 [LBI ref: P2013/0925/AOD] and approved by the Local Planning Authority on 31 July 2013 are deemed to form the approved details for the purposes of this part of the condition.</p>
3	Water Infrastructure
	<p>CONDITION: No superstructure works shall be commenced unless and until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by the Local Planning Authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point(s).</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 therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.</p> <p>The details submitted to the Local Planning Authority on 21 January 2013 pursuant to condition 4 of planning permission reference: P092492 [LBI ref: P2013/0054/AOD] and approved by the Local Planning Authority on 19 April 2013 are deemed to form the approved details for the purposes of this condition.</p>
4	Green Procurement Plan
	<p>CONDITION: A Green Procurement Plan shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste. The development shall not be carried out otherwise than in accordance with the particulars so approved in this Plan.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
5	Site Waste Management Plan (SWMP)
	<p>CONDITION: Full particulars and details of a Site Waste Management Plan (SWMP) which ensures waste produced from any demolition and construction works is minimised shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.</p>

	<p>The SWMP shall identify the volume and type of material to be demolished and or excavated and include an assessment of the feasibility of reuse of any demolition material in the development. The SWMP shall also consider the feasibility of waste and materials transfer to and from the site by water or rail transport wherever that is practicable.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p> <p>The details submitted to the Local Planning Authority on 11 December 2012 pursuant to condition 6 of planning permission reference: P092492 [LBI ref: P2012/0223/AOD] and approved by the Local Planning Authority on 16 May 2013 are deemed to form the approved details for the purposes of this condition.</p>
6	<p>Updated Basement Layout Drawing</p>
	<p>CONDITION: Notwithstanding the drawings hereby approved, a revised basement layout as updated in the Design and Access Statement-Addendum dated February 2010, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The basement layout shall be accompanied by details of the:</p> <ul style="list-style-type: none"> a) design of the vehicle access ramp from the new Street extending Goodwin Street to the basement of the Plinth, communal circulation areas and staircases, their material, treatment and any railings; b) design, layout and allocation of 13 disabled car parking spaces, 2 car club bays, 6 mobility scooter bays, with associated electrical charging facilities; c) design, layout and allocation of the 630 residential and 65 non-residential cycle storage spaces with ancillary shower facilities; d) layout of the flexible A1-A4 floor space; e) layout of the energy plant space (390 sq m), which includes the additional space safeguarded for future energy plant; and f) layout of non-residential storage rooms. <p>The layout and spaces/enclosures within the updated basement plan shall be line marked / demarcated in accordance with the revised drawing and be installed and provided prior to the first occupation of the relevant Building to which they form part.</p> <p>The revised basement layout shall be provided and carried out strictly in accordance with the details so approved, kept free of obstruction at all times, 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 secure details of the revised basement layout, including: the provision of ramped routes which are appropriately designed, the appropriate provision of car-parking bays and mobility scooter bays, cycle storage and facilities, layout of usable floorspace and storage and plant areas.</p>
7	<p>Refuse and Recycling and Waste Management</p>
	<p>CONDITION: A Waste Management Strategy and details of the dedicated</p>

	<p>refuse/recycling enclosures (which shall provide adequate circulation space in accordance with BS8300:2009) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved enclosures shall be provided/erected prior to the first occupation of the Buildings which they serve.</p> <p>The development shall be carried out strictly in accordance with the details and waste strategy approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</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> <p>The details submitted to the Local Planning Authority on 11 December 2012 pursuant to condition 8 of planning permission reference: P092492 [LBI ref: P2012/0214/AOD] and approved by the Local Planning Authority on 17 January 2013 are deemed to form the approved details for the purposes of this condition.</p>
8	Code of Sustainable Homes and BREEAM
	<p>CONDITION: Evidence confirming that the development achieves a Code of Sustainable Homes rating of no less than 'Level 4', and achieves a BREEAM: 'Office' and 'Retail' ratings of no less than 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <p>a) design stage assessments, supported by relevant BRE interim certificates, shall be submitted at pre-construction stage prior to works commencing on the Buildings to which they relate; and</p> <p>b) post-construction assessments, supported by relevant BRE accreditation certificates, shall be submitted following the practical completion of the Buildings to which they relate.</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 the interest of addressing climate change and to secure sustainable development.</p>
9	Active and Passive Cooling
	<p>CONDITION: Details of the measures proposed to avoid overheating in the development 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:</p> <p>a) the active cooling system(s) - including machinery/apparatus location, specification and operational details - to provide cooling to the ground and first floors only;</p> <p>b) an assessment demonstrating why active cooling is required and that the energy efficiency of the system has been maximised and carbon dioxide</p>

	<p>emissions minimised;</p> <p>c) the passive design and ventilation features proposed to avoid summertime overheating in areas without mechanical ventilation;</p> <p>d) a follow-up to the Internal Temperature Analysis demonstrating that the passive design and ventilation features proposed are sufficient to minimise overheating risk in areas without mechanical ventilation.</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 the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the need for active cooling systems has been minimised as far as possible, that the energy use and carbon emissions of the cooling system has been minimised and that the development is adapted to future summer temperatures (as predicted with climate change).</p>
10	Rainwater Harvesting
	<p>CONDITION: Details of the rainwater harvesting and recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing on site. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development and how and where it will be used.</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: To ensure the sustainable use of water.</p>
11	Sustainable Urban Drainage Systems
	<p>CONDITION: No superstructure works shall be commenced until such time as a scheme detailing the sustainable urban drainage system (SUDS) for the site to demonstrate how the proposal maximises source control to ensure that at least the target of 50% attenuation is met has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved, 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 prevent pollution of the water environment.</p>
12	Materials
	<p>CONDITION: Details and samples of all facing materials of each of the buildings - Plinth; Linear Terrace; Rectilinear; Cylindrical and Wells Terrace, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the relevant Building. The samples and details shall include:</p>

	<p>a) Aluminium framed units, including insulated glazed units and colour insets, with supports;</p> <p>b) Insulated render system with board on 'metsec' or similar steel stud system, with coping, sill and drip details;</p> <p>c) Insulated render and aluminium/metal/glass curtain wall system (including overall composition/arrangement);</p> <p>d) Staircase and lift enclosures;</p> <p>e) Staircase for Cylindrical Building;</p> <p>f) all window treatments (including sections and reveals);</p> <p>g) Undercrofts of Linear Terrace Building;</p> <p>h) Mezzanine floors of Plinth;</p> <p>i) Louvres;</p> <p>j) Brise soleil;</p> <p>k) Pegola screens;</p> <p>l) Pre-case concrete balconies with stainless steel support and glass frames (including lamination details and sections);</p> <p>m) Glass balustrade screens;</p> <p>n) Glazed elevation screens at lower levels;</p> <p>o) Hardwood timber decking and reinforced concrete paving;</p> <p>p) In-situ concrete wall to boundary with railway line;</p> <p>q) External supporting concrete columns;</p> <p>r) any other materials to be used; and</p> <p>s) a sustainable procurement plan outlining commitments to sustainable sourcing materials.</p> <p>The development shall be carried out strictly in accordance with the details so approved, maintained as such thereafter and no change therefrom shall take place without the prior written consent of 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>
13	Landscaping Strategy
	<p>CONDITION: Details of the Landscaping scheme relating to the Amenity spaces, as set out in the Design and Access Statement and its Addendum hereby approved:</p> <p>a) new street and ground floor areas (Area A);</p> <p>b) Wells Terrace Building (Areas D and H);</p> <p>c) 2nd floor Terrace Amenity space (Area E);</p> <p>d) Linear Terrace Building (Area F)</p> <p>e) Linear Terrace Building/ Cylindrical Building (Areas I and J); and</p> <p>f) Rectilinear Building (Areas B and M).</p> <p>shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site for the relevant Buildings/areas. The detailed landscaping schemes shall include the following details:</p>

	<p>i) existing and proposed underground services and their relationship to both hard and soft landscaping; ii) trees: their location, species and size; iii) tree-pits: their exact location, depth, design and irrigation system; iv) soft plantings: including grass and turf areas, shrub and herbaceous areas; v) the water feature(s); vi) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; vii) enclosures and boundaries: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, bollards, retaining walls and hedges; viii) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; ix) a revised Access Statement detailing routes through the landscape and the facilities it provides; and x) any other landscaping feature(s) (including the 10 cycle spaces) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the relevant Building/area hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any trees or shrubs which die within five years of completion of the development shall be replaced with the same species or an approved alternative and to the satisfaction of the Local Planning Authority.</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 within the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
14	Residential access provided to separate private amenity spaces
	<p>CONDITION: Details of the landscaping scheme relating to the private amenity spaces for the Affordable Housing Units without balconies, as set out in the Design and Access Statement and its Addendum hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site for the relevant Buildings. The schemes shall include the following details:</p> <p>i) Access Statement detailing allocation, access and management of the space; ii) soft plantings: including grass and turf areas, shrub and herbaceous areas; iii) enclosures and boundaries; iv) hard landscaping; and v) any other landscaping feature(s) forming part of the scheme.</p> <p>REASON: To ensure that residents have access to private amenity space.</p>
15	Biodiversity Roofs
1	CONDITION: Notwithstanding the drawings hereby approved, details of the

	<p>extent and design of the biodiversity/Sedum Green roofs with an area of no less than 2426 sq m shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the buildings on which they are proposed. Details shall demonstrate the following:</p> <p>a) The biodiversity roofs shall be biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) The roof shall maximise biodiversity benefit, including by incorporating heaped areas of substrate base or other features such as log piles in areas where a higher loading can be supported.</p> <p>c) roof shall be laid and be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</p> <p>The green roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The 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>d) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> <p>The details submitted to the Local Planning Authority on 6 December 2012 pursuant to condition 16 (a), (b), (c) of planning permission reference: P092492 [LBI ref: P2013/0220/AOD] and approved by the Local Planning Authority on 24 May 2013 are deemed to form the approved details for the purposes of these parts of the condition.</p>
16	Playspace Provision and Design
	<p>CONDITION: Details of the onsite children's playspace provision, which shall provide for no less than 500sq m of playspace (as shown within the 'Design and Access Statement' hereby approved) and shall be contained within:</p> <p>a) 2nd floor Terrace Play Space (430 sq m); and</p> <p>b) 4th floor Play space of Wells Terrace Building (70 sq m).</p> <p>shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the relevant part of the development or Building. The children's playspace shall be provided prior to the first occupation of the residential elements which it provides for, in the case of the 2nd floor Terrace its for the Linear Terrace Building, Cylindrical Building and Rectilinear Building. The details shall include the location, layout, design of the playspace and its proposed equipment/features.</p>

	<p>The children's playspace shall provided strictly in accordance with the details so approved, 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 secure the appropriate provision and design of children's playspace.</p>
17	Bird and Bat Boxes
	<p>CONDITION: Details of the scheme of bird nesting boxes/bricks and bat boxes/roost shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the relevant part of the development to which it is contained or Building to which it forms. The details shall include the exact location, specification and design of the habitats. The boxes/bricks/roosts shall be installed with the development or Building prior to the first occupation of the Building to which it forms part or the first use of the space in which it is contained.</p> <p>The bird nesting boxes/bricks and bat boxes/roosts 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: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> <p>The details submitted to the Local Planning Authority on 10 April 2013 pursuant to condition 88 of planning permission reference: P092492 [LBI ref: P2012/0221/AOD] and approved by the Local Planning Authority on 24 May 2013 are deemed to form the approved details for the purposes of this condition.</p>
18	Lifetime Homes Standards
	<p>CONDITION: The residential units hereby approved shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Confirmation that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and provided in the following format:</p> <p>a) An accommodation schedule documenting, in relation to each dwelling, how the Islington's standards for flexible homes criteria and lifetime homes standards have been met.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
19	Sound insulation between ground and first floor uses
	CONDITION: Full particulars and details of a scheme for sound insulation

	<p>between the proposed ground floor A1 (shop), B1 (office) and A3 (restaurant/cafe) and residential use of the buildings above hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the Building to which they relate, 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: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
20	<p>Anti-terrorist security features</p>
	<p>CONDITION: Notwithstanding the drawings hereby approved, details of physical anti-terrorist security measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the buildings to which it relates, including to the new street. The details shall also indicate methods for preventing vehicle borne improvised explosive devices from entering / accessing the basement, new street and ground floor units accessed from the new street.</p> <p>The measures shall be installed prior to the first occupation of the Building to which it relates and be carried out strictly in accordance with the details so approved, maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The development, due to the inclusion of a tower and capability to attract people, might also attract terrorist interest. The additional details would ensure the safety of the development as a whole.</p>
21	<p>CCTV, lighting, security lighting</p>
	<p>CONDITION: Details of the schemes of:</p> <p>a) CCTV; b) general lighting; and c) security lighting</p> <p>shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the relevant buildings:</p> <ol style="list-style-type: none"> 1. Basement level and Plinth; 2. Linear Terrace Building; 3. Rectilinear Building; 4. Cylindrical Building; and 5. Wells Terrace Building. <p>The schemes shall be installed prior to the first occupation of the Building to which it relates. The details shall include the location and full specification of: all</p>

	<p>lamps; light levels/spill; cameras (detailing view paths); lamps and support structures.</p> <p>The security features shall be carried out 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 secure the appropriate provision of general lighting, security lighting and CCTV cameras which are appropriately located, designed, not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
22	<p>Delivery and Servicing Plan (DSP)</p> <p>CONDITION: A final Delivery and Servicing Plan (DSP) detailing all servicing and deliveries arrangements to/from the site, including location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any servicing of, or the first delivery to the development. The development shall thereafter be operated strictly in accordance with the final DSP.</p> <p>REASON: To ensure that the resulting deliveries and servicing activities of the development at undertaken in a neighbourly fashion and do not adversely impact on vehicle or pedestrian safety or disrupt the free-flow of traffic.</p>
23	<p>Parking Management Plan</p> <p>CONDITION: Details of a Parking Management Plan relating to the management, operation, access and use of the basement vehicle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the buildings hereby approved.</p> <p>The use of the basement car-parking shall be carried out strictly in accordance with the Parking Management Plan 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 vehicle parking spaces approved are appropriately used and managed; and that disabled parking spaces are made available to hotel guests.</p>
24	<p>Design of entrances</p> <p>CONDITION: Notwithstanding the plans hereby approved, full details of the ground floor elevations including:</p> <ul style="list-style-type: none"> a) residential entrances and lobbies; b) main office entrances and lobbies; c) retail shopfronts; d) restaurant shopfront; and e) servicing areas. <p>shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on that relevant aspect of the scheme. The</p>

	<p>details shall include: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50.</p> <p>The ground floor elevations shall be carried out strictly in accordance with the details so approved, 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 Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
25	<p>Secure entry systems for residential</p> <p>CONDITION: Details of the secure entrance systems for each of the residential buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the installation of the entrances within the elevations to which they relate.</p> <p>The secure entrance systems shall be carried out strictly in accordance with the details so approved, maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of the future personal security of the occupants of the development and to ensure that the secure entrance systems provided for the residential, student and hotel accommodation are suitable and appropriate for their purpose.</p>
26	<p>Wheelchair Units</p> <p>CONDITION: The 31 wheelchair/wheelchair adaptable housing units (24 affordable housing habitable rooms and 84 market housing habitable rooms) hereby approved, as set out in the Design and Access Statement-Addendum dated February 2010, shall be provided as part of the development. The wheelchair/wheelchair adaptable housing units shall be provided prior to the first occupation of the relevant Building to which they form part.</p> <p>Prior to the first occupation of the units hereby approved within the particular buildings, the following audit shall be submitted to and approved in writing by the Local Planning authority:</p> <p>a) an as built Wheelchair Accessible Housing checklist completed by a suitably qualified 3rd party.</p> <p>The development shall be constructed strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure provision of wheelchair housing as agreed, in a timely fashion and to: address the backlog of and current unmet housing needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>

27	<p>Bollard Details</p> <p>CONDITION: Details of bollards or other such devices that prevent unregulated (excluding non-emergency) vehicular entry or exit to the pedestrianised area of the new street, including management for their control and operation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</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: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity or the free-flow of traffic.</p>
28	<p>Disabled toilet facilities</p> <p>CONDITION: The Business (B1), Flexible (A1 - A4) and Restaurant (A3) accommodation shall be designed in accordance with the principles of Inclusive Design. To achieve this disabled toilet facilities shall be provided within each individual unit prior to first occupation.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
29	<p>Visual screens provided as shown</p> <p>CONDITION: The precast/visual screens separating the roof terraces and balconies shown on the plans hereby approved shall be installed prior to the first occupation of the Building to which they relate.</p> <p>The visual screens shall be installed strictly in accordance with the details approved, 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 prevent undue overlooking (oblique, backwards or otherwise) between the resulting dwellings.</p>
30	<p>Provision of defensible space</p> <p>CONDITION: Notwithstanding the plans hereby approved, areas of defensible space no less than 1.0m deep shall be provided outside the residential windows that face communal amenity spaces. The defensible space shall be delineated structure or soft planting that shall stand no higher than 1.0m in height. The spaces shall be provided prior to the first occupation of those dwellings.</p> <p>The development shall be carried out strictly in accordance with the details so approved, maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The rear facing first floor habitable room windows within Buildings B, D and E do not benefit from any defensible space that would adequately divorce them from the communal open space; the arrangement would result in an undue loss of privacy to those future residential dwellings.</p>

31	Residential access provided to amenity spaces
	<p>CONDITION: Notwithstanding the plans hereby approved, entrance/resident's access for the Linear Terrace, Rectilinear and Cylindrical Buildings shall be provided from the residential stair-cores to the 2nd floor level 'Terrace' communal amenity space. The entrances/resident's accesses from the residential stair-cores to the 2nd floor 'Terrace' communal amenity space as shown on the plans hereby approved shall be provided prior to the first occupation of the dwellings within the relevant Building.</p> <p>The entrances/accesses 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 all residents are able to access the 2nd floor 'Terrace' communal amenity spaces.</p>
32	Details of flues to A3 units
	<p>CONDITION: Details of the proposed flues/extraction systems for Restaurant/cafe (A3) unit/s hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the Buildings to which they relate. The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flue/extraction systems shall be installed/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 the interest of protecting future residential amenity and the appearance of the resulting buildings.</p>
33	Hours of operation A1 and A3 units
	<p>CONDITION: Should the ground floor flexible commercial units be taken up for Retail (A1) or Restaurant/cafe (A3) use and 2nd floor Restaurant (A3) shall not operate except between the hours of 07:00 - 23:00 on any day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring or future residential amenity.</p>
34	Overall scheme of sound insulation
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be installed and shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 30 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 ?23.00 hrs) 45 dB LAeq</p>

	<p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the Building to which they relate, 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 secure an appropriate internal residential environment.</p>
35	Fixed plant
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
36	Energy Efficiency Measures
	<p>CONDITION: The energy efficiency measures shall be implemented in accordance with the approved Energy Strategies as set out in the approved Sustainable Design and Construction Statement, dated November 2009. The measures shall thereafter be retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
37	Hours of servicing
	<p>CONDITION: All deliveries/collections/visits from service vehicles shall only take place between the hours of:</p> <p>Monday to Saturday - (08:00 - 20:00) Sundays/Bank Holidays - not at all</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity or the free-flow of traffic.</p>
38	Restricted vehicular access to new street
	<p>CONDITION: The new street leading from Goodwin Street to Wells Terrace shall not be used / access by any vehicles other than for those set out in the plans required under conditions and essential maintenance and repair and emergency vehicles in the case of an emergency unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: In the interest of protecting future amenity, pedestrian safety and in the interest of site security.</p>
39	Water conservation residential element

	<p>CONDITION: The new residential development shall be designed to achieve a whole home water standard of 105 litres/head/day in accordance with the 'City North Environmental Statement' hereby approved.</p> <p>REASON: To ensure that the development achieves an appropriate level of water efficiency/conservation and in the interest of sustainable development.</p>
40	Archaeology
	<p>CONDITION: No development (excluding demolition works) shall take place until the applicant, their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority.</p> <p>REASON: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p> <p>The details submitted to the Local Planning Authority on 24 January 2013 pursuant to condition 41 of planning permission reference: P092492 [LBI ref: P2013/0057/AOD] and approved by the Local Planning Authority on 21 March 2013 are deemed to form the approved details for the purposes of this condition.</p>
41	Land Contamination
	<p>CONDITION: No development (excluding demolition works) shall be commenced unless and until the following assessment in response to PPS23 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A proposal to undertake an intrusive investigation at the site based on the findings of the Environmental Statement hereby approved;</p> <p>b) A 'site investigation report' to investigate and identify potential contamination;</p> <p>c) A risk assessment of the site, including details on pollution of the water environment;</p> <p>Following the agreement to details relating to points a, b and c); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>d) Proposals for any necessary remedial works to contain, treat or remove any contamination;</p> <p>e) Proposals to prevent pollution of ground water and surface water, including monitoring; and</p> <p>f) Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the local planning authority must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved by the local planning authority.</p> <p>The development shall be carried out strictly in accordance with the investigation</p>

	<p>and any scheme of remedial works so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To safeguard the health and safety of future occupants as the site may be contaminated due to the previous use.</p>
42	No amalgamation of Restaurant (A3)
	<p>CONDITION: The 2nd floor Restaurant/cafe (A3) unit hereby approved shall be laid out as shown on drawing M-02-A-DR-003-00, dated 22/10/2009 hereby approved and shall not be subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The consideration of the acceptability of the use was based on the proposed size of unit as shown on the approved plans; the amalgamation or further subdivision of the unit is likely to have operational, security and amenity implications, which would need to be tested under a separate planning application.</p>
43	Window cleaning apparatus
	<p>CONDITION: Should window cleaning apparatus be required, details thereof and of associated goods, their operation and housing shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the roof-top enclosures of the buildings comprising a system.</p> <p>The window cleaning apparatus and associated goods shall be installed strictly in accordance with the approved plans, 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>When not in operation/use the window cleaning apparatus and any associated goods shall be returned to, and housed entirely within the dedicated roof-top enclosure</p> <p>REASON: In the interest of the good appearance of the Tower and to ensure that the resulting window cleaning apparatus and any associated goods are appropriately housed and kept out of view when not in use.</p> <p>The details submitted to the Local Planning Authority on 11 December 2012 pursuant to condition 44 of planning permission reference: P092492 [LBI ref: P2013/0215/AOD] and approved by the Local Planning Authority on 07 March 2013 are deemed to form the approved details for the purposes of this condition.</p>
44	Wind Mitigation
	<p>CONDITION: The physical features and wind mitigation measures (including: landscaping, recessed entrances and screening) as detailed within the 'City North, Finsbury Park, Environmental Impact Assessment' hereby approved shall be implemented in full and prior to the first occupation of the Building to which they relate.</p> <p>REASON: To ensure that the development provides for acceptable</p>

	environmental standards in terms of resulting wind conditions.
45	Lift provision
	<p>CONDITION: All lifts serving the residential units hereby approved shall be installed and operational prior to the first occupation of the units within each the respective Buildings to which they relate.</p> <p>The development shall be carried out strictly in accordance with the details so approved, 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 adequate access is provided to the residential units at all floors.</p>
46	Obscuring ground floor levels
	<p>CONDITION: The window glass of all ground floor shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of pedestrian security and to secure an appropriate street frontage and appearance.</p>
47	Vehicle movement on site
	<p>CONDITION: Vehicles shall only enter or exit the site in forward gear.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p>
48	Obstruction of public highway
	<p>CONDITION: No doors or gates shall be erected in a way that enables them to be opened over or across the adjoining footways, carriageways and rights of way.</p> <p>Reason: To prevent the surrounding streets from being blocked, protect public safety.</p>
49	Details of station ticket hall
	<p>CONDITION: Notwithstanding the drawings hereby approved, a revised ground floor layout and elevation shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The ground floor layout shall be accompanied by details of the:</p> <p>a) the design details and layout of the station ticket hall including elevations of the entrance;</p> <p>b) increased provision of public toilet facilities included in the detailed layout of the new station ticket hall.</p> <p>The layout of the updated ground floor plan shall be line marked/demarcated in</p>

	<p>accordance with the revised drawing and be installed and provided prior to the first occupation of the relevant Building to which they form part.</p> <p>The revised ground floor layout shall be provided and carried out strictly in accordance with the details so approved, kept free of obstruction at all times, 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 secure details of the revised ground floor layout, including: the provision of public toilet facilities and the design detail and layout of the new station ticket hall and entrance.</p>
--	--

List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT 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	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' 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	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
4	<p>Design and method statement for foundations</p> <p>Piling into the Chalk or within 5m of the base of the London Clay using penetrative methods shall only be permitted as part of the further submission of details where it is demonstrated that there is no resultant unacceptable risk to</p>

	<p>ground water. These would also need to be backfilled to avoid any potential contamination. It is advised to contact the Environment Agency in advance of</p> <p>Should the applicant propose to discharge water to a surface watercourse during construction a Discharge Consent will be required. The applicant is advised that the Water Act 2003 contains provisions requiring developers to apply for a licence to transfer water when dewatering. This requirement is not yet in place but the applicant should contact the Environment Agency six months before commencement of dewatering activities to check whether an application is required.</p>
5	Network Rail
	The applicant is advised to contact Network Rail in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
6	Structure of 90 meters or more height
	The applicant is advised to contact the Directorate of Airspace Policy, Room K6 Gate 3, CCA House, 45-59 Kingsway, London WC2B 6TE.
7	London Fire and Emergency Planning Authority
	The applicant is advised to contact the London Fire and Emergency Planning Authority with regard to details of fire fighting shafts; ventilation systems and sprinkler system to residential accommodation.
8	Roof Plant
	<p>ROOF PLANT</p> <p>The scheme hereby approved does not suggest the installation of external roof plant to any of the roof areas. The applicant is advised that the council would consider the installation of external plant and associated enclosures/structures to be a material alteration to the scheme and therefore constitute development. Should external roofplant be proposed a new planning application must be submitted for the council's formal consideration.</p>
9	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing
Policy 3.15 Coordination of housing development and investment
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.4 Managing industrial land and premises
Policy 4.5 London's visitor infrastructure
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

Policy 5.20 Aggregates
Policy 5.21 Contaminated land
Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach
Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London's transport connectivity
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.6 Aviation
Policy 6.7 Better streets and surface transport
Policy 6.8 Coaches
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 6.14 Freight
Policy 6.15 Strategic rail freight interchanges

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.10 World Heritage Sites
Policy 7.11 London View Management Framework
Policy 7.12 Implementing the London View Management Framework
Policy 7.13 Safety, security and resilience

to emergency
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.16 Green Belt
 Policy 7.17 Metropolitan Open Land
 Policy 7.18 Protecting local open space and addressing local deficiency
 Policy 7.19 Biodiversity and access to nature
 Policy 7.20 Geological conservation
 Policy 7.21 Trees and woodlands
 Policy 7.22 Land for food
 Policy 7.23 Burial spaces
 Policy 7.24 Blue Ribbon Network
 Policy 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
 Policy 7.26 Increasing the use of the Blue Ribbon Network for freight transport
 Policy 7.27 Blue Ribbon Network: supporting infrastructure and recreational use
 Policy 7.28 Restoration of the Blue Ribbon Network
 Policy 7.29 The River Thames
 Policy 7.30 London's canals and other rivers and waterspaces

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS2 (Finsbury Park)
 Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
 Policy CS10 (Sustainable Design)
 Policy CS11 (Waste)

Policy CS13 (Employment Spaces)
 Policy CS14 (Retail and Services)
 Policy CS15 (Open Space and Green Infrastructure)
 Policy CS16 (Play Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
 Policy CS19 (Health Impact)

C) Development Management Policies June 2013

Design and Heritage

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

Housing

- DM3.1** Mix of housing sizes
- DM3.4** Housing standards
- DM3.5** Private outdoor space
- DM3.6** Play space
- DM3.7** Noise and vibration (residential uses)

Shops, culture and services

- DM4.1** Maintaining and promoting small and independent shops
- DM4.2** Entertainment and the night-time economy
- DM4.3** Location and concentration of uses
- DM4.4** Promoting Islington's Town Centres
- DM4.5** Primary and Secondary Frontages
- DM4.6** Local shopping Areas
- DM4.7** Dispersed shops
- DM4.8** Shopfronts
- DM4.9** Markets and specialist shopping areas
- DM4.10** Public houses
- DM4.11** Hotels and visitor accommodation
- DM4.12** Social and strategic infrastructure and cultural facilities

Employment

- DM5.1** New business floorspace
- DM5.2** Loss of existing business floorspace
- DM5.3** Vale Royal / Brewery Road Locally Significant Industrial Site
- DM5.4** Size and affordability of workspace

Health and open space

- DM6.1** Healthy development
- DM6.2** New and improved public open space
- DM6.3** Protecting open space
- DM6.4** Sport and recreation
- DM6.5** Landscaping, trees and biodiversity
- DM6.6** Flood prevention

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

Transport

- DM8.1** Movement hierarchy
- DM8.2** Managing transport impacts
- DM8.3** Public transport
- DM8.4** Walking and cycling
- DM8.5** Vehicle parking
- DM8.6** Delivery and servicing for new developments

Infrastructure

- DM9.1** Infrastructure
- DM9.2** Planning obligations
- DM9.3** Implementation

D) Site Allocations June 2013

Site FP1 – Finsbury Park Core Site

3. Planning Advice Note/Planning Brief

A Planning Advice Note/ Planning Brief titled City North Planning Brief was published in November 2007.

The brief sought to secure the following key development objectives:

- Redevelopment of the site to provide the opportunity to act as a catalyst for the wider regeneration and improve the image of Finsbury Park;
- To allow for new pedestrian routes through the site, strengthening links with the transport interchange and Fonthill Road. Opportunity to enhance views into and out of the site with opportunity to provide improved public realm and areas of high quality public space which will act as a focus within and around the Site. Also to offer the opportunity for London Underground Limited to provide a new station entrance and ticket hall on the western side of the station;
- A diverse mix of uses with active frontages will increase the vibrancy and vitality of the site, enhance the night-time economy and provide opportunities for local residents to live, work and shop at Finsbury Park. This will also provide employment opportunities and promote further economic investment;
- The brief indicates that a tall building may be acceptable providing that this is of exemplary design and appropriately located within the site;
- Opportunity to create high quality mix use development, acknowledging the needs of uses through exemplar design and the creation of a new and recognisable identity for Finsbury Park;
- Opportunity exists to create a high quality sustainable development which minimises waste, encourages reuse of water, addresses air quality and seeks to encourage biodiversity; and
- achieve a development which is compatible with surrounding residential areas.

4. Designations

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

The site has the following designations under the London Plan 2011 and Islington Core Strategy (2011):

- Finsbury Park Core Strategy Key Area
- Adjoins Locally Listed Building at No. 4 Goodwin Street
- Finsbury Park Town Centre
- Rail Safeguarding Area Thameslink 2000

5. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPG's and/or SPD's are relevant:

Islington UDP

- Accessible Housing in Islington
- Car Free Housing
- Green Construction
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide

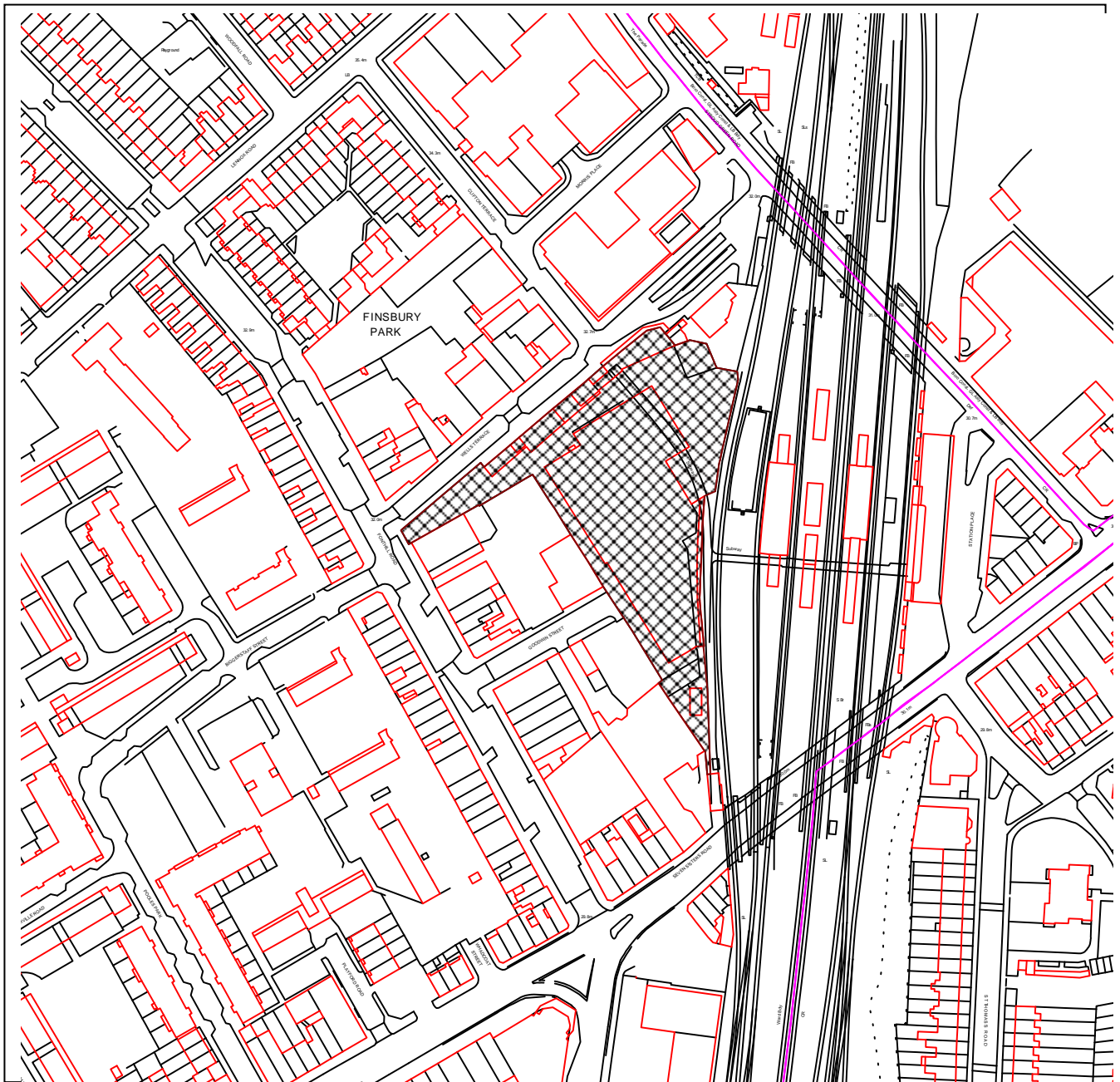
London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0782/S73

LOCATION: CITY NORTH ISLINGTON TRADING ESTATE,
FONTHILL ROAD & 8-10 GOODWIN STREET, ISLINGTON, LONDON,
N4,

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Islington Council, LA086452



ISLINGTON

SCALE: 1:2500

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING COMMITTEE	
Date:	04 September 2014

Application number	P2014/1103/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Adajcent to LLB – 30 Tabernacle Street / 8 Epworth Street; Opposite LLB – 1 Bonhill Street
Conservation area	Adjacent to Bunhill Fields & Finsbury Square CA
Development Plan Context	Central Activities Zone; Bunhill & Clerkenwell Key Area; City Fringe Opportunity Area; Employment Priority Area (Offices); Moorfields Archaeological Priority Area
Licensing Implications	None
Site Address	Zimco House, 16-28 Tabernacle Street & 10-14 Epworth Street, Islington, London EC2A 4LU
Proposal	Refurbishment and extensions to the existing building comprising: demolition of existing rear two storey courtyard part of building including former caretaker's flat; demolition of existing fourth floor plant room on Bonhill Street; erection of rear infill extension at ground to fourth floor level; erection of fourth and fifth floor level roof extension along Bonhill Street and Tabernacle Street; recladding and alteration to external facades; together with internal reconfiguration; and change of use of the basement (1,778sqm) from B8 distribution warehouse to B1 office. The extensions would provide 2,503sqm of new B1 office accommodation (total 8,578sqm of B1 office floorspace) and the provision of six new residential flats with front terraces at fifth floor level, comprising one x three-bedroom flat and five x two-bedroom flats.

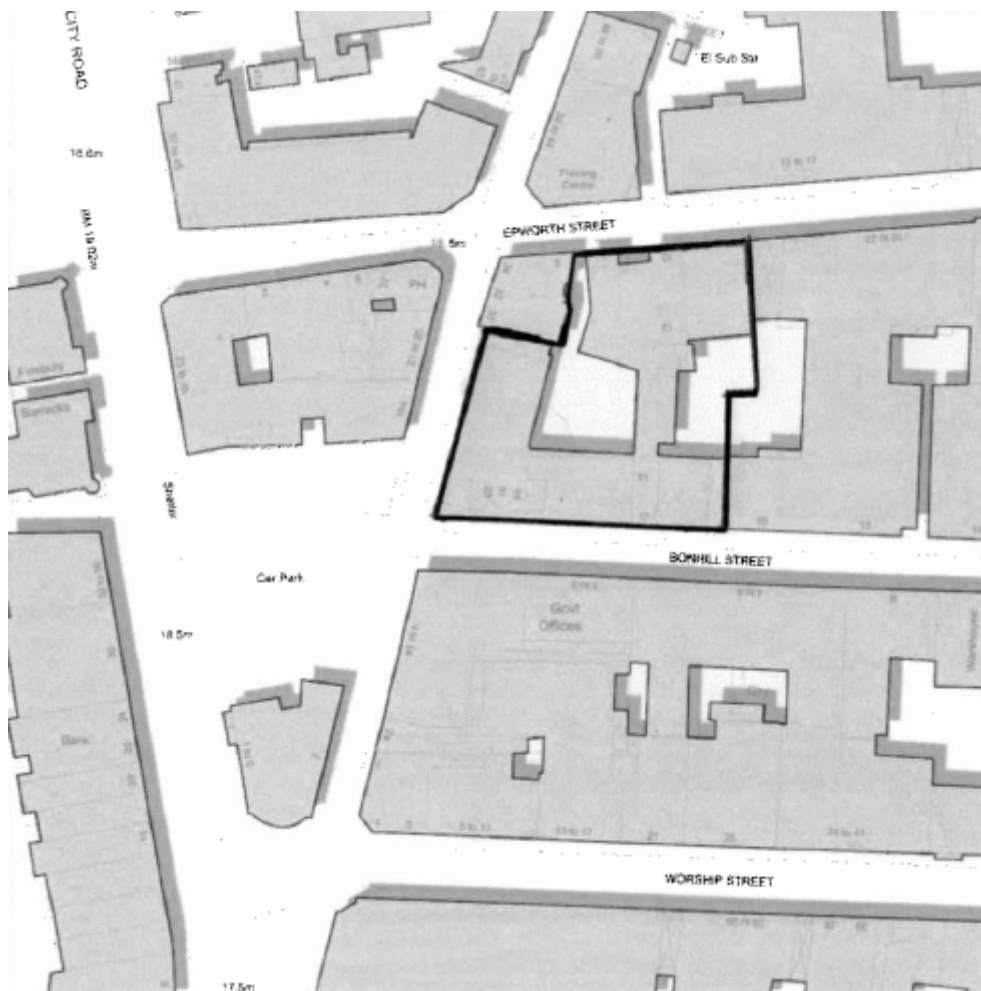
Case Officer	Ben Dixon
Applicant	Lawnpond LLP
Agent	Rolfe Judd

1 RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: Tabernacle & Bonhill Street elevations.



Image 2: Epworth Street elevation.



Image 3: Courtyard facing elevations to rear of Tabernacle Street & Bonhill Street.



Image 4: Rear courtyard facing elevation of 10 Epworth Street with first floor terrace garden.

4

SUMMARY

- 4.1 It is proposed to undertake wholesale refurbishment and remodelling of the existing office building, including infilling the existing open ground floor undercroft on Bonhill Street and Tabernacle Street and infilling the central courtyard. The proposal includes the erection of rear courtyard and roof level extensions, in order to provide an updated employment-led (office) mixed use development at the site. The proposal would provide 2,503sqm of new B1 office accommodation (a total of 8,578sqm of high quality office floorspace including the refurbished existing commercial floorspace) and six new residential flats for private market sale.
- 4.2 The proposed employment (office) led mixed use development is considered to accord with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.
- 4.3 The proposed development is considered to be acceptable in terms of its height, bulk, scale, massing, design and external finish, subject to the further details to be secured by condition. It is considered that the proposal which would update the existing out-dated office building would represent a high quality development, which would enhance the character and appearance of the site, the streetscene and the surrounding townscape. The proposal is considered to accord with the aims of local, regional and national design and heritage policies.
- 4.4 The dwelling mix proposed and the standard of the proposed new residential accommodation are both considered to be acceptable. The applicant has agreed to pay £300, 000 towards the off-site provision of affordable housing elsewhere in the borough in the line with the Small Sites Affordable Housing SPD.
- 4.5 The proposal would result in the cessation of the existing B8 courier distribution use which currently operates from the basement at the site, therefore resulting in a significant reduction in the number of vehicular trips associated with the operation of the site. Subject to the control of serving via conditions it is not considered that the proposal would have an adverse impact on the highway safety or the operation of surrounding highways. The office development and new residential units would be car-free. The existing eight on-site parking spaces for residents of the existing flats at 10 Epworth Street would be retained for use by these residents within the development.
- 4.6 The proposed development would have some negative impact on the amenity of some neighbouring residential occupiers of flats at 10 Epworth Street, chiefly due to reduced winter sunlight, and the potential for increased noise and disturbance from servicing. However, subject to conditions to secure obscurely glazed courtyard facing windows that are fixed shut, the provision of adequate sound insulation between the servicing yard and the flats, and the appropriate control of hours of servicing, it is not considered that the proposed

development would result in such harm to the amenity of neighbouring residential occupiers so as to warrant refusal of the application.

- 4.7 The proposal is considered to accord with the relevant policies contained in the Islington Development Plan and national guidance provided in the NPPF. The proposal is supported by officers with a recommendation that planning permission should be granted, subject to conditions and the completion of a section 106 legal agreement.

5 SITE AND SURROUNDING

- 5.1 The site is located within the Bunhill ward with frontages onto the east side of Tabernacle Street, the north side of Bonhill Street and the south side of Epworth Street. The site covers an area of 0.271 hectares and is roughly a square shape (but excludes the building at the corner of Tabernacle Street and Epworth Street – 30 Tabernacle Street / 8 Epworth Street).
- 5.2 The site is occupied by a 1970/80s part four, part five storey perimeter block building, with an open undercroft at ground floor level along Bonhill Street and Tabernacle Street, and an open central courtyard which is bisected by a two storey element, that includes the former caretaker's flat (known as Flat 20, 10 Epworth Street). The building is constructed with a concrete frame, clad in brown facing brickwork with brown aluminium windows.
- 5.3 The L-shaped section of the building which fronts Bonhill Street (to the south) and Tabernacle Street (to the west) is five storeys high along Bonhill Street and four storeys high along Tabernacle Street. This section of the building comprises B1 office accommodation (4,297sqm) on the first to third floors accessed by a ground floor reception at the corner of Tabernacle Street and Bonhill Street. The fourth floor section of the building along Bonhill Street is a plant room.
- 5.4 The section of the building which fronts Epworth Street to the north of the site (known as 10 Epworth Street) is five storeys high and comprises 19 residential flats on the first to fourth floor. The applicant is the freeholder of this building, but the flats are let and managed by Habinteg Housing Association on a long leasehold basis. On the south side (rear) of this part of the building is a single storey element that projects into the central courtyard. This provides a first floor level communal terrace garden for residents of the flats at 10 Epworth Street. The flats are accessed via a dedicated entrance on Epworth Street.
- 5.5 Below the majority of the site is a large basement which is currently used as a B8 distribution warehouse (1778sqm) for a courier firm. The area of central courtyard to the west of the former caretaker's flat is currently unused, while the area to the east is used to provide informal parking for residents of 10 Epworth Street and commercial occupiers, including vehicles associated with the basement level courier firm. The parking area has vehicular access from both Bonhill Street and Epworth Street.

- 5.6 The site is well served by public transport being located close to Old Street underground station and numerous frequent bus services. The site has a PTAL rating of 6b (the highest rating).
- 5.7 The site is located within: the Central Activities Zone; the Bunhill & Clerkenwell Key Area; the City Fringe Opportunity Area; an Employment Priority Area (Offices); and the Moorfields Archaeological Priority Area.
- 5.8 The site is not located within a conservation area. However, the site lies within a sensitive location, being within 70m of the enclave of historic buildings grouped around the grade I listed Wesley's Chapel to the northwest, reasonably close to the grade II listed Lowndes House (1 City Road) and the locally-listed Triton Court (Finsbury Square), and adjacent to the Bunhill Fields / Finsbury Square Conservation Area.
- 5.9 The area surrounding the site is predominantly commercial in character. Adjoining the east of the site is a large six/seven storey double fronted office building which fronts onto both Bonhill Street and Epworth Street. Adjoining the northwest of the site, at the corner of Tabernacle Street and Epworth Street, is a six storey locally listed office building (30 Tabernacle Street / 8 Epworth Street). To the south of the site on the opposite side of Bonhill Street are three, four and five storey commercial buildings which provide office accommodation and conference/training facilities. To the west of the site on the opposite side of Tabernacle Street is the large eight storey double fronted Travelodge hotel (that has street frontages onto Tabernacle Street and City Road), together with a five storey office building. To the north of the site on the opposite side of Epworth Street are four storey office buildings.

6 PROPOSAL (IN DETAIL)

- 6.1 This application is seeking planning permission for wholesale refurbishment and remodelling of the existing office building, including infilling the existing open ground floor undercroft on Bonhill Street and Tabernacle Street and infilling the central courtyard. The proposal includes the erection of rear courtyard and roof level extensions, in order to provide an updated employment-led (office) mixed use development at the site.
- 6.2 It is proposed to remove the existing facing brickwork and windows to the front and rear elevations of the L-shaped part of the building which fronts Bonhill Street and Tabernacle Street. These elevations would be remodelled with larger windows and reconstructed using attractive high quality brickwork with frameless glazing set within deep reveals.
- 6.3 The proposed works include demolition of the existing two storey section of the building, which bisects the internal courtyard and includes the former caretaker's flat; and demolition of the existing fourth floor plant room on the southern Bonhill Street part of the L-shaped building.
- 6.4 It is proposed to infill the existing open ground floor undercroft within the L-shaped building along Bonhill Street, Tabernacle Street, together with the central courtyard, in order to create useable employment space and to provide active ground floor street frontages.

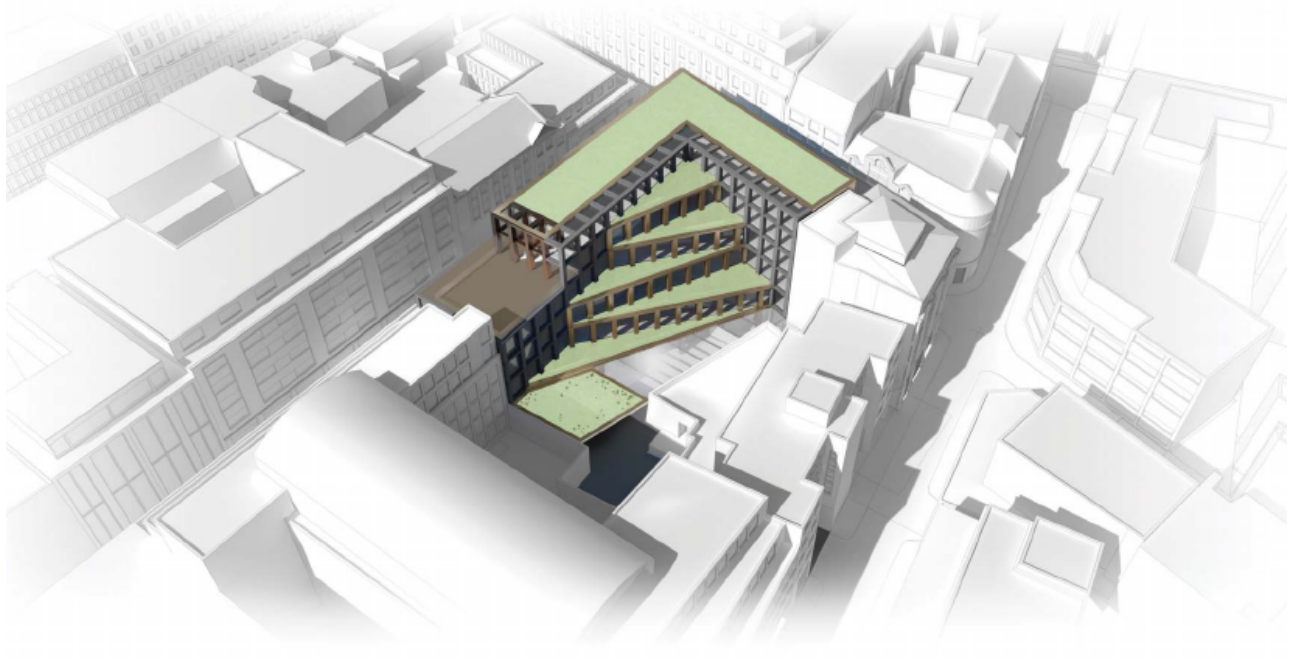


Image 5: Visualisation of proposed courtyard stepped rear infill extension

- 6.5 It is proposed to erect a new graduated rear infill extension (within the west side of the existing open central courtyard), which steps down from five storeys closest to the south (Bonhill Street) part of the L-shaped building, to a single storey, as it crosses the internal courtyard to meet the edge of the existing single storey projection to the rear of 10 Epworth Street (that provides a first floor terrace garden for residents). The infill extension would be clad in brushed bronze, with green roofs provided at each level as the extension steps down.
- 6.6 It is also proposed to erect a fourth and fifth floor level roof extension above the L-shaped part of the building. This extension would replace the existing fourth floor plant room on Bonhill Street, which is to be demolished. The top (fifth) floor of the roof extension would be set back from the street elevations and would be clad in brushed bronze. The roof extension on the Bonhill section of the building would be 3.3m higher than the existing fourth floor plant room, and on Tabernacle Street the building height would be increased by 6.7m.
- 6.7 The roof of the extension would accommodate a green roof, PV panels (to the corner of Bonhill Street and Tabernacle Street) and a site for plant (to the north end of the Tabernacle Street part of the building). The proposed roof extension would not cover the full length of the Bonhill Street elevation as it is set in from the west end of the site by 12.1m. A communal terrace for use by all residents of the new flats would be provided on the existing roof to the west of the roof extension at fourth floor level.



Image 6: Visualisation of proposed roof extension

- 6.8 The remaining existing floorspace within the building would be completely remodelled and reconfigured, with a change of use of the basement from a B8 distribution warehouse to provide additional B1 office accommodation. The remodelling, change of use of the basement and extension of the existing building would provide a total of 8,578sqm of high quality 'grade A' flexible B1 office accommodation across the ground to fifth floor. This represents an uplift of 2,503sqm of new B1 office floorspace and an additional 1,778sqm provided as result of the change of use of the basement (a total of 4,281sqm of additional B1 office accommodation). The main office entrances would be on Bonhill Street and at the corner of Tabernacle Street and Bonhill Street.
- 6.9 The proposal would provide six new residential flats with front terraces at fifth floor level within the roof extension on the L-shaped section of the building along Bonhill Street and Tabernacle Street. The residential units comprise one x three-bedroom flat and five x two-bedroom flats, which would all be for private market sale.
- 6.10 Ground floor alterations are proposed to the Epworth Street elevation of the site. These comprise the installation of flush structural glazing to block off the existing recesses, and installation of decorative brushed bronze sliding gates at the vehicular entrance to the car park. New separate entrances to the existing flats at 10 Epworth Street, the proposed new flats, and the offices would be provided within the new structural glazing. No other changes are proposed to the building at 10 Epworth Street.
- 6.11 It is proposed that the existing vehicular access from Epworth Street would be retained along with the associated existing internal car park. This space would also be used for servicing and to provide cycle parking for the office development.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Planning permission (ref: 841437) was granted in 1984 for '*Use of part basement (7,750sq.ft.) for mixed industrial and warehousing use*'.
- 7.2 Planning permission (ref: 851866) was granted in 1986 for '*Change of use of 1st and 2nd floors of eastern end of Bonhill Street block (totalling 4809sqm) from permitted Class B8 (warehouse and distribution) use to use for purposes within Class B1a (offices) and B1b (research and development) in connection with the existing Class B1a and B1b use on the remainder of those two floors*'.
- 7.3 Planning permission (ref: 881826) was granted in 1989 for '*Change of use of part of the basement (650sq.m.) from light industrial use to warehouse use (B8)*'.
- 7.4 Planning permission (ref: P020221) was granted in 2003 for '*Change of use of basement premises to a fitness centre (Class D2) with new entrance onto Tabernacle Street together with erection of a single storey cafe/restaurant (Class A3), transformer station and rearrangement of existing office reception area at ground floor level within existing undercroft*'. However, this permission expired without being implemented.
- 7.5 Planning permission (ref: P102802) was refused in May 2012 for an application proposing '*Mixed use development consisting of ground floor office (class B1) and Restaurant (class A3) infill. Two storey roof top extension incorporating office (class B1) and Residential, (three x 2 bed flats, three x3 bed flats and one x 4 flat bed flat) (Class C3), and incorporation of new plant*'. The application was refused for two reasons:

Reason 1: The proposed two storey roof extension, which would lie to the south of its neighbour on Epworth Street, may have a serious material impact on daylight and sunlight to those properties, and without an objective daylight and sunlight analysis, should therefore be refused as being contrary to policy D3 of the Unitary Development Plan 2002.

Reason 2: The applicant has not agreed to any heads of terms sought by the local planning authority and therefore the proposed development fails to adequately mitigate the possible impacts and additional pressure that the development could introduce on local infrastructure. In the absence of this agreement, the proposal fails to comply with the NPPF (2012), Community Infrastructure Levy Regulations (2010), London Plan (2011) policies:5.10 (C),3.6 (A), 5.3, 6.1,6.5 6.7, 6.10, 6.13, 7.1 (C), 8.2 ; Islington's Core Strategy (2011) policies: CS7, CS10, CS12, CS13, CS14, CS15, CS16, CS17, and CS18; Islington UDP (2002) policy: Imp13 and the Islington Planning Obligations SPD (2009).

PRE-APPLICATION ADVICE:

- 7.6 The applicant submitted details of a proposed development scheme for pre-application discussion (ref: Q2013/2419/MJR) in July 2013 prior to formal

submission of this current application. The proposal put forward for pre-application discussions comprised '*Reconfiguration and refurbishment of existing building to provide additional floorspace, recladding of existing building, and erection of 2 additional storeys to provide 9 residential units.*'

In summary, the applicant was advised that: 'Redevelopment of the site is considered acceptable in principle, and is welcomed. The site's existing building, due to its inactive frontages, open undercroft areas, inappropriate materials and rather dated appearance, is harmful to the setting of the adjacent conservation area, and redevelopment provides an opportunity to improve the streetscape of Tabernacle Street and Bonhill Street. There are also opportunities to address existing anti-social behaviour problems that exist at this site. The reconfiguration of the interior of the building – enabling an increase in useable office floorspace – is welcomed in principle, as is the introduction of a residential use to the existing office building.

It has been adequately demonstrated that the proposed addition of 2 storeys to the existing building would sit comfortably within the townscape of Tabernacle Street, and would not unacceptably obstruct or crowd views of listed and locally-listed buildings and the roofscape of Finsbury Square to the south. However, the acceptability of the additional storeys will, of course, also be subject to officers' consideration of the forthcoming daylight and sunlight assessment.'

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 177 adjoining and nearby properties at Bonhill Street, Tabernacle Street, Epworth Street, City Road, Platina Street, Paul Street, and Clere Street on 02 May 2014. A site notice was displayed and press advert was published on 08 May 2014. The public consultation on the application therefore expired on 29 May 2014. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 15 responses had been received from existing residential occupiers at the site (at 10 Epworth Street) objecting to the application. These included 2 individual letters of objection and 13 standardised letters of objection. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Loss of light to habitable rooms as a result of the proposed roof extension (10.60-10.67);
 - Loss of light / overshadowing of the roof terrace garden as a result of the proposed roof extension (10.68-10.69);
 - Loss of outlook as a result of the proposed roof extension (10.73);

- Increased sense of enclosure as a result of both the roof extension and courtyard extension (10.73);
- Noise and disturbance from delivery and servicing vehicles at the proposed Epworth Street vehicular entrance to the site below 10 Epworth Street (10.74-10.78);
- Loss of privacy due to increased overlooking of living rooms and bedrooms from the proposed courtyard extension (10.70-10.72);
- Increased noise and disturbance and loss of privacy from office workers hanging out of courtyard facing windows to make phone calls or smoke (10.70-10.72);
- Loss of TV reception as a result of the proposed roof extension (10.77);
- Loss / reduction of existing private off-street car parking for residents (10.45); and
- Noise, disturbance and dust from building works (10.77).

External Consultees

- 8.3 **Transport for London (TfL)** – No objection, subject to payment of a S106 contribution of £350,420 towards provision of Crossrail; and provision of adequate level of cycle parking which complies with policy.
- 8.4 **London & Middlesex Archaeological Society** – support the proposal.
- 8.5 **English Heritage** – the application should be determined in line with national and local policy guidance.
- 8.6 **English Heritage GLAAS** – The proposal is unlikely to have a significant effect on heritage assets of archaeological interest, due to the minimal impact on the ground proposed. Therefore, no archaeological conditions or further desk based assessments are required.
- 8.7 **Met Police Crime Prevention Design Advisor** – No objection.
- 8.8 **London Fire & Emergency Planning** - No objection.
- 8.9 **Thames Water** – No objection.
- 8.10 **Council for British Archaeology** – No response received
- 8.11 **Emily Thornberry MP** – Expressed an interest in the proposed development and requested further information with respect to affordable housing provision and the scale of the proposed extensions.

Internal Consultees

8.12 Design & Conservation Officer – No objection

A convincing case has been put forward with regards to how the proposed massing of the extensions has been developed. The submitted drawings demonstrate that the proposed roof extension would sit comfortably within the townscape of Tabernacle Street and would not unacceptably obstruct or crowd views of nearby listed and locally listed buildings and the roofscape of Finsbury Square to the south.

The development of the undercroft area, which is currently an unsightly space, is welcomed. The use of an ornamental brushed bronze gate will offer an elegant and interesting solution to the access.

The design concept has picked up on the historic industrial / commercial character of the area with an elegant contemporary finish to it. Therefore, there are no objections raised with regards the general design approach and choice of materials subject to relevant conditions to ensure high quality is followed through at the implementation stage.

8.13 Energy Officer – A CO2 offsetting contribution of £66,937 (calculated based on the additional floorspace to be created), a Green Performance Plan, and a commitment to connect to the Citigen network should be secured by S106 agreement. Overheating modelling and information regarding cooling hierarchy needs to be secured by condition.

8.14 Transport Planning Officer – No objection subject to highways improvement works to be secured under S278 agreement and a contribution of £125,000 towards public realm improvements to be secured via S106 agreement.

8.15 Policy Team

The principle of office use is supported in this location. Policy CS13 encourages new business floorspace within the CAZ, while CS7 identifies employment-led development will largely be concentrated to the south of Old Street/Clerkenwell Road. Employment growth associated with additional office space is supported in the City Fringe Opportunity Area as identified in the London Plan.

Finsbury Local Plan policy BC8, seeks to secure the maximum amount of business floorspace reasonably possible on the site with the proportion of B1(a) floorspace optimised. An uplift of 2503m² of B1(a) space is supported by the above policies.

The proposals acknowledge the poor design of the existing undercroft area and introduce ground floor frontages which can be considered to improve the buildings relationship with the streetscape, in line with the aims of policy BC8.

As the site falls within the CAZ the mixed-use policy applies. The proposal will provide residential accommodation on site, comprising greater than 20% of

the total net increase in office space therefore complying with policy BC8, part D. Policy BC8, part I, encourages full separation of business and residential floorspace. This appears to be the case with the residential on a separate floor.

Minor residential developments should be informed by the housing mix identified in the Development Management Policies. Table 3.1 (associated with DM3.1) highlights that in market housing the focus is on the provision of 2-bed units which is what this proposal will predominantly provide. Consistent with DM3.4 and table 3.2 the minimum space standards for the units in terms of GIA have been met, as have minimum room areas required by table 3.3.

It appears that five of the 6 units are single aspect. Policies CS9 and DM3.4 are clear that dual-aspect units should be provided unless exceptional circumstances can be demonstrated. The units meet the private amenity space requirements of DM3.5.

As there is one existing unit on site, the development will lead to 5 net additional units. Consistent with policy CS12 and the Affordable Housing – Small Sites Contributions SPD it is understood that the applicant is willing to pay the full £60,000 for each additional unit. This should be secured through a S106 agreement.

- 8.16 **Waste Management Team** – The proposed arrangements for refuse and recycling storage and collection are acceptable.
- 8.17 **Sustainability Officer** – Commitment to achieve: BREEAM Excellent and CFSH Level is welcomed and should be secured by condition. All green roofs should be biodiversity based extensive green roofs, to be secured by condition. SUDS should be secured by condition. A Green Performance Plan should be secured as part of the S106 agreement.
- 8.18 **Pollution Team** – It is noted that there have been a number of issues with mechanical plant in this vicinity, therefore, all of the proposed plant would need to be designed to meet noise restriction criteria to be secured by condition. It is noted that early morning deliveries in this area have historically been a source of complaint, therefore, servicing should be restricted by condition to between 0800-2000 hours on Monday to Saturday. A Construction Environment Management Plan (CEMP) should be secured by condition to protect the amenities of neighbouring residents and business occupiers during the period of works. This would cover issues with respect to: noise, air quality, dust, smoke, odour, vibration and TV reception.
- 8.19 **Inclusive Design Officer** – has requested further details of inclusive access to be provided throughout the commercial and residential parts of the development and conditions to secure inclusive access.
- 8.20 **Environmental Health Officer (Residential Team)** – No objection

9 RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011 and Development Management Policies 2013:
- Central Activities Zone; Bunhill & Clerkenwell Key Area; City Fringe Opportunity Area; Employment Priority Area (Offices); Moorfields Archaeological Priority Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment

- 9.5 An EIA screening was not submitted. However the site is less than 0.5ha in size and whilst it is a development of an urban location/nature, its general characteristics are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011).

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land use
- Design & heritage considerations
- Dwelling mix
- Standard of residential accommodation
- Affordable housing

- Accessibility
- Transportation & highways issues
- Energy efficiency & sustainability
- Neighbouring amenity
- Planning obligations/mitigations

Land-use

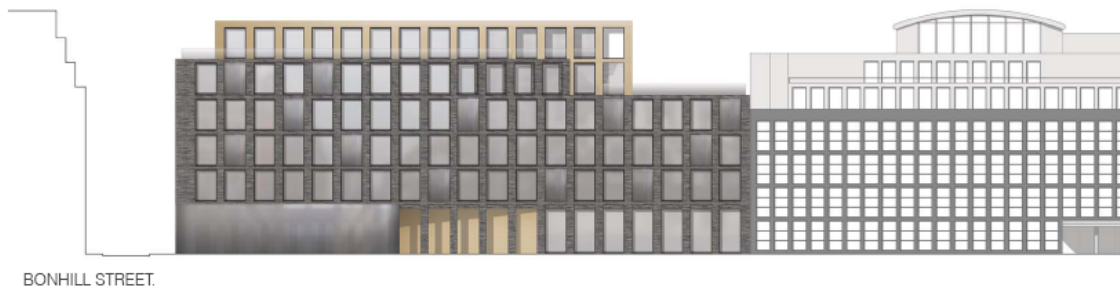
- 10.2 The application site is located within the Central Activities Zone (CAZ), the Bunhill & Clerkenwell Key Area, the City Fringe Opportunity Area, and an Employment Priority Area (Offices).
- 10.3 At present the site provides 4,297sqm of B1 office accommodation within the L-shaped section of the building that fronts Bonhill Street and Tabernacle Street, with 19 residential flats within the part of the building to the north at 10 Epworth Street and 1 former caretaker's flat at first floor level within the central courtyard. At basement level is a B8 distribution warehouse (1,778sqm) operated by a courier company.
- 10.4 It is proposed to refurbish and extend the existing office building to provide an additional 2,503sqm of new B1 office floorspace, together with a change of use of the basement (1,778sqm) from a B8 distribution warehouse to B1 office. The proposal would result in the creation of 4,281sqm of additional B1 office accommodation, with a total provision of 8,578sqm of high quality flexible office accommodation. The proposal is targeted at providing accommodation for the technology and creative based industries that are continuing to grow within this area.
- 10.5 The principle of intensified and upgraded office use is supported at this highly accessible location within the CAZ, as it is consistent with Islington Core Strategy policies CS13 (Employment spaces), which encourages new business floorspace within the CAZ, and CS7 (Bunhill and Clerkenwell) which directs that employment-led development should largely be concentrated to the south of Old Street/Clerkenwell Road. Employment growth associated with additional office space is also supported in the City Fringe Opportunity Area as set out in policy 2.13 (Opportunity areas and intensification areas) of the London Plan 2011.
- 10.6 It is considered that the maximum amount of business floorspace reasonably possible has been provided within the proposed development in line with the requirements of Finsbury Local Plan policy BC8, part A(ii); and the proportion of B1 office floorspace has been maximised in line with policy BC8, part C(i).
- 10.7 The proposal would also provide 6 new residential flats (800sqm) on the top floor of the proposed roof extension. The inclusion of residential units within the scheme accords with London Plan 2011 policies 2.11 (Central Activities Zone – Strategic Functions) and 4.3 (Mixed use development and Offices), which seek to secure the provision of mixed use developments within the CAZ.

- 10.8 The proposal would provide residential accommodation on site, comprising greater than 20% of the total net increase in office space, therefore, it complies with the requirements of the Finsbury Local Plan policy BC8, part D.
- 10.9 In summary, the proposed employment (office) led mixed use development is considered to accord with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.

Design and Heritage Considerations

- 10.10 The application site is not located within a conservation area. However, the site lies within a sensitive location, being within 70m of the enclave of historic buildings grouped around the grade I listed Wesley's Chapel to the northwest, reasonably close to the grade II listed Lowndes House (1 City Road) and the locally-listed Triton Court (Finsbury Square), and adjacent to the Bunhill Fields and Finsbury Square Conservation Area. Therefore, the impact on the setting of nearby heritage assets is a key consideration in assessment of this proposal. Consistent with London Plan 2011 policy 7.8 (Heritage assets and archaeology), Islington Core Strategy policies CS7 (Bunhill and Clerkenwell) and CS9 (Protecting and enhancing Islington's built and historic environment) and Islington Development Management Policy DM2.3 (Heritage), any development should protect and enhance this heritage setting.
- 10.11 The proposal involves the refurbishment and extension of the existing office building. The development includes: demolition of the existing rear courtyard part of building and fourth floor plant room (on Bonhill Street); erection of a new stepped rear courtyard infill extension at ground to fourth floor level; erection of a fourth and fifth floor level roof extension on Bonhill Street and Tabernacle Street; recladding and alteration to external facades; together with complete internal reconfiguration of existing commercial floorspace.
- 10.12 It has been clearly demonstrated how the proposed height and massing of the proposal has been developed. The drawings and views which have been submitted as part of the application are considered to demonstrate that the addition of the proposed roof extension to the existing building would sit comfortably within the townscape of Tabernacle Street, and would not unacceptably obstruct or crowd views of listed and locally-listed buildings and the roofscape of Finsbury Square to the south.
- 10.13 The existing design of the undercroft and central courtyard has resulted in this area being poorly surveyed, underused, and a magnet for rough sleeping and anti-social behaviour. Therefore, the proposals to infill the existing open ground floor on Bonhill Street, Tabernacle Street, and within the courtyard, in order to provide active, useable employment space and active ground floor street frontages, is welcomed.
- 10.14 The existing building is constructed with a concrete frame, clad in brown facing brickwork with brown aluminium windows, giving it a dated appearance. It is proposed to refurbish and update the elevations of the L-shaped part of the building, which fronts Bonhill Street and Tabernacle Street, by removing

the existing facing brickwork and windows to the elevations. The elevations would then be remodelled with larger windows set within deep reveals and reconstructed using attractive high quality brickwork with frameless glazing.



BONHILL STREET.



TABERNACLE STREET



1. Roof infill.
2. Brushed Bronze gate.
3. Flush structural glazing.
4. Office entrance.
5. Residential entrance.

EPWORTH STREET. DRAWING no. 2102 1:200@A3

Image 7: Proposed street facing elevations

10.15 Brushed bronze together with facing brickwork would be used to clad the roof level and rear courtyard extensions, with green roofs provided at each level as the rear extension steps down. Ornamental brushed bronze sliding gates would be installed at the vehicular entrance on Epworth Street providing an elegant and interesting solution to the access. It is considered that the design concept has successfully picked up on the historic industrial / commercial character of the area and would provide an attractive development with an elegant contemporary finish. As such, the general design approach and choice of materials is supported, subject to relevant conditions to ensure the

high quality finish proposed at the design stage is followed through at the implementation stage and that the detailed design of all features are agreed.

- 10.16 Overall, the proposed development is considered to be acceptable in terms of its height, bulk, scale, massing, design and external finish, subject to the further details to be secured by condition as stated above. It is considered that the proposal would represent a high quality development, which would enhance the character and appearance of the site, the streetscene and the surrounding townscape. The proposal is considered to accord with the aims of local, regional and national design and heritage policies.
- 10.17 The site is located within the Moorfields Archaeological Priority Area, therefore, English Heritage GLAAS have been consulted with respect to the proposed development. They have advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest, due to the minimal impact on the ground proposed. Therefore, no archaeological conditions or further desk based assessments are required. In this regard the proposal is considered to accord with Islington Development Management Policy DM2.3 Part F.

Dwelling Mix

- 10.18 The proposal would provide six new market sale residential units, comprising one x three-bedroom flat and five x two-bedroom flats, which would all be for private market sale.
- 10.19 The dwelling mix for minor residential developments (less than ten new units) should be informed by the housing mix identified in Development Management Policy DM3.1 (Mix of housing sizes) and associated Table 3.1. This highlights that for market sale housing developments, the focus should be on the provision of two-bedroom units, as is the case with this proposal.
- 10.20 Overall, it is considered that the proposed development would help to meet the Borough's housing need in line with the aims of policy 3.8 (Housing choice) of the London Plan 2011, policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011, and policy DM3.1 (Mix of housing sizes) of the Islington Development Management Policies 2013.

Standard of Residential Accommodation

- 10.21 The proposal would provide six new residential units at fifth floor level within the roof extension. These units would be for market sale. Islington Development Management Policy DM3.4 (Housing standards) provides detailed guidance and criteria for assessing the standard of proposed residential units.
- 10.22 It is noted that all units would exceed the minimum gross internal area (GIA) size standard sought by policy 3.5 (Quality and design of housing developments) of the London Plan 2011 and policy DM3.4. All habitable rooms within each dwelling would exceed the required minimum size (as set out in Table 3.3 of the Islington Development Management Policies), and the internal arrangement allows for functional use, with sufficient provision for

storage. The floor to ceiling height would also meet the required standard set out in policy DM3.4.

- 10.23 All units would be provided with street facing terraces which meet the private amenity space requirements set out in Islington Development Management Policy DM3.5 (Private outdoor space).
- 10.24 The residential units would be fully separated from the office use at the site, as required by Finsbury Local Plan Policy BC8 Part I.
- 10.25 Dedicated refuse and recycling facilities are provided for the residential units at ground floor level. The location and capacity of these facilities have been assessed by the Council's Waste Management Team who have confirmed that they are acceptable.
- 10.26 It is noted that the five x two-bedroom units would be single aspect, with the three-bedroom family unit having dual aspect due to its corner location. While this is not ideal, three of the units would have windows orientated in a south direction and two of the units would have windows orientated in a west direction. Therefore, it is considered that the units would receive adequate levels of sunlight. The units are also relatively shallow with a depth of 10.75m with large windows, therefore, it is considered that the units would receive adequate natural daylight within habitable rooms. All habitable rooms would have a decent outlook, appropriate privacy, and would benefit from adequate natural light and ventilation.
- 10.27 In summary, notwithstanding the issue that five of the units would be single rather than dual aspect, otherwise the proposed residential units (which would be for market sale) comply with the housing standards as set out in policies DM3.4 and DM3.5. Therefore, on balance the proposed residential units are considered to provide an acceptable level of amenity for future occupiers.

Affordable Housing

- 10.28 The proposal includes the demolition of one existing residential unit (the former caretaker's flat) and the creation of six new residential flats. Therefore, the proposal would result in a net increase of five residential units at the site.
- 10.29 The applicant has agreed to pay the full £300,000 contribution towards off-site provision of affordable housing in accordance with the requirements of policy CS12 and the Islington Affordable Housing Small Sites Contributions SPD, which requires a contribution of £60,000 per new residential unit created (net). This would be secured within a S106 legal agreement.

Accessibility

- 10.30 Both the commercial and residential parts of the development are expected to meet the standards for inclusive access as set out in the Islington Inclusive Design SPD.
- 10.31 Amendments have been made to the layout of the residential units and office development during the consideration of the application in response to

concerns raised by the Council's Inclusive Design Officer. All residential units have been designed to achieve the Lifetime Homes Standards with the required wheelchair circulation space provided within living rooms and main bedrooms. Accessible cycle parking spaces shall be provided. All lifts and entrances accord with the Islington Inclusive Design SPD. All shower and changing facilities shall be wheelchair accessible. A lift shall be provided providing access from the fifth floor residential units to the fourth floor communal terrace. These shall all be secured by condition.

- 10.32 Further revised details are required for the new entrance to the existing 19 flats at 10 Epworth Street. It is necessary to ensure that the new entrance is properly inclusive and provides appropriate wheelchair access. This shall be secured by condition.

Highways and Transportation

- 10.33 The Site has an 'Excellent' Public Transport Accessibility Level (PTAL 6b), and is located within a Controlled Parking Zone (CPZ). The site is well served by public transport, being located close to Old Street underground station and with 13 bus routes passing within walking distance of the site. The site is also well served by existing cycle routes and Barclays Cycle Hire docking stations.

Transport Impact (Number of Trips)

- 10.34 The proposed development would create an increase in the number of trips to/from the site. The number of trips is expected to increase from around 1000 trips per day to 1600 trips. However, the vast majority of both existing and projected trips would be by walking, cycling or public transport. Only 12 trips are anticipated to take place by car or motorcycle.
- 10.35 Significantly, as the existing courier delivery business would cease to operate from the basement at the site, the number of servicing/delivery trips is anticipated to dramatically decrease compared to the existing situation. The current operation of existing uses at the site generates around 294 vehicular movements per day comprising 71 car movements, 118 LGV movements, 5 HGV movements and 100 motorcycle movements. The proposed development is predicted to result in 44 vehicular movements (comprising 22 servicing/delivery events). This significant decrease in vehicular movements is anticipated to help improve air quality in the area, and help to reduce traffic and congestion on surrounding roads.

Pedestrian Access

- 10.36 Appropriate separate pedestrian entrances would be provided within the development for the existing residential units at 10 Epworth Street, the proposed new residential units and the proposed office spaces.
- 10.37 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. In order to achieve this, the footways surrounding the development must be of a sufficiently high quality. The site is currently surrounded by a number of poor quality and narrow footways, including on Epworth Street, Bonhill Street and Tabernacle Street. Bearing in mind, that

occupants and visitors to the proposed development would be utilising the surrounding streets, it is important that improvements to the surrounding footways are secured as part of the development. As such, a contribution of £125,000 towards public realm improvements, within

Servicing

- 10.38 In line with Islington Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A, 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). Policy DM8.6 and supporting paragraph 8.39, seek provision of details of servicing requirements including hours, frequency, location and size of vehicles. A draft servicing and management plan (SMP) has been submitted for the proposed development, which covers the key information requirements set out within paragraph 8.39.
- 10.39 It is proposed to rationalise and formalise the existing ad hoc servicing of the site. All servicing of the commercial offices would be conducted on-site within a ground floor level dedicated servicing area to be created in the east side of the existing central courtyard. The servicing area would be to the rear of the existing car park (which is to be retained) and would utilise the same access off Epworth Street. The draft SMP demonstrates that the largest standard servicing vehicles (7.5 tonne) would be able to enter and exit the servicing area in forward gear, which accords with policy DM8.6. In order to maintain highway safety and the free flow of traffic on surrounding roads, the maximum size of servicing vehicle shall be restricted by condition to 7.5 tonne (the largest vehicle that can achieve acceptable on-site servicing entering and exiting the site in forward gear).
- 10.40 In order to prevent two servicing vehicles arriving at the same time, which would potentially create a traffic obstruction and/or congestion along Epworth Street, the draft SMP provides details of a proposed servicing booking system, out of hours delivery, and monitoring. This would be secured by condition. A final SMP, which includes details of how potential conflict between servicing vehicles and residential cars using the car park, and cyclists using the cycle parking, would be appropriately mitigated, shall be secured by condition.

Vehicle Parking

- 10.41 Islington Core Strategy Policy CS10 (Sustainable development), Part H, seeks to secure car free development. Islington Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking) requires all new residential units to be car free, including the removal of rights for residents to apply for on-street car parking permits.
- 10.42 It is confirmed that the proposed office development and new residential units would be car free in line with policy DM8.5. Residential occupiers would not be eligible to attain onstreet car parking permits for the surrounding CPZ in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure. The exceptions

to this would be where, in accordance with Council parking policy, persons occupying the residential development relocate from elsewhere in the borough, and have previously held a parking permit for a period of 12 months prior to the date of occupation of the new unit. In this case, in the interests of reasonableness and not to deter movement of existing residents within the borough, they will be able to transfer their existing permit. Residents who are 'blue badge' (disabled parking permit) holders will also be able to park in the CPZ.

- 10.43 The two above mentioned exceptions could result in limited additional vehicular parking on surrounding roads, however, it is not considered that this would have a significant impact on the availability of on street parking or the operation of surrounding highways.
- 10.44 In line with policy DM8.5 part C, together with the Islington Inclusive Design SPD and Planning Obligations SPD, a contribution of £12,000 towards the provision of six on-street accessible parking bays to be located within the vicinity of the site shall be secured by S106 legal agreement.
- 10.45 There is an off-street car park provided within the ground floor undercroft and east section of the central courtyard. This currently provides eight parking spaces which are used by the residents of the 19 flats at 10 Epworth Street. The submitted Transport Statement (para. 43) confirms that the proposals include the retention of eight existing off-street parking spaces for use by the residents of the existing 19 flats at 10 Epworth Street. This shall be secured within the S106 legal agreement. The formal demarcation and management of the car park to ensure that it can be operated safely in accordance with the proposed servicing area shall be secured by condition.

Cycle Parking

- 10.46 Islington Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For residential development, Appendix 6 requires cycle parking to be provided at a rate of 1 space per bedroom, which equates to the provision of 13 spaces for the new residential units. For office space (B1), Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of 1 space per 80sqm, which equates to a provision of 108 cycle parking spaces. The detailed design, location and number of cycle parking spaces shall be secured by condition.
- 10.47 The proposed cycle parking for the commercial office would be located at the rear of the car park / servicing area with an access shared with vehicular traffic. Therefore, it would be necessary to secure by condition, a clearly delineated safe cycle route from the access to the cycle parking location to minimise the potential for conflict between service vehicles/residents cars and cycles.

Highways Works

- 10.48 The proposals include alterations to the existing footway cross-over on Epworth Street and would result in the existing footway crossover on Bonhill Street becoming redundant, requiring footway reinstatement. These works would need to be carried out by LBI Highways with the cost covered by the applicant / developer. This would be secured via a S278 Agreement as part of the S106 legal agreement.

Crossrail

- 10.49 TfL have advised that the application site is located within the area where additional contributions, above and beyond the standard Mayor's CIL, are sought towards the provision of Crossrail. TfL have advised that a contribution of £350,420 towards provision of Crossrail should be sought for this development. Therefore, this shall be secured within the S106 legal agreement.

Energy Efficiency & Sustainability

- 10.50 Islington Core Strategy policy CS10 (Sustainable design) part A requires that all development proposals demonstrate that they have minimised 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 50% relative to total emissions from a building which complies with Building Regulations 2006, where connection to a Decentralised Energy Network (DEN) is possible, such as is the case with the application site. Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 10.51 Islington Development Management Policy DM7.3 (Decentralised Energy Networks) part D identifies that major development should connect to a DEN linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible. The applicant has confirmed that the development is aiming to connect to the Citigen DEN. This shall be secured within the S106 legal agreement.
- 10.52 The whole scheme (refurbishment of the existing building and new build extensions) would achieve a 45% reduction in total CO2 emissions versus an equivalent 2006 part L building regulations compliant scheme. While the overall development does not manage to meet the policy target of a 50% reduction, based on the submitted information, it is considered likely that the new build extensions if taken alone would meet and most probably exceed the policy target. Therefore, on balance subject to payment of a carbon offset contribution of £66,937 (to be secured within a S106 agreement) the energy efficiency of the building is considered to be acceptable in this instance.
- 10.53 The pre-assessment reports provided for the development indicate that the development would comfortably achieve a BREEAM 'Excellent' rating for the commercial floorspace and a Code for Sustainable Homes 'Level 4' rating for

the new residential units. This includes a commitment to achieve 5 out of 6 water credits for the office development and less than 90 litres/person/day water efficiency for the residential units, together with 66% of materials credits. Therefore, the proposals accord with the requirements of Islington Development Management Policy DM7.4 (Sustainable design standards). This shall be secured by condition.

- 10.54 Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO₂ emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation. A draft GPP shall be secured by condition prior to commencement of the development and a final post occupation GPP shall be secured within the S106 legal agreement.
- 10.55 For all developments, it is required that the cooling hierarchy (as set out in Islington Development Management Policy DM7.5 (Heating and cooling) part A) is followed, in order to reduce any risk of overheating and minimise the need for artificial cooling. This favours the use of passive design, natural ventilation, mechanical ventilation and finally artificial cooling, with the most efficient artificial approaches being favoured first. Cooling for the commercial elements is proposed, via a district cooling network from the Citigen network.
- 10.56 The submitted Energy Statement provides limited information about how / what passive design would be used to minimise unwanted heat gains, and how the cooling hierarchy has been followed overall. Also, Islington Development Management Policy DM7.5 (Heating and cooling) part C requires that thermal modelling is undertaken for major developments, to assess any risk of overheating, based on current and future summer temperatures. This has not yet been provided. Therefore, additional information covering heating and cooling for the development shall be secured by condition.
- 10.57 Islington Core Strategy Policy CS10 and Islington Development Management Policy DM6.5 (Landscaping, trees and biodiversity) promote urban greening and enhancing biodiversity. The development would include green roofs on all new roofs with rainwater butts provided to service planting on the residential terraces. A condition is required to ensure that all green roofs are extensive substrate based biodiverse roofs with a minimum substrate depth of 120-150mm.
- 10.58 Islington Development Management Policy DM6.6 (Flood prevention) requires that all developments include Sustainable Urban Drainage Systems (SUDS). The SUDS scheme proposed is expected to be designed to reduce flows to a 'greenfield rate' of run-off (8l/sec/ha) where feasible. Where it can be demonstrated that this is not feasible, run-off rates should be minimised as far as possible. This information has not been provided, therefore, it is necessary to secure details of a comprehensive SUDS system (that accords with the requirements of policy DM6.6) via condition.

Neighbouring Amenity

- 10.59 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Islington Development Management Policy DM2.1 (Design) requires that consideration must be given to potential impacts of development on neighbouring residential properties including: reduction of sunlight and daylight to habitable rooms, overshadowing of gardens, reduction in privacy due to increased overlooking, increased sense of enclosure, loss of outlook, and increased noise and disturbance associated with occupation and use of the development (but not including noise and disturbance relating to construction works).

Daylight, Sunlight & Overshadowing

- 10.60 A Daylight, Sunlight and Overshadowing Assessment Report has been provided as part of the application submission. The assessment has been carried out in accordance with the guidance and methodology set out in the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2011 publication. This document provides the accepted nationally recognised guidance which is used in the assessment of sunlight and daylight impacts for planning applications.

- 10.61 For assessment of daylight, the BRE guidelines stipulate that there would be no significant perceivable reduction in existing daylight levels provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by more than 20% of its original value;

- 10.62 For assessment of sunlight, the BRE guidelines confirm that windows that are not orientated facing within 90 degrees of due south do not warrant assessment. The guidelines stipulate that for those windows that do warrant assessment, there would be no significant perceivable reduction in existing levels of sunlight received where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and where the APSH and WSPH is not reduced by more than 20% of its original value.

In cases where these requirements are breached there will still be no significant noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of APSH.

- 10.63 Where the guideline values for reduction in existing levels of daylighting and sunlighting are exceeded, then sunlighting and/or daylighting may be adversely affected. However, it is necessary to note that while the BRE guidelines provide numerical guidelines, the document clearly emphasizes

that guidance values provided are not mandatory. It is advised that the guide should not be seen as an instrument of planning policy, rather the guidance should be interpreted flexibly, taking account that natural lighting is only one of many factors to be considered when assessing a proposed development.

- 10.64 The only residential units within the vicinity of the site which could be affected by the proposal with respect to a potential reduction in sunlight or daylight are the existing 19 flats at 10 Epworth Street which are located within the application site to the north and northeast of the proposed roof extension. Therefore, the impact on each of these flats has been assessed within the submitted Daylight, Sunlight and Overshadowing Assessment Report.
- 10.65 With regards to levels of daylight received, vertical sky component tests (in accordance with BRE guidelines) have been carried out and show that all courtyard (south) facing windows for all properties at 10 Epworth Street would retain VSC values exceeding minimum requirements (i.e. would retain 27% VSC or 80% of their original value). Therefore, the proposed development would not result in a significant noticeable reduction in daylight at any of the residential properties at 10 Epworth Street compared to the existing situation.
- 10.66 With regards to levels of sunlight received, APSH and WPSH tests (in accordance with BRE guidelines) have been carried out. These tests show that all courtyard (south) facing windows for all properties at 10 Epworth Street would retain APSH and WPSH values exceeding minimum requirements (i.e. would retain 25% APSH and 5% WSPH), although it is noted that a total of 14 windows would receive a reduction in sunlight of greater than 20% of their existing levels for winter months (but not across the whole year). This indicates that for these 14 windows the reduction in sunlight received during winter months is likely to be perceivable to some degree, although the level of sunlight that would be received by all windows in winter months would exceed the BRE guidance on minimum levels of winter sunlighting, with all but 3 windows receiving at least twice the minimum level of winter sunlight.
- 10.67 In summary, assessing the impact of the proposed development against BRE guidance, it is seen that the proposal would not cause a significant (greater than 20%) reduction in the annual level of sunlight received. The proposal would have a more significant impact on the amount of sunlight received at 14 windows during winter months, however the reduction would not cause such a reduction in levels of winter sunlight so as to fail to comply with BRE guidance. Taking this into account, it is not considered that the proposed development would result in such a significant reduction in sunlight at any of the residential properties at 10 Epworth Street compared to the existing situation, so as to warrant refusal of the application on these grounds.
- 10.68 The residential properties at 10 Epworth Street have a south facing shared communal roof terrace garden which projects into the central courtyard at first floor level. The BRE guidelines state that to appear adequately sunlit throughout the year at least half of an external amenity space should receive at least 2 hours of sunlight on 21st March.

- 10.69 The submitted Daylight, Sunlight and Overshadowing Assessment Report illustrates that at present on 21st March, 12% of the roof terrace garden would not receive at least 2 hours of sunlight, whereas as a result of the proposed roof extensions this would increase by 11% so that 23% of the roof terrace would not receive 2 hours of sunlight on 21st March (i.e. 77% would receive the required minimum level). The overshadowing caused by the proposed development is well within the BRE guidelines and therefore is not considered to be unacceptable.

Overlooking / Privacy

- 10.70 Paragraph 2.14 of the supporting text for policy DM2.1 identifies 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 policy, consideration has to be given also to the nature of views between windows. For instance, where the views between windows are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.71 The proposal would not introduce any new windows to habitable rooms which would face the existing windows to habitable rooms within the residential units at 10 Epworth Street, however, it would introduce office windows at a reduced distance to the existing situation. The existing distance across the internal courtyard between the windows at 10 Epworth Street and facing windows in the existing offices is between 26m and 28m. The proposed stepped courtyard extension would result in the distance between windows to habitable rooms and office windows being reduced to 17m straight and 13m oblique at first floor level; 21m straight and 18.5m oblique at second floor level; 24.5m straight and 19m oblique at third floor level; and 26.5m straight and 24.5m oblique (it is important to note that these measurements represent the closest point between the extension and the west side of the rear elevation of 10 Epworth Street, with the distances increasing across the courtyard in a westerly direction as the extension tapers back on each floor).
- 10.72 In order to preserve the amenity of the occupiers of existing flats at 10 Epworth Street, due to the reduced distance between windows to habitable rooms and new office windows, it is considered that the first and second floor level windows in the courtyard extension should be obscurely glazed to prevent overlooking. It is also considered that all courtyard facing windows should be fixed shut and unopenable. These measures shall be secured by condition. Subject to these conditions, it is not considered that the proposal would result in such an increase in overlooking compared to the existing situation, so as to cause such harm to neighbouring amenity as to warrant refusal of the application on these grounds.

Sense of Enclosure / Loss of Outlook

- 10.73 It is not considered that the erection of the proposed extensions would result in such an increase in a sense of enclosure or loss of outlook compared to the

existing situation, so as to cause such harm to neighbouring amenity as to warrant refusal of the application on these grounds.

Noise and Disturbance

- 10.74 The proposal would result in the removal of the existing courier distribution use which operates out of the basement which would significantly reduce the number of vehicular movements associated with the site, potentially reducing the level of vehicular related noise and disturbance at the site. The proposal would rationalise and formalise the existing ad hoc servicing of the site, however, this would result in removal of servicing from Bonhill Street and its relocation to Epworth Street. The entrance to the proposed on-site internal servicing area would be below the existing flats at 10 Epworth Street. Therefore, there is the potential for some increased noise and disturbance for the residents of 10 Epworth Street as a result of servicing vehicle movements. In order to minimise the potential for noise and disturbance from servicing vehicles, the hours of servicing shall be restricted by condition to 0800-2000 hours. Further to this, the installation of sound insulation between the servicing area / car park and the residential flats above shall be secured by condition, together with full details of measures to ensure that any noise or vibration from the operation of the new sliding access gate is appropriately mitigated.
- 10.75 Refuse collection for the new residential units would also take place from Epworth Street. However, this would not cause significant additional noise and disturbance, as this would take place at the same time as collection of residential refuse from the existing flats at 10 Epworth Street.
- 10.76 It is noted that there have been a number of issues with regards noise and disturbance caused by the operation of mechanical plant (chiefly air-conditioning condensers) at and within the vicinity of the site. In order to ensure that any new plant does not result in any further noise issues, the noise levels of all new plant shall be controlled by condition.
- 10.77 If the development is consented, a certain amount of disruption and disturbance to neighbouring residents and commercial occupiers would be unavoidable. In order to ensure that any disruption and disturbance is kept to an absolute minimum a Construction Environment Management Plan (CEMP) would be secured by condition to protect the amenities of neighbouring residents and business occupiers during the period of works. This would cover issues with respect to: noise, air quality, dust, smoke, odour vibration and TV reception. Further to this, a Construction Method Statement covering issues regarding parking of vehicles of site operatives, loading and unloading of plant and materials, and storage of plant and materials shall also be secured by condition.
- 10.78 Subject to the conditions set out above, it is not considered that the implementation or operation of the proposed development would result in such an increase in noise and disturbance compared to the existing situation, so as to cause such harm to neighbouring amenity as to warrant refusal of the application on these grounds.

Light Pollution

- 10.79 In order to prevent the possibility of increased light pollution for neighbouring residents, full details of all security and general lighting proposed within the courtyard area, or within the ground floor area covered in glazing, shall be secured by condition.

Summary

- 10.80 In summary, while it is noted that the proposed development would have some negative impact on the amenity of neighbouring residential occupiers of flats at 10 Epworth Street, subject to the conditions set out above, it is not considered that the proposed development would result in such harm to the amenity of neighbouring residential occupiers as to warrant refusal of the application.

Planning Obligations, Community Infrastructure Levy and local finance considerations

S106 Agreement

- 10.81 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three 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.
- 10.82 The proposed development generates a requirement for S106 contributions towards offsite affordable housing provision, provision of Crossrail, CO2 offsetting, public realm improvements, and employment and training of local people.
- 10.83 The S106 agreement would include the following agreed heads of terms:
- Contribution of £300,000 towards the provision of offsite affordable housing elsewhere in the borough.
 - Contribution of £350,420 towards the provision of Crossrail.
 - Contribution of £125,000 towards public realm improvements within the vicinity of the site.
 - Contribution of £66,937 towards offsetting projected residual CO2 emissions of the development.
 - The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.

- Compliance with the Code of Employment and Training.
- Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI.
- Contribution of £25,042 towards employment and training for local residents.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £9,179.
- Provision of 6 additional accessible parking bays or a contribution of £12,000 towards provision of on-street bays or other accessible transport initiatives.
- Removal of eligibility for residents of new units to obtain parking permits.
- Continued provision of 8 on-site parking spaces for use by the residents of the 19 existing flats at 10 Epworth Street.
- Submission of a final post occupation Green Performance Plan.
- Connection to Citigen decentralised energy network.
- Submission of a final Travel Plan.
- Payment of Council's fees in preparing and monitoring the S106.

Community Infrastructure Levy (CIL)

10.84 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) and Islington CIL would be chargeable for the proposed development on grant of planning permission. The CIL are contributions 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:

- Islington CIL - £430,979
- Mayor's CIL - £161,500

National Planning Policy Framework

- 10.85 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 It is proposed to undertake wholesale refurbishment and remodelling of the existing office building, including infilling the existing open ground floor undercroft on Bonhill Street and Tabernacle Street and infilling the central courtyard. The proposal includes the erection of rear courtyard and roof level extensions, in order to provide an updated employment-led (office) mixed use development at the site. The proposal would provide 2,503sqm of new B1 office accommodation (a total of 8,578sqm of high quality office floorspace including the refurbished existing commercial floorspace) and six new residential flats for private market sale.
- 11.2 The proposed employment (office) led mixed use development is considered to accord with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.
- 11.3 The proposed development is considered to be acceptable in terms of its height, bulk, scale, massing, design and external finish, subject to the further details to be secured by condition. It is considered that the proposal which would update the existing out-dated office building would represent a high quality development, which would enhance the character and appearance of the site, the streetscene and the surrounding townscape. The proposal is considered to accord with the aims of local, regional and national design and heritage policies.
- 11.4 The dwelling mix proposed and the standard of the proposed new residential accommodation are both considered to be acceptable. The applicant has agreed to pay £300, 000 towards the off-site provision of affordable housing elsewhere in the borough in the line with the Small Sites Affordable Housing SPD.
- 11.5 The proposal would result in the cessation of the existing B8 courier distribution use which currently operates from the basement at the site, therefore resulting in a significant reduction in the number of vehicular trips associated with the operation of the site. Subject to the control of serving via conditions it is not considered that the proposal would have an adverse impact on the highway safety or the operation of surrounding highways. The office development and new residential units would be car-free. The existing eight on-site parking spaces for residents of the existing flats at 10 Epworth Street would be retained for use by these residents within the development.

11.6 The proposed development would have some negative impact on the amenity of some neighbouring residential occupiers of flats at 10 Epworth Street, chiefly due to reduced winter sunlight, and the potential for increased noise and disturbance from servicing. However, subject to conditions to secure obscurely glazed courtyard facing windows that are fixed shut, the provision of adequate sound insulation between the servicing yard and the flats, and the appropriate control of hours of servicing, it is not considered that the proposed development would result in such harm to the amenity of neighbouring residential occupiers so as to warrant refusal of the application.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. A contribution of £300,000 towards the provision of affordable housing elsewhere in the borough.
2. A contribution of £350,420 to be paid to TfL towards the provision of Crossrail (amount to be adjusted to take account of Mayor's CIL payment).
3. A contribution of £125,000 towards public realm improvements within the vicinity of the site.
4. A contribution of £66,937 towards offsetting projected residual CO2 emissions of the development.
5. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
6. Compliance with the Code of Employment and Training.
7. Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
8. Contribution of £25,042 towards employment and training for local residents.
9. Compliance with the Code of Local Procurement.
10. Compliance with the Code of Construction Practice, including a monitoring fee of £9,179 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
11. The provision of 6 additional accessible parking bays or a contribution of £12,000 towards provision of on-street bays or other accessible transport initiatives.
12. Removal of eligibility for residents of new units to obtain parking permits.

13. Continued provision of 8 on-site parking spaces for use by the residents of the 19 existing flats at 10 Epworth Street.
14. Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period.
15. Connection to Citigen decentralised energy network.
16. Submission of a final Travel Plan for Council approval 6 months from first occupation of the development.
17. Payment of Council's legal fees in preparing the S106 Agreement and officer's fees for the preparation, monitoring and implementation of the S106 Agreement.

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

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

RECOMMENDATION B

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

List of Conditions:

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:</p> <p>365-13: 0500, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1100, 1101, 1102, 1200, 1201, 2000, 2001, 2002 rev C, 2003, 2004 rev A, 2005 rev A, 2006 rev A, 2007 rev A, 2008 rev A, 2009 rev A, 2100, 2101, 2102, 2200, 2201, 2202, 3000,</p>

	<p>Integrated Planning Brochure rev D, Planning Statement by Rolfe Judd dated 19th March 2014, Daylight, Sunlight and Overshadowing Report by CHP dated 7th March 2014, Energy Strategy by Elementa dated 16th March 2014, BREEAM and CSH Strategy Report by Elementa dated 6th March 2014, Transport Statement by Stilwell Partnership dated March 2014, Travel Plan “Framework” by Stilwell Partnership dated March 2014, Service Strategy & Management Plan “Framework” by Stilwell Partnership dated March 2014, Letter from Stilwell Partnership to LBI (Adam Barnett) dated 18/06/2014, TSP/LPL/P2532/01 A, TSP/LPL/P2532/02, TSP/LPL/P2532/03, Statement of Community Involvement by Rolfe Judd dated 19 March 2014.</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	<p>Materials and Samples (Details)</p>
	<p>CONDITION: Details including drawings at scale 1:20 and samples of all facing materials used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the development. The details and samples shall include but not be limited to the following:</p> <ul style="list-style-type: none"> a) Facing brickwork(s); sample panels of proposed brickwork to be used showing the colour, texture, facebond, and pointing; b) Brushed bronze cladding; c) Windows; d) Ornamental bronze gates; e) Entrance doors f) Ground floor glass cladding (including sections); g) Glass balustrades; h) 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 order to ensure that the resulting appearance and construction of the development is of an acceptably high standard, so as to preserve and enhance the character and appearance of the surrounding townscape.</p>
4	<p>Overheating / Cooling Hierarchy (Details)</p>
	<p>CONDITION: Prior to commencement of the development the following information shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) A report detailing how the development would follow the cooling hierarchy as set out in Islington Development Management Policy DM7.5; b) Thermal modelling to demonstrate that the risk of internal overheating has been addressed in accordance with policy DM7.5.

	<p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development, which takes appropriate account of future climate change.</p>
5	<p>Servicing Management Plan (Details)</p> <p>CONDITION: A Servicing Management Plan (SMP) detailing servicing arrangements for the office uses and new residential units, including the location, times, frequency and types of servicing vehicles to be used; and setting out how potential conflict between vehicles and cyclists would be appropriately mitigated (including provision of a demarcated safe cycle route from the entrance to the cycle parking) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The site shall only be serviced by vehicles up to a maximum size of 7.5 tonnes unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The development shall be completed and operated strictly in accordance with the details so approved at all times and no change there from shall take place without the prior written consent of the Local Planning Authority. The approved safe cycle route shall be provided prior to the first occupation of the development.</p> <p>REASON: In order to ensure that servicing arrangements are satisfactory in terms of their impact on neighbouring amenity, highway safety and the free-flow of traffic; and to ensure the safety of cyclists at the site.</p>
6	<p>Sound Insulation Between Uses (Details)</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between:</p> <ul style="list-style-type: none"> a) the proposed office use and the proposed new residential units above; b) the ground floor car park / servicing area and the existing residential flats above at 10 Epworth Street. c) The ground floor plant room and the existing residential flats above at 10 Epworth Street. <p>shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The sound insulation shall be fully installed strictly in accordance with the approved details prior to the first occupation of the development hereby approved, and shall be maintained as such thereafter.</p>

	<p>REASON: In order to ensure that an appropriate standard of residential amenity is provided within the new residential units and that an appropriate standard of residential amenity is maintained within the existing residential units at 10 Epworth Street.</p>
7	<p>Noise Reduction / Anti-vibration Measures for Sliding Gate (Details)</p> <p>CONDITION: Full particulars and details of a scheme for noise and vibration reduction for the approved sliding gate at the vehicular access on Epworth Street shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The noise and vibration reduction measures shall be fully installed strictly in accordance with the approved details prior to the first occupation of the development hereby approved, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure that an appropriate standard of residential amenity is maintained within the existing residential units at 10 Epworth Street.</p>
8	<p>Construction Environment Management Plan (Details)</p> <p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration, and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved at all times and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to minimise impacts on the amenity of neighbouring residents, and maintain highway safety and the free flow of traffic on the surrounding highway network.</p>
9	<p>Construction Method Statement (Details)</p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall accord with the Code of Construction Practice and be strictly adhered to throughout the construction period. The CMS shall cover:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

	<p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
10	<p>Sustainable Urban Drainage (Details)</p> <p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits in line with the requirements of Islington Development Management Policy DM6.6 (Flood prevention). The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at a minimum achieve a post development run off rate of 50L/sec/ha, unless justification for a higher runoff rate is provided to the satisfaction of the Local Planning Authority.</p> <p>The SUDS shall be fully installed in strict accordance with the approved details, operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: In order to ensure that sustainable management of water and flood prevention.</p>
11	<p>Draft Green Performance Plan (Details)</p> <p>CONDITION: A draft Green Performance Plan (GPP), detailing measurable outputs for the occupied development, with respect to energy consumption, CO2 emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation, shall be submitted to and agreed in writing prior to the commencement of any works at the site. The development shall be constructed, operated and monitored in strict accordance with the details so approved.</p> <p>REASON: In order to ensure sustainable development, which minimises CO2 emissions, energy consumption and water usage.</p>
12	<p>New Entrance to 10 Epworth Street Flats (Details)</p> <p>CONDITION: Notwithstanding the details shown on the approved drawings, no permission is given for the proposed new entrance to the existing flats at 10 Epworth Street. Full details of a revised entrance which provides full wheelchair access from Epworth Street to the existing lift shall be provided prior to the commencement of the development. The development shall be implemented in strict accordance with the details so approved and maintained as such thereafter.</p>

	<p>REASON: In order to maintain existing levels of inclusive access to the existing flats at 10 Epworth Street.</p>
13	<p>Cycle Parking (Details)</p> <p>CONDITION: Details of the layout, design and appearance of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 108 cycle parking spaces to serve the office development and 13 spaces to serve the new residential units.</p> <p>The bicycle storage areas shall be provided strictly in accordance with the details so approved and installed prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	<p>Lighting (Details)</p> <p>CONDITION: Details of any general/security lighting measures within the central courtyard area and at ground floor level below the new glass roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
15	<p>Obscurely Glazed Windows (Details)</p> <p>CONDITION: The first and second floor windows within the courtyard extension hereby approved shall be obscurely glazed so as to prevent overlooking of existing residential accommodation at 10 Epworth Street. Details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to preserve the amenity of residential occupiers at 10 Epworth Street.</p>
16	<p>Plumbing (No pipes to outside of building) (Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in</p>

	<p>writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
17	<p>Inclusive Design (Compliance)</p> <p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <ul style="list-style-type: none"> a) All lifts and entrances that accord with the Islington Inclusive Design SPD; b) All shower and changing facilities for the commercial part of the development to be wheelchair accessible; c) A platform lift providing access from the fifth floor residential units to the fourth floor communal terrace. <p>The development shall be carried out strictly in accordance with the above requirements prior to first occupation and 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>
18	<p>Code for Sustainable Homes (Compliance)</p> <p>CONDITION: The residential units hereby approved shall achieve a Code for Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
19	<p>BREEAM (compliance)</p> <p>CONDITION: The office development hereby approved shall achieve a BREEAM New Construction rating (2011) of no less than 'excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
20	<p>Refuse/Recycling Provided (Compliance)</p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved 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>

21	<p>Accessible Homes Standard (Compliance)</p> <p>CONDITION: The residential dwellings hereby approved within the development, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
22	<p>Plant Noise (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
23	<p>Servicing and Delivery (Compliance)</p> <p>CONDITION: Deliveries, collections, unloading, loading shall only take place at the site between the following hours:</p> <p>Monday to Saturday - (08:00 - 20:00) Sundays/Bank Holidays - not at all</p> <p>REASON: In order to preserve the amenities of neighbouring residential occupiers at 10 Epworth Street.</p>
24	<p>Rear Courtyard Facing Windows Fixed Shut (Compliance)</p> <p>CONDITION: All rear courtyard facing windows within the development shall be fixed shut and unopenable.</p> <p>REASON: In order to preserve the amenity of neighbouring residential occupiers at 10 Epworth Street by preventing overlooking and minimising noise and disturbance.</p>
25	<p>Green/Brown Biodiversity Roofs (Compliance)</p> <p>CONDITION: All green/brown roofs shown across the approved development shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ul style="list-style-type: none"> a) green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm); b) laid out in accordance with plans hereby approved; and 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).

	<p>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>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 help boost biodiversity and minimise run-off.</p>
26	Car Parking Layout (Compliance)
	<p>CONDITION: The existing on-site resident car parking to be retained shall be formally demarcated prior to the first occupation of the development and maintained as such thereafter. No parking of vehicles shall take place within the car park area other than within the spaces which are formally marked out.</p> <p>REASON: In order to ensure that residential parking would occur in a manner that would allow safe use of the shared parking / servicing area.</p>

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	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay both the Mayor of London's and London Borough of Islington's Community Infrastructure Levy (CIL). This will be calculated in accordance with the adopted CIL Charging Schedules. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p>

	<p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
4	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, or other exemption under the Council Parking Policy Statement.</p>
5	Water Infrastructure
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	Working in a Positive and Proactive Way
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
7	Materials
	<p>INFORMATIVE: In addition to compliance with condition 3, materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2 Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.8 Housing choice

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.12 Improving opportunities for all

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 5.17 Waste capacity

B) Islington Core Strategy 2011

Policy CS7 (Bunhill and Clerkenwell)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)
Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)

C) Development Management Policies June 2013

DM2.1 Design	DM7.1 Sustainable design and construction statements
DM2.2 Inclusive Design	DM7.2 Energy efficiency and carbon reduction in minor schemes
DM2.3 Heritage	DM7.3 Decentralised energy networks
DM3.1 Mix of housing sizes	DM7.4 Sustainable design standards
DM3.4 Housing standards	DM7.5 Heating and cooling
DM3.5 Private outdoor space	DM8.1 Movement hierarchy
DM3.6 Play space	DM8.2 Managing transport impacts
DM3.7 Noise and vibration (residential uses)	DM8.4 Walking and cycling
DM5.1 New business floorspace	DM8.5 Vehicle parking
DM5.2 Loss of existing business floorspace	DM8.6 Delivery and servicing for new developments
DM5.4 Size and affordability of workspace	DM9.1 Infrastructure

DM6.1 Healthy development
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

DM9.2 Planning obligations
DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC10 Implementation

3. Designations

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

- Central Activities Zone
- Bunhill & Clerkenwell Key Area
- City Fringe Opportunity Area
- Employment Priority Area (Offices)
- Moorfields Archaeological Priority Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Environmental Design
- Small Sites Contribution
- Inclusive Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

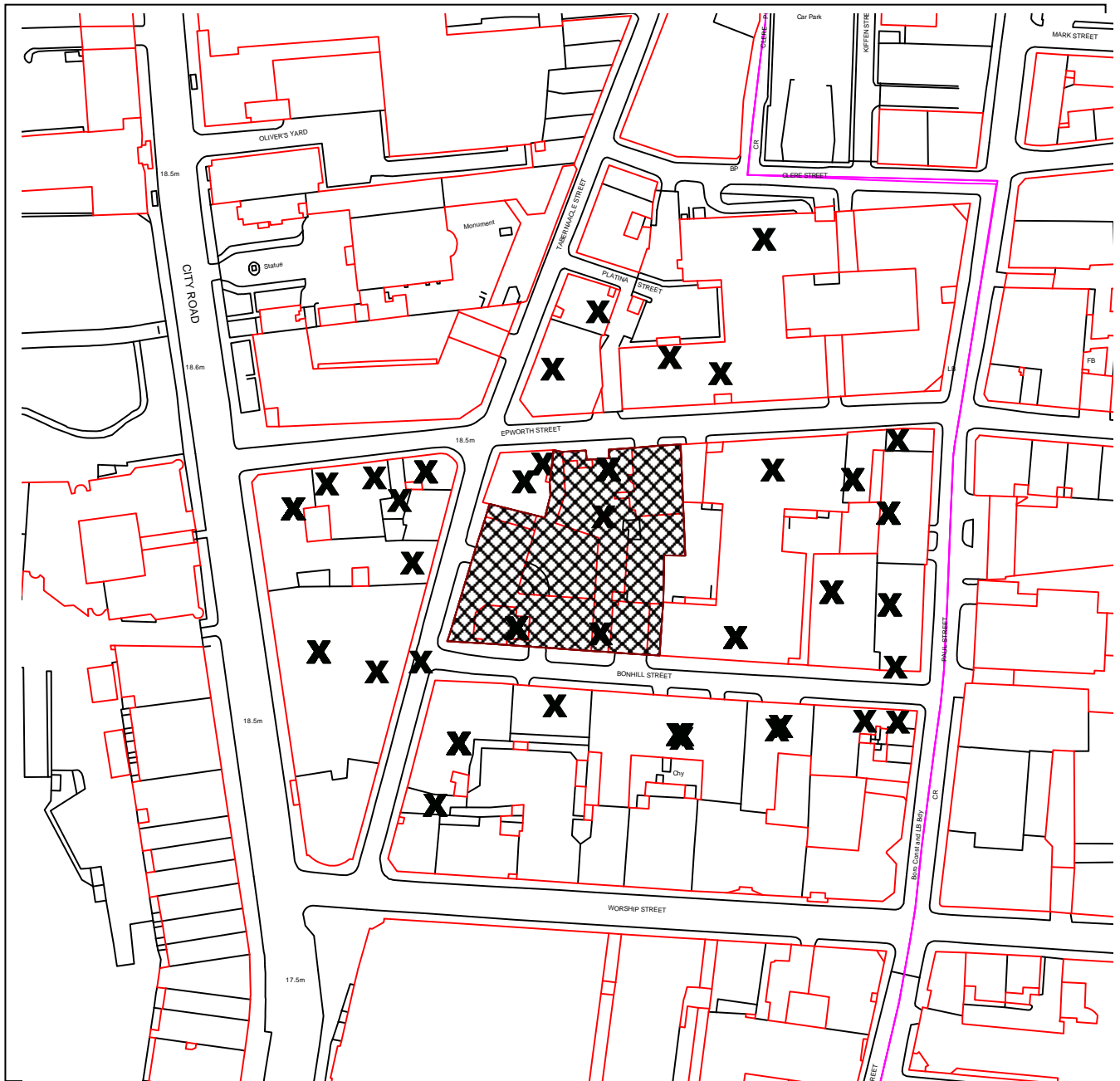
London Plan

- Accessible London: Achieving an Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1103/FUL

LOCATION: ZIMCO HOUSE, 16-28 TABERNACLE STREET & 10-14
EPWORTH STREET LONDON EC2A 4LU

SCALE: 1:1700

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Islington Council, LA086452

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Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
London
N1 1YA

PLANNING COMMITTEE

Date: 4th September 2014

Report	PLANNING ENFORCEMENT AND APPEAL PERFORMANCE: First quarter 2014/2015
Wards	All Borough

Case Officer	Matthew Tear
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1. Synopsis

- 1.1 On 17 April 2007 the Executive approved a new Development Control Enforcement Policy.
- 1.2 The policy commits the Planning Enforcement Service to quarterly reports to Area Planning Sub-Committees on Enforcement Team performance and appeal statistics.
- 1.3 This report contains performance figures for the first quarter for the year 2014/2015 (1st April 2014 to 30th June 2014).

2. Recommendations

- 2.1 To note the content of the report.

3. Background

- 3.1 The priority categories are:
 - Immediate priority – site visit within 24 hours;

- High priority – site visit within 5 working days;
- Standard priority – site visit within 10 working days;
- Low priority – site visit within 15 working days.

3.2 Investigations Instigated

The table below reflects the total of new planning enforcement investigations instigated, grouped by Ward and priority category.

First Quarter 2014/2015 Investigations Commenced

	Immediate	High	Standard	Low	Total
Barnsbury	1	1	7	2	11
Bunhill	0	4	7	0	11
Caledonian	0	7	15	15	37
Canonbury	1	2	8	0	11
Clerkenwell	0	2	4	0	6
Finsbury Park	0	1	4	0	5
Highbury East	1	3	4	0	8
Highbury West	0	2	9	0	11
Hillrise	0	1	7	0	8
Holloway	0	5	7	0	12
Junction	0	0	8	0	8
Mildmay	0	0	6	0	6
St Georges	0	1	6	0	7
St Marys	0	5	14	1	20
St Peters	0	0	15	0	15
Tollington	0	1	6	0	7
TOTAL	3	35	127	18	183

Table 1: Planning Enforcement investigations commenced, sorted by Ward and priority category

Commentary:

At the end of June 2014 the Enforcement Team had **580** live enforcement cases under investigation, which is one of the highest outstanding monthly amounts for the last 10 years. Options are being considered to bring this figure down to a more manageable level, which will include a further report to look at reassessing the investigation priorities for Planning Enforcement, and the possibility of temporary growth.

3.3 Site visit performance

The table below states the Enforcement Team's performance statistics relating to site visits undertaken within the target periods for the relevant priority categories.

First Quarter 2014/2015 % of Site Visits undertaken within target

	Total Site Visits	Total Site Visits Meeting Target	Total %	Immediate %	High %	Standard %	Low %
Barnsbury	11	9	81.8%	100.0%	0.0%	85.7%	100.0%
Bunhill	11	11	100.0%	N/A	100.0%	100.0%	N/A
Caledonian	37	35	94.6%	N/A	71.4%	100.0%	100.0%
Canonbury	11	11	100.0%	100.0%	100.0%	100.0%	N/A
Clerkenwell	6	4	66.7%	N/A	100.0%	50.0%	N/A
Finsbury Park	5	5	100.0%	N/A	100.0%	100.0%	N/A
Highbury East	8	8	100.0%	100.0%	100.0%	100.0%	N/A
Highbury West	11	10	90.9%	N/A	50.0%	100.0%	N/A
Hillrise	8	8	100.0%	N/A	100.0%	100.0%	N/A
Holloway	12	11	91.7%	N/A	100.0%	85.7%	N/A
Junction	8	7	87.5%	N/A	N/A	87.5%	N/A
Mildmay	6	6	100.0%	N/A	N/A	100.0%	N/A
St Georges	7	7	100.0%	N/A	100.0%	100.0%	N/A
St Marys	20	20	100.0%	N/A	100.0%	100.0%	100.0%
St Peters	15	15	100.0%	N/A	N/A	100.0%	N/A
Tollington	7	6	85.7%	N/A	100.0%	83.3%	N/A
TOTAL	183	173	94.5%	100.0%	88.6%	95.3%	100.0%

Table 2: Percentage of Planning Enforcement site visits undertaken within target response times

Commentary:

In view of the increasing cases received and increasing caseloads, officers have done very well to maintain the excellent levels of service required to visit 94.5% of new cases within the allotted target.

3.4 Investigations Concluded

The table below reflects the total of new planning enforcement investigations concluded, grouped by Ward and priority category.

First Quarter 2014/2015 Investigations concluded

	Immediate	High	Standard	Low	Total
Barnsbury	1	1	8	0	10
Bunhill	0	1	6	0	7
Caledonian	0	3	11	0	14
Canonbury	0	3	12	0	15
Clerkenwell	0	2	6	0	8
Finsbury Park	0	0	8	0	8
Highbury East	1	3	4	1	9
Highbury West	0	1	12	0	13
Hillrise	0	0	5	0	5
Holloway	1	3	2	0	6
Junction	0	0	8	0	8
Mildmay	0	0	8	0	8
St Georges	0	2	10	0	12
St Marys	0	9	22	0	31
St Peters	1	1	8	1	11
Tollington	0	0	6	0	6
TOTAL	4	29	136	2	171

Table 3: Planning Enforcement cases closed, sorted by Ward and Priority category

Commentary:

This has been a steady quarter for case closures, although the number of new cases received was higher than the amount closed. This will be addressed next quarter with a concerted effort to increase the amount of case closures.

3.5 Notices Issued between 1 April 2014 and 30 June 2014

Enforcement Notices: 6

Listed Building Enforcement Notices: 3

Planning Contravention Notices: 1

Breach of Conditions Notices: 0

Stop Notices: 0

Section 215 (Untidy Land): 0

Commentary:

The number of all Notices served for this quarter is lower than the same quarter for last year. This is attributable to higher numbers of cases being resolved by voluntary compliance and through negotiation, as well as an increase in the type of planning breaches that are not resolved with an Enforcement Notice (estate agent boards for example). It is expected, however, that as the direction of the team moves towards enforcement action that recovers the cost from the

perpetrator, the issuing of Enforcement Notices will rise again as part of an increase in the use of the Proceeds of Crime Act.

3.6

Licensing Responses

Since February 2013 the planning enforcement team have been making representations to every new (and renewal) Licensing application that is made to the Council. A review of the planning history of the application property is made to ensure the proposed licensed hours are consistent with the permitted planning use of the property, and also with regards to its authorised hours of operating. If discrepancies are found it usually results in the new license being deferred or refused until such time that the planning position is clarified.

In this quarter planning enforcement received 57 new consultations and responded to 63 existing consultations.

3.7

Planning Enforcement Projects

Planning Enforcement are currently dealing with a number of projects, the updates of which are as follows:

Short Term Lets - investigation into residential properties that have been unlawfully changed to offer short term letting for periods of less than 90 days.

We are currently dealing with 10 cases involving unauthorised changes of use to short term letting without the requisite planning permission and new cases are being reported regularly. One of the cases involves the conversion of 48 residential flats into short term lets. Enforcement action is currently being undertaken at this property and a further update will be provided next quarter.

There are, however, proposals outstanding to relax the law on short term lets in London with the DCLG proposing to implement changes in April 2015.

Proceeds of Crime - looking to apply the Proceeds of Crime Act in a planning context to remedy serious breaches of planning control.

The first prosecution case to enact this legislation had its initial hearing in December 2013 and involves the revenue generated through the unlawful creation of 6 residential units, over a prolonged period of time. The owner of the property has already pleaded guilty and will be sentenced and fined when the case next goes to court in September 2014. The owner has also paid the £77,000 proceeds of his crime to the courts, of which the Council will receive one third of in due course.

The Enforcement Team have identified a number of other cases where applying POCA to prosecution proceedings may be applicable, and further updates will be provided next quarter.

Estate Agent Boards – continuing program of identifying and removing large clusters of estate agent boards. Many new, unlawful estate agent boards are reported on a weekly basis and swift action is taken to seek their removal. If the boards are not removed then Council-appointed contractors remove the boards, with the costs of doing so (with administration costs) passed on to the offending party.

3.8 Appeal performance: (Previously BVPI 204)

The following table reflects the percentage of planning appeal decisions allowed against the Authority's decision to refuse planning permission. The numbers in brackets reflect the actual number of appeals allowed, against the total number of appeals. The figures do not include

appeals relating to listed buildings, enforcement notices, advertisements or applications for Certificates of Lawfulness.

First Quarter 2014/2015

Total	59.1% (13/22)

Table 1: Appeals against refusal of planning permission allowed

3.9 All Applications and Enforcement Appeals performance

The table below reflects the percentage of all appeals allowed against the Authority’s decision to refuse permission or issue an enforcement notice. The numbers in brackets reflect the actual number of appeals allowed, against the total number of appeals. The figures include appeals against refusals of consent relating listed buildings, advertisements and Certificates of Lawfulness and enforcement appeals.

First Quarter 2014/2015

	All Applications	Enforcement
Total	56.3% (18/32)	0% (0/6)

Table 2: All appeals allowed against refusal of permission or issue of enforcement notice

3.10 Appeal commentary:

In 2013-14, the percentage of appeals allowed was 35.2% (for planning application appeals) and 35.3% for all applications. The appeal figures for this quarter for planning appeals (59.1%) and all applications (56.3%) are significantly higher than last year’s average.

Other London Authorities are experiencing similar increases in appeals that are allowed and it is widely felt that this coincides with the appointment of a number of new Inspectors at the Planning Inspectorate; and the fact that Inspectors appear to be adopting a more liberal interpretation of planning policy as well as attaching higher weight to material planning considerations to justify a departure from policy. This is particularly evident with regards to roof additions, developments at the rear of properties, Listed Building works and the quality of residential units. A significant proportion of the allowed appeals for this quarter have involved works to the roof (loft conversions, dormer windows, roof terraces etc.).

It also appears the context used to determine applications has changed. Where previously we won appeals due to the harm to the applicant property itself, Inspectors now appear to be attaching much stronger weight to the surrounding context of the street and general vicinity.

Since November 2012, the majority of the appeal decisions **allowed** by the Planning Inspectorate have been discussed internally at Planning Forum. This is a fortnightly meeting attended by the Head of Development Management, Deputy Heads of Service and Team Leaders, where officers bring applications for discussion and guidance.

Each allowed appeal has been discussed in depth to gain a better understanding of why the Planning Inspector made the decision they did, and to ascertain whether there is anything that can be learnt from the decision for future applications. Whilst there has not been any patterns emerging as to why appeals have been lost, it does appear that different Inspectors apply different policy interpretations, and more commonly, subjective design judgements. Such factors are now forming part of our planning assessment.

The 'Allowed Appeals' schedule captures the details of all appeals that have been discussed at Planning Forum. This schedule was previously attached to the year-end '*Planning Enforcement and Appeal Performance*' report, but Members have recently requested that this is reported quarterly. In view of this, the Allowed Appeals schedule for first quarter 2014-15 is attached as **Appendix 1**.

3.11 Appeal Costs Information

Local planning authorities, appellants and interested parties who have taken part in the appeal process, including statutory consultees, may apply for costs, or have costs awarded against them. A party applying for costs may have costs awarded against them, if they themselves have behaved unreasonably.

An Inspector or the Secretary of State may, on their own initiative, make an award of costs, in full or in part, in regard to appeals and other proceedings under the Planning Acts if they consider that a party has behaved unreasonably resulting in unnecessary expense and another party has not made an application for costs against that party.

Members have recently requested that the appeal cost applications statistics also form part of this report, and these are therefore reported below.

Appellants' Costs Applications Decided First Quarter 2014/2015

Total Number of Costs Applications by Appellants Decided	Costs Applications Refused	Costs Awarded	Partial Costs Awarded
3	100% (3/3)	0% (0/3)	0% (0/3)

Table : All costs applications made by appellants decided in First Quarter 2014/2015

Council's Costs Applications Decided First Quarter 2014/2015

Total Number of Costs Applications by Council Decided	Costs Applications Refused	Costs Awarded	Partial Costs Awarded
2	50% (1/2)	0% (0/2)	50%(1/2)

Table : All costs applications made by the council decided in First Quarter 2014/2015

4. Implications

4.1 Financial implications:

None

4.2 Legal Implications:

None

4.3 Environmental Implications

None

4.4 Equality Impact Assessment:

No equalities impact assessment carried out, as the purpose of the report is to report performance on planning enforcement and planning appeals to Members.

Background papers: (available online or on request)

- Report of the Executive Member for the Environment dated 17 April 2007 to Executive Board.

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