



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **24 February 2015 at 7.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Zoe Crane
Tel : 020 7527 3044
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Despatched : 16 February 2015

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
Councillor Comer-Schwartz
Councillor O'Sullivan
Councillor A Perry
Councillor Poole
Councillor Smith
Councillor Spall
Councillor Ward
Councillor Wayne
Councillor Williamson

- Caledonian;
- Junction;
- Finsbury Park;
- St Peter's;
- St Mary's;
- Holloway;
- Hillrise;
- Holloway;
- Canonbury;
- 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 - 6

B. Consideration of Planning Applications **Page**

1. 96-100 Clerkenwell Road, Islington, London, EC1M 5RJ 7 - 124

- | | | |
|-----------|---|--------------|
| 2. | 1 and 2-5, Benjamin Street and 94-98 Turnmill Street, London, EC1 | 125 -
182 |
| 3. | 602A Holloway Road, N19 3PN | 183 -
226 |
| C. | 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, 24 March 2015

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 - 20 January 2015

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 January 2015 at 7.30 pm.

Present: **Councillors:** Khan (Chair), Klute (Vice-Chair), R Perry (Vice-Chair),
Chowdhury, Fletcher, Gantly, Kay, Nicholls, Picknell
and Poyser

Also Present: **Councillors:** Wayne and Webbe

Councillor Robert Khan in the Chair

63 **INTRODUCTIONS (Item A1)**

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

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

There were no apologies for absence.

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

There were no substitute members.

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

There were no declarations of interest.

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

The order of business would be B4, B3, B1 and B2.

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

RESOLVED:

That the minutes of the meeting held on 16 December 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them subject to the following amendment:

That the eighth bullet point on page 3 should be amended to read "The applicants stated that bookings would be restricted to a maximum of parties of ten to ensure coaches would not need to access the site".

69 **161 - 169 ESSEX ROAD, LONDON, N1 2SN - FULL PLANNING APPLICATION (Item B1)**

Application to vary the wording of condition 1 of planning permission reference P120092 dated 30 January 2013 that granted the temporary change of use to D1 use to allow the building to be used as a place of worship for a maximum period of 3 years [approved for a maximum period of 2 years]. The amendment of condition 1 would extend the time limit for the temporary use of the building for a further 3 years from the date of permission.

(Planning application number: P2014/3185/S73)

In the discussion the following points were made:

- On the Site Allocation the building had D2 use. A temporary D1 and D2 use had been permitted to enable the immediate occupation of the building. The intention was that an extension to the planning permission would give the applicant more time to work towards D2 use.
- The building was in the process of being refurbished.
- The applicant agreed to meet with the objector to discuss his concern about noise.

Councillor Kay proposed a motion to amend the end hour of use to 11pm Monday to Thursday to encourage D2 use. This was seconded by Councillor Klute and carried.

Councillor Nicholls proposed a motion to strengthen the wording of Condition 14 which related to external noise, to include an investigation into the noise issue raised by the objector, to be carried out by a suitably qualified expert who would make mitigation proposals. This was seconded by Councillor Klute and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives in the case officer's report plus the amended and additional conditions as outlined above, the wording of which was delegated to officers.

70

161 - 169 ESSEX ROAD, LONDON, N1 2SN - LISTED BUILDING CONSENT (Item B2)

Application for Variation of Condition 1 (temporary consent) of listed building consent reference P120093 dated 30 January 2013 for listed building works relating to the temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use for a maximum period of 3 years [approved for a maximum period of 2 years]. The amendment of condition 1 would extend the time limit for the temporary use of the building for a further 3 years from the date of permission.

(Listed building consent number: P2014/3177/S19)

In the discussion the following points were made:

- The building was in the process of being refurbished.
- The importance of investment into this building due to it being on the Buildings At Risk register was noted and influenced the consideration of the proposals.

RESOLVED:

That listed building consent be granted subject to the conditions and informatives in the case officer's report.

71

DOVER COURT ESTATE, INCLUDING LAND TO NORTH OF QUEEN ELIZABETH COURT AND GARAGES TO WEST OF AND LAND TO NORTH AND EAST OF THREADGOLD HOUSE, DOVE ROAD; GARAGES TO EAST OF ILLFORD HOUSE, WALL STREET; ROMFORD HOUSE MITCHISON ROAD; LAND TO EAST OF WESTCLIFF HOUSE AND ONGAR HOUSE, BAXTER ROAD; LAND TO EAST OF GREENHILLS TERRACE; AND GARAGES TO REAR OF AND BALL COURT TO WEST OF WARLEY HOUSE, BAXTER ROAD, ISLINGTON, LONDON, N1. (Item B3)

Demolition of an existing two-storey residential building (Romford House)(consisting of 18 units) and 81 garages to allow for the construction of 70 new homes (27 x 1 bed, 26 x 2 bed, 15 x 3 bed and 2 x 5 bed) across nine infill sites, consisting of the construction of a part three, part four storey block and a two semi-detached pair of dwellings facing Balls Pond Road, a two storey block between Dove Road and Balls Pond Road, alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms (measuring 135.8square metres), a part two, part three storey terraced row facing

Wall Street, a part single, part three and part four storey extension to the north east corner of Ongar House, a four storey extension to the west elevation of Ongar House, a three storey terraced row replacing Romford House, a four storey block between Warley House and No. 53 Mitchison Road and a part single, part two storey terraced row to the rear of Warley House, and the provision of new green space and sports and play facilities, including a new ball court to the east of Greenhills Terrace, cycle storage, public realm improvements across the estate and the relocation of Baxter Road to the front of Romford House.

(Planning application number: P2014/3363/FUL)

In the discussion the following points were made:

- An addendum report had been circulated. It addressed proposals to retain highway/on-street car parking through a reduction in estate car parking spaces.
- The 70% affordable housing would be allocated in accordance with the local lettings policy. Residents from the estate would be prioritised, followed by residents from the ward.
- Block H was for over 55 year olds. Those who were over 55 and had been displaced from the development or were willing to downsize, would be prioritised.
- Following a question about lines of sight between Block D and Ilford House, the planning officer advised that there was a lighting strategy in place, the route was well used and rear windows would overlook the route so there would be natural surveillance.
- Following concern from a resident, the planning officer confirmed that notification letters had been sent out, site notices had been displayed and all statutory requirements had been met.
- Following concern about noise emission from the ball court, the planning officer advised that Condition 25 required a ball court noise management plan to be submitted and approved by the Local Planning Authority.

Councillor Poyser proposed a motion to amend the closing time of the ball court to 8pm. This was seconded by Councillor Picknell and carried.

Councillor Rupert Perry proposed a motion to condition that the ball court be locked at 8pm and that the ball court be managed to ensure it was not used after this time. This was seconded by Councillor Klute and carried.

Councillor Klute proposed a motion to condition that the floodlights be shielded. This was seconded by Councillor Picknell and carried.

RESOLVED:

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration to secure the planning obligations outlined in Appendix 1 of the case officer's report as amended by the addendum report and the conditions and informatives in the case officer's report plus the amended conditions as outlined above, the wording of which was delegated to officers.

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ZIMCO HOUSE, 16-28 TABERNACLE STREET & 10-14 EPWORTH STREET, ISLINGTON, LONDON EC2A 4LU (Item B4)

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

Planning Committee - 20 January 2015

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.

(Planning application number: P2014/1103/FUL)

In the discussion the following points were made:

- Current servicing arrangements were from Bonhill Street.
- There was a chain across the service yard. Officers were not aware of a reason why this chain could not be removed.
- There was one gate for both vehicles and pedestrians proposed. This gate would be open between 8am and 7pm and users would open the gate with their fob outside of these times.
- The traffic survey results were considered.
- The applicant stated that the building had been designed to be as efficient as possible.
- The applicant stated that the car parking space for residents' cars was not being changed. Although there were nine parking spaces on the lease, the space was more suitable for eight cars.
- Concern was raised that the scheme was broadly the same as the one last presented to the committee.
- Concern was raised that the proposed scheme did not protect the residents who had particularly special needs. As a special needs group, special provision was needed and this was a material planning consideration.

Councillor Khan proposed a motion to refuse permission as the scheme did not protect the residents who had special needs. This was seconded by Councillor Fletcher and carried.

RESOLVED:

That planning permission be refused for the reason outlined above, the wording of which was delegated to officers.

WORDING DELEGATED TO OFFICERS

161-169 ESSEX ROAD, LONDON, N1 2SN
MINUTE 69

Amended Condition 7:

CONDITION: The religious worship use and any other use taking place within the building (as hereby approved) shall only operate between the hours of:

- 07:30 to 23:00 Mondays to Thursdays;
- 07:30 to 23:00 on Fridays;
- 08:00 to 23:00 Saturdays; and
- 08:00 to 20:00 on Sundays and Public Holidays.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

Amended Condition 14:

CONDITION: Within 3 months of the date of this permission, a noise impact survey/investigation shall be carried out at the site and a report submitted to and approved in writing by the Local Planning Authority.

The report shall include an investigation of noise transfer to adjoining properties and where this is found to be above acceptable levels suitable means of sound mitigation should be detailed that has special regard for the heritage value of the building. The noise mitigation measures shall be implemented within 3 months of the approval of details and maintained as such thereafter.

No music or amplified sound emanating from the premises shall be audible at 1 metre from the façade of the nearest noise sensitive premises.

REASON: In the interest of protecting neighbouring residential amenity whilst safeguarding the heritage importance of this building.

DOVER COURT ESTATE, INCLUDING LAND TO NORTH OF QUEEN ELIZABETH COURT AND GARAGES TO WEST OF AND LAND TO NORTH AND EAST OF THREADGOLD HOUSE, DOVE ROAD; GARAGES TO EAST OF ILLFORD HOUSE, WALL STREET; ROMFORD HOUSE MITCHISON ROAD; LAND TO EAST OF WESTCLIFF HOUSE AND ONGAR HOUSE, BAXTER ROAD; LAND TO EAST OF GREENHILLS TERRACE; AND GARAGES TO REAR OF AND BALL COURT TO WEST OF WARLEY HOUSE, BAXTER ROAD, ISLINGTON, LONDON, N1.
MINUTE 71

Amended Condition 29

CONDITION: The ball court and associated floodlighting hereby approved shall be operated during the hours of 0800 – 2000 only. The ball court shall be locked outside of these hours and the use of the floodlights within these hours of operation shall be controlled by a photocell detector and a timer switch.

REASON: To protect the amenity of neighbouring occupiers adjacent to the ball court and to protect the wider biodiversity value of the site.

Amended Condition 30:

CONDITION: Full details of the lighting across the site, including the floodlight to the ball court shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.

The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights (inclusive of shielding), support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting 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.

REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.

**ZIMCO HOUSE, 16-28 TABERNACLE STREET AND 10-14 EPWORTH STREET,
ISLINGTON, LONDON, EC2A 4LU**

REASON FOR REFUSAL

The layout, design and intensity of the servicing arrangements, in combination with the particular needs of disabled and elderly residents (that occupy the Habinteg development at 10-14 Epworth Street) who use the on-site car parking spaces, would lead to an unacceptable loss of amenity and detrimentally affect the safety and security of the residents using the parking area, due to pedestrian/service vehicle conflicts. The proposal is therefore contrary to Policies DM2.1B viii, DM2.2, DM8.1, DM8.2, DM8.4F and DM8.6 of Islington Development Management Policies 2013.

The meeting ended at 9.40 pm

CHAIR



PLANNING COMMITTEE REPORT

ADDENDUM

PLANNING COMMITTEE		
Date:	24th February 2015	

Application number	P2014/0373/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Within the Roseberry Avenue Conservation Area
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC 41 Finsbury Local Plan Policy BC8 Employment Priority Area (General) Central Activities Zone Archaeological Priority Area Local views of St Paul's Cathedral from Amwell Street, Archway Road and Archway Bridge Central Activities Zone (CAZ) Clerkenwell Green Conservation Area
Licensing Implications	A3 use permission sought for two ground floor and basement units.
Site Address	96 - 100 Clerkenwell Road, Islington, London, EC1M 5RJ
Proposal	Demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of a 8 storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 250 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations.

Case Officer	Paul Conboy
Applicant	100 Clerkenwell Ltd
Agent	DPP One Ltd

1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 of the attached (Appendix 2) 16th December 2014 Planning Committee report (with amended wording to suggested conditions); 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 of the attached (Appendix 2) 16th December Planning Committee report, plus the additional heads of terms set out at paragraph 5.5 of this report.

2 BACKGROUND

2.1 This application was presented to the Planning Committee on 16th December 2014 with an officers' recommendation for approval. The original committee report is appended to this report (Appendix 2). However, the Planning Committee resolved that consideration of the application be deferred to:

- enable the applicants to undertake more work on the servicing and traffic management plan

2.2 A copy of the agreed 16th December 2014 Planning Committee minutes are attached as Appendix 2 to this report.

2.3 As part of the Committee discussion, the following points were made, in relation to servicing and deliveries:

- Concerns were raised about the servicing arrangements and the management of vehicle movements in St John Square. Members were advised that a banksman would be employed to manage and monitor servicing and delivery vehicles entering and exiting the square and there would be a booking system for delivery and servicing vehicles.
- The applicant stated that if vehicles arrived outside of the agreed time, they could wait in a holding area in a street away from the square until an agreed time. The holding area suggestion should be explored further.
- There was concern raised regarding the cumulative impacts of servicing of St John's Square and whether this had been adequately assessed.
- Concern was raised about the impact there would be on maneuverability within the square if the turning head became blocked.
- The extant permission expired in March 2015.

- Taxis would stop at the Clerkenwell Road entrance of the hotel.
- The applicants stated that bookings would be restricted to a maximum of parties of ten to ensure coaches would not need to access the site.

2.4 For context / background purposes, the following site photos are provided:



View into St John's Square adjacent to "The Zetter Townhouse".



View towards the eastern section of the site where the proposed hotels' main delivery and servicing area is proposed.



View of eastern section of St Johns Square adjacent to the application site

3 CONSULTATION

Internal consultees

- 3.1 Transport Officer: noted and welcomes the additional information regarding the proposed servicing movements, turning points, further detail regarding the booking system and banksman. Welcome the empirical data provided and the 16 hour survey of the existing traffic movements within the Square to illustrate the existing capacity of the Square and the potential impacts of the development on the capacity of the Square as a whole. Officers once again consider that subject to the detailed delivery and servicing conditions, S106 controls, and the final agreed provision of a banksman and booking system for the proposed use that the impact of the development in highways terms can be mitigated and controlled to be acceptable.
- 3.2 Highways Officer: Notes the additional information submitted. Still raises concerns over the long term maintenance of the cobbled St John's Square with increased traffic movements as a result of the proposed use. The applicants have agreed to a £ 75,000 contribution to be secured within the draft S106 heads of terms to be paid prior to first occupation of the development. This contribution would form part of a specific St John's Square maintenance fund to allow ongoing repairs of the Square as required for a period of 5 years.

4 EVALUATION

- 4.1 The reason for deferral of this item was to '*enable the applicants to undertake more work on the servicing and traffic management plan*'.
- 4.2 In response to the discussion that took place and to help to address the resolution made at the Planning Committee in December, the applicant provided additional details and drawings on the following dates:

- 5th January 2015: An addendum "Transport and servicing report"
- 21st January 2015: A video which had been shot to confirm that a 7.5t vehicle can be turned within the highway in St Johns Square.

4.3 This information was reviewed by planning and transport planning officers and advice taken from highways officers. Further information was requested as a result of that review. In particular concerns were raised regarding the capacity of the Square. Officers advised the applicant:

"We consider the need to look at overall levels in the Square is important particularly in light of the fact that committee may remain concerned that while the western end could theoretically take the additional trips, you can't look at that western end in isolation and you need to look at servicing activity across the Square as a whole and whether it can cope with the cumulative impact of the proposed development here. Additionally, a 'back-up arrangement' would impact on the eastern side of the square, therefore the capacity of the square as a whole needs to be understood. Regardless of any spare capacity that may exist in the western section of the Square all vehicle movements into this space will go through the main part of the square and will impact the entire Square as a result. Attention and additional information needs to be given to the capacity of the western end, which may require additional survey work."

4.4 A further response was then received from the applicant on:

- 30th January 2015: St John's Square Survey Data Analysis and "Scott Schedule relating to comments outlined in Paul Conboy's email 29 January 2015 - 96-100 Clerkenwell Road, London

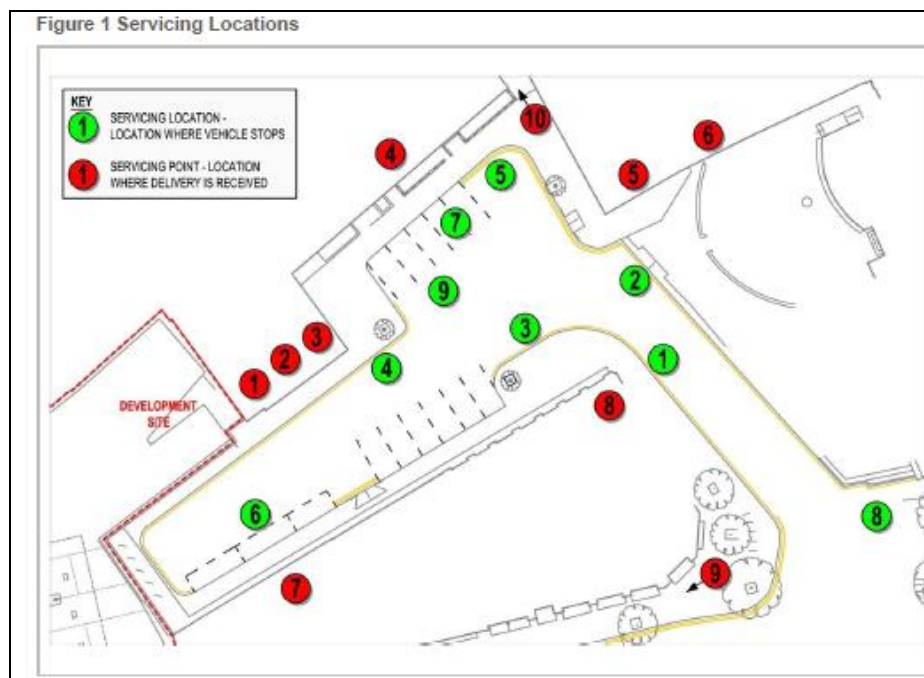
Review of Additional Information

4.5 Existing Highways Arrangements for the Square: The public highway in St. John's Square comprises a series of double and single yellow lines, in addition to 14 parking bays, including 9 for resident permit holders and 5 pay and display bays. Waiting on the single yellow lines is restricted for vehicles over 5 tonnes, between 18.30 and 08.00 hours, from Monday to Sunday. No kerb blips are present which indicates there are currently no restrictions to loading on the single and double yellow lines within St John's Square.

4.6 At all locations throughout St John's Square, the carriageway width (clear of on-street parking bays) allows for two large service vehicles to pass each other freely. Widths of the highway of range from 7.3 metres to 5.6 metres (as shown on Drawing ST15390-05); whereas 5.5 metres is recognised as being sufficient for two heavy goods vehicles to pass each other.

4.7 Video Survey: A video survey was undertaken to cover a 16 hour period (06:00 to 22:00), carried out by the applicants transport consultants on Tuesday 6 January 2015. All delivery and servicing trips within St John's Square were recorded and categorised by time period, duration of stay, vehicle type, type of goods, parking location and delivery location.

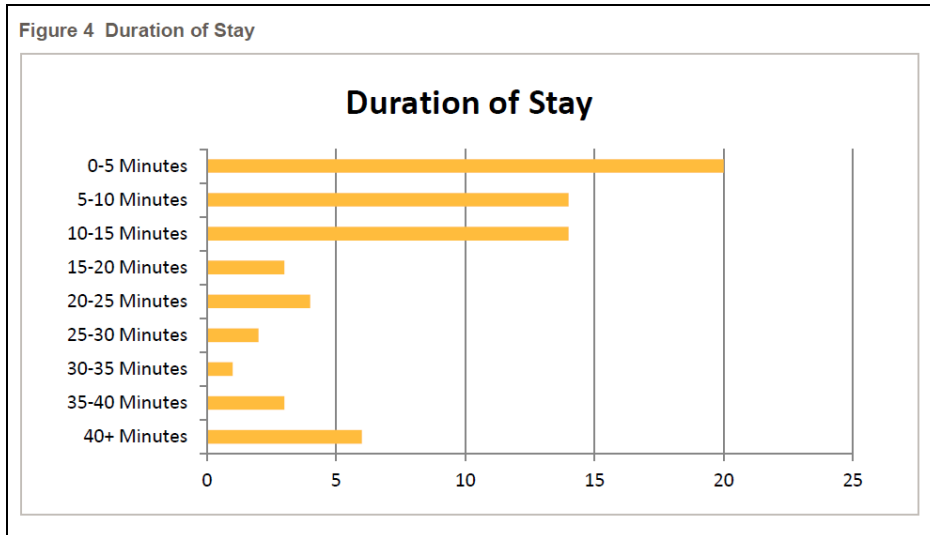
4.8 The plan below (Figure 1) shows a breakdown of the servicing locations (labelled green) and locations where deliveries were received within the Square (labelled red) during the 6 January survey:



4.9 The survey recorded 75 delivery vehicles, however 8 delivery trips were associated with the refurbishment of 'The Modern Pantry' and so were removed from the total. A similar establishment 'Motcombs Restaurant & Bar' (Belgravia) was used to estimate servicing for The Modern Pantry with a total of 12 servicing trips over a similar 16 hour period (surveyed in June 2014). Whilst 12 trips seems high, a range of between 8 and 12 trips could be considered reasonable, taking this approach could alter the total servicing vehicles within the Square to between 75 and 79 per typical day.

4.10 The video survey showed that 20 vehicles (27%) were parked on the single yellow line located outside No 54 St John's House, on the north side of the street, whilst 11 vehicles serviced from the double yellow line lines located outside the Zetter Townhouse on the north side of the street.

4.11 Average length of stay: The survey results showed that of the recorded delivery and servicing trips, 30% of vehicles were stopped for less than 5 minutes, 51% of vehicle for less than ten minutes and 72% for less than 15 minutes. There were 6 trips (9%) lasting over 40 minutes. The table below (Figure 4) illustrates the reasonably short duration of the majority of the trips undertaken within the Square during the survey period.

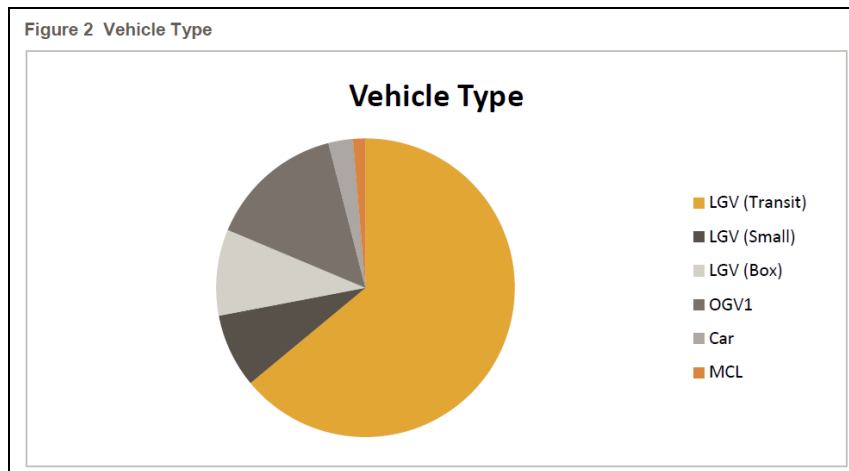


4.12 The table below demonstrates that in the majority of the surveyed time that the Square had adequate capacity for additional servicing to take place. When areas were in use for active deliveries and servicing these were on the whole for short periods of time and in nearly all cases the loading bays were not fully occupied and had spare capacity.

Table 1: Capacity of St John's Square Servicing Facilities

Servicing Area	Capacity (no. Vehicles)	Minutes occupied, by number of servicing vehicles				% Occupancy from 06:00-22:00			
		1 Vehicle	2 Vehicles	3 Vehicles	4 Vehicles	1 Vehicle	2 Vehicles	3 Vehicles	4 Vehicles
1 Single Yellow Line outside Zetter Hotel (west side of street)	3	88	0	0	-	9%	0%	0%	-
2 Single Yellow Line (east side of street)	4	102	15	0	0	11%	2%	0%	0%
3 Single Yellow Line outside Zetter Hotel (south side of street)	1	49	-	-	-	5%	-	-	-
5 Double Yellow Line outside the Zetter Townhouse (north side of street)	2	120	18	-	-	13%	2%	-	-
6 Double Yellow Line outside No. 57-59 (south side of street)	1	29	-	-	-	3%	-	-	-
8 Near Entrance to square	2	21	0	0	-	2%	0%	0%	-
9 In road in front of Pay and Display bays outside No. 51-52	1	12	0	0	-	1%	0%	0%	-

4.13 Vehicle Types: The results of the video survey (see figure 2 below) showed that a ford transit type Light Goods Vehicle (LGV) was the most common delivery vehicle being used to make 64% of the total surveyed deliveries. Of the remaining deliveries, 17% were made by other LGV's and 15% were made by Other Goods Vehicles (OGV).



- 4.14 **Proposed Servicing:** The applicant proposes a total (estimate) of 14 service vehicle trips to the Square between the hours of 08.00 and 20.00. The proposed developments' delivery and servicing area is proposed to take place from the single yellow lines outside No. 54 St John's House (north western most end of the Square). This servicing area measures 32 metres in length and has capacity for a total 4 light goods vehicles (LGVs) at any one time.
- 4.15 During the survey a total of twenty vehicles stopped in this location to service various properties around the Square. However, this servicing location (to be used by the development) was unoccupied for 58% of the time, occupied by one vehicle for 29% of the time and occupied by two vehicles for 13% of the time. During the survey the single yellow line area was never occupied by four vehicles (as in it was never 'full to capacity').
- 4.16 The introduction of 14 additional delivery and servicing movements within the Square would equate to an increase of between 15-16% from existing servicing levels within the Square. The initial result of the survey indicates that the Square is not overly congested and short periods of congestion are limited and can be adequately managed into the future.
- 4.17 The results also indicate that 70% of the existing servicing activity is undertaken at the eastern end of St John Square. It is important to note that the survey results indicated that 30% of all servicing within the Square is currently carried out from the proposed developments servicing location along the western section of the Square.
- 4.18 The survey results submitted only offer a specific snapshot in time of the traffic and servicing movements within the Square, with these movements inevitably changing form day to day and week to week. However it is considered that this information offers a reasonable indication of the existing servicing and delivery movements throughout the Square and should be given weight in the assessment of the potential delivery and servicing capacity and constraints within the Square.
- 4.19 In the unlikely event of obstructions preventing a reverse manoeuvre into the dropped kerb in the front of 57-59 St John Square, it is considered that the Banksman would ensure that reversing of vehicles take place safely.

4.20 The hotel's servicing would be managed with a detailed booking system and a banksman to ensure that only one vehicle services the site at any one time. Bearing in mind the survey results it is considered that there is adequate capacity within the Square as a whole to accommodate the delivery and servicing needs of the proposed development. The applicant has confirmed that:

"The banksman will be permanently stationed at the servicing access on St John's Square. They will assist with vehicles manoeuvring, particularly those carrying out reversing manoeuvres, to ensure that vehicles do not conflict with pedestrian and vehicle movements in the Square. In addition to this role, the banksman will act as 'goods-in manager', tasked with scheduling and organising deliveries to the Site via the booking system. All vehicles servicing the Site will be required to contact this member of staff to ensure that the time which they arrive does not conflict with other servicing movements to the Site."

4.21 The following paragraphs summarise additional queries put to the applicant since the deferral of the item from the December Committee and provides the applicant's response.

4.22 Coach parking on the Square: Officers sought clarification of the applicants previous statements that no coach parking would be needed for the hotel nor would the square be used for any coach movements. Details of how a coach would be accommodated should it arrive despite the statements made that no coaches would turn up were requested as a 'safety net' plan.

4.23 The applicants confirmed that if a coach were to arrive at the site, the driver would be informed by the concierge to park in the coach parking bay on Calthorpe Street located 0.5 miles away (ten minute walk) to the north west of the site. This would deter coaches from arriving at the Square.

4.24 An additional s106 head of term has been sought for inclusion in the S106 to ensure that no bookings of more than ten people are accepted by the hotel.

4.25 Servicing and deliveries: Officer's sought agreement to a servicing and delivery plan review, as was raised by Members during the discussion at Planning Committee on 16th December. It was requested that the Servicing and Delivery plan (to be approved via planning condition) be reviewed 6 months after first occupation of the hotel and again at 12 months after first occupation. This would enable the Council to ascertain if the approved strategy is working appropriately to safeguard the use / amenity of the square.

4.26 The applicant is happy to have such a review clause to be written into an approval. The most appropriate procedure to secure this, is to secure the provision of an 'Updated Servicing and Delivery Plan' as part of the s106 agreement at 6 months and at 12 months after first occupation of the hotel. This would include provisions to secure changes to the strategy if shortcomings are identified as part of either or both of those reviews. This provision is considered to act as a satisfactory safeguard to ensure that vehicle movements throughout the Square can be managed so as to minimise adverse impacts.

- 4.27 Refuse facilities: The applicant was asked to consider the possibility of relocating refuse collections to be undertaken from Clerkenwell Road, as a possible way of reducing the servicing impacts on the Square. The applicant responded that facilitating servicing, back of house activities and staff access from Clerkenwell Road would require a significant re-design of the development.
- 4.28 Providing refuse collection access from St. John's Square would not only be in line with other local businesses' arrangements, but would allow for refuse collection services to be shared between the proposed development and other businesses in the Square, reducing the overall impact of the scheme. Servicing of the Hotel from St Johns Square was also specifically welcomed by TFL. It is considered that adequate justification has been given in transport and townscape terms to justify the use of the Square for refuse collection movements related to the development. It is important to note that the extant permission and other commercial users in the Square have this same provision for refuse collection.
- 4.29 The applicants have confirmed that using a private contractor may facilitate the development to minimise the increase in servicing trips to the Square, by working with the operator of Zetter Hotels to try to agree the use of the same refuse collection contractor. Additionally, the Delivery Servicing Management Plan (secured within the s106) would further ensure that a refuse collection time which works for all businesses around the Square is agreed to minimize impacts on the Square.
- 4.30 Maintenance of the cobbled surface of St John's Square: Officers advised the applicants that the council were concerned to safeguard and ensure the long term maintenance of the Squares cobbles. It was noted that the proposed use would add additional traffic movements and pressure to the Squares surface which would require mitigation. The full estimated costs of repaving the entire Square with cobbles is approximately £336,000. The proposed servicing would result in an increase between 15 and 16% of servicing activity within the Square, and therefore the agreed contribution of £75,000 to be provided prior to the development being occupied, is considered to adequately mitigate the increased pressure, wear and tear and reduced lifespan of the Square's cobbles as a result of this proposal.
- 4.31 The applicants accepted the potential for increased activity and movements throughout the Square and accept the contribution of £75,000 is a fair and proportionate financial contribution based on the scale and impact of the proposed development. Consideration has been given to the likely impact of the proposed hotel and residential servicing introduced by this proposal and a financial contribution towards specifically mitigating the direct impacts from this scheme has been secured, in accordance with the NPPF.
- 4.32 In addition, the applicants confirmed that the development will positively impact on the Clerkenwell Road frontage of the site. Removing the two crossovers into the petrol filling station / car wash site will provide a continuous footway for pedestrians and improve the local area by assisting in delivering the Clerkenwell Road to Old Street Grid Cycle Route while

increasing the permeability and legibility of the Square through the proposed pedestrian passage linking Clerkenwell Road through the site to St John's Square. It is the view of officers that these constitute positive attributes that weigh in favour of the scheme.

- 4.33 S106 and Mitigation Measures As recorded in the minutes of the 16th December Planning Committee, Councillor Gantly proposed a motion to amend the Section 106 agreement to restrict bookings to a maximum of parties of ten. This was seconded by Councillor Klute and carried, as such this is proposed as an additional head of term to be included in any legal agreement.
- 4.34 Additionally, as a result of further discussions, a S106 contribution towards maintenance of the cobbled surface of the St John Square has been agreed with the applicant at £75,000.
- 4.35 It is proposed to include an additional head of term within the S106 to secure the Delivery and Servicing Plan within the s106 agreement to enable it to be reviewed at 6 and 12 months after first occupation of the hotel, including provisions to address any shortcomings identified as a result of one or other of the reviews.

5 SUMMARY AND CONCLUSION

Summary

- 5.1 Members had requested a deferral of the application to enable the applicants to undertake more work on the servicing and traffic management plan. To address these concerns, the applicant has undertaken a video survey of the service vehicle usage of the Square (on 5 January 2015) to ascertain a typical day in service vehicle attendance. The results of that survey indicate that the main location for the proposed servicing has capacity for 4 service vehicles to be accommodated. During the 16 hour survey period, the main service location was vacant 58% of the time, occupied by one vehicle 29% of the time and two vehicles 13% and three vehicles for 1% of the time. It was never occupied by four vehicles during the survey.
- 5.2 The survey results also showed that there was an adequate turning point located to the south of the proposed loading bays close to Spectrum House. The survey data also showed that on the day of the survey there were 79 delivery and servicing trips within the Square over a sixteen hour period. The survey results clearly showed the majority of these trips were by light goods vehicles and for the most part relatively short periods of time (**See Appendix 3**).
- 5.3 It is considered that the additional information provided by the applicants based on empirically collated data and surveys has demonstrated that there remains adequate loading areas adjacent to the site with a nearby turning point to allow the anticipated and required delivery and servicing facilities for the proposed development to be accommodated. The data has demonstrated that there is adequate existing capacity within the Square to accommodate the proposed developments delivery and servicing requirements. The

proposed cumulative impacts in terms of deliveries and servicing within the Square are considered to be acceptable and backed up by empirical evidence in this case which should be given considerable planning weight.

- 5.4 Detailed delivery and servicing plans (to be secured within the s106 agreement) in conjunction with a dedicated banksman for the proposed use, restriction of bookings of parties to a maximum of 10, detailed vehicle delivery booking system and financial contribution towards the long term maintenance of the Squares cobbled surface are considered to further mitigate any potential adverse impacts the proposed development may have on highways safety, servicing and delivery pressures, parking and movements throughout the Square as a whole.

Conclusion

- 5.5 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 of the original report presented to Planning Committee on the 16th December 2014 (attached as Appendix 2 to this report), with the following amendments:

Planning Conditions:

- Condition 13: 'Vehicular Facilities & Servicing and Delivery Management Plan' of the original recommendation to the 16th December Planning Committee, is recommended to be removed and those details secured as part of the s106 agreement, securing 'An Updated Servicing and Delivery Management Plan', (see above).

Additional s106 heads of terms:

- £75,000 financial contribution towards St John Square surfacing replacement / maintenance;
- Updated Delivery and Servicing Plan at 6 and 12 months after first occupation of the hotel. Review to include mechanisms to address any failures of the approved strategy that may be identified (as necessary); and
- Restriction on the number of group bookings for the hotel to maximum parties of ten.

APPENDIX 1 – 16th December 2014 Planning Committee Minutes

Agenda Item A6

London Borough of Islington

Planning Committee - 16 December 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 16 December 2014 at 7.30 pm.

Present: Councillors: Klute (Vice-Chair), Chowdhury, Fletcher, Gantly, Kay, Nicholls and Poyser

Councillor Klute in the Chair

- 54** INTRODUCTIONS (Item A1)
Councillor Klute welcomed everyone to the meeting. Member of the Committee and officers introduced themselves.
- 55** APOLOGIES FOR ABSENCE (Item A2)
Apologies were received from Councillors Khan and Rupert Perry.
- 56** DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)
There were no substitute members.
- 57** DECLARATIONS OF INTEREST (Item A4)
None.
- 58** ORDER OF BUSINESS (Item A5)
The order of business would be B1, B3 and B2.
- 59** MINUTES OF PREVIOUS MEETING (Item A6)
RESOLVED:
That the minutes of the meeting held on 11 November 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 60** 351 CALEDONIAN ROAD AND GIFFORD STREET RAILWAY EMBANKMENT, LONDON, N1 1DW (Item B1)
Demolition of existing vacant two storey warehouse building. Redevelopment of site to provide 156 residential units, through erection of a four storey linear building (with five storey element to west end) adjacent to railway line; erection of five detached blocks (one x six-storey, three x five-storey and one x four storey buildings); erection of part one, part three storey building to Caledonian Road frontage – including a 41sqm A1/A2/A3 commercial unit at ground floor level; together with creation of an access road into the site from Caledonian Road, provision of wheelchair accessible car parking, comprehensive landscaping including provision of pedestrian access from Camoustie Drive, and associated ancillary development.

(Planning application number: P2014/0609/FUL)

An addendum report detailing independent viability review reports had been circulated, a copy of which would be interleaved with the agenda.

In the discussion the following points were made:

Planning Committee - 16 December 2014

- The development would result in a 5% loss in nature conservation land on the Site of Importance for Nature Conservation (SINC).
- Ongoing treatment had not eradicated the Japanese Knotweed on the site so several metres of earth would have to be dug out.
- Officers considered the heights of the buildings to be appropriate as they were not out of scale with nearby buildings.
- Objectors had concerns about the impact of the development on their TV signals.
- The development could not be gated as the Section 106 agreement required there to be 24 hour pedestrian access.
- The impact on daylight and sunlight to windows on Bunning Way and the overshadowing of gardens on Bunning Way had been assessed and overall fell within BRE guidance.
- The applicants confirmed they would agree to the Section 106 being amended to ensure there was no impact on TV reception to nearby residents.

Councillor Poyser proposed a motion to amend the Section 106 agreement to ensure there was no impact on TV reception to nearby residents. This was seconded by Councillor Klute and carried.

RESOLVED:

That planning permission be granted subject to the 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's report with the amendment outlined above, 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 and subject to the conditions and informatives in the officer's report.

61 **37-47 WHARF ROAD, LONDON, N1 7RJ (Item B2)**

Demolition of existing buildings and residential redevelopment of the site to provide 98 dwellings (18 x one bedroom, 50 x two bedroom, 24 x three bedroom and 6 x four bedroom units) in a part two, part eight storey building, together with cycle parking and amenity spaces.

(Planning application number: P2014/2131/FUL)

In the discussion the following points were made:

- The Daylight and Sunlight assessments did not verify whether the rooms were habitable or not so the results assumed the worst case scenario i.e. that all the rooms were habitable.
- The applicant confirmed that Family Mosaic charged social rents wherever possible and that units would initially be allocated according to 100% nominations from the council.
- 100% of the properties currently proposed to be social rented would remain as social rented properties for 30 years and the percentage could diminish after this time. This was standard wording in the contract to providers.

RESOLVED:

That planning permission be granted subject to the 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's report and the conditions and informatives in the officer's report.

62 **96-100 CLERKENWELL ROAD, LONDON, EC1M 5RJ (Item B3)**

Planning Committee - 16 December 2014

Demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of an eight storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), five self-contained residential units (facing onto and entrances onto St John's Square comprising of a 4 x three bedroom units and 1 x 2 bedroom unit), the creation of 93 square metres of office/workshop space (Class B1), 410 square metres of flexible commercial floorspace (Retail A1 use and restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations.

(Planning application number: P2014/0373/FUL)

In the discussion the following points were made:

- Concerns were raised about the servicing arrangements and the management of vehicle movements in St John Square. Members were advised that a banksman would be employed to manage and monitor servicing and delivery vehicles entering and exiting the square and there would be a booking system for delivery and servicing vehicles.
- The applicant stated that if vehicles arrived outside of the agreed time, they could wait in a holding area in a street away from the square until an agreed time. The holding area suggestion should be explored further.
- There was concern raised regarding the cumulative impacts of servicing of St John's Square and whether this had been adequately assessed.
- Concern was raised about the impact there would be on manoeuvrability within the square if the turning head became blocked.
- The extant permission expired in March 2015.
- There would be an adverse impact on daylight and sunlight levels to some windows in Spectrum House. However daylight and sunlight levels were considered acceptable.
- Taxis would stop at the Clerkenwell Road entrance of the hotel.
- The applicants stated that bookings would be restricted to a maximum of parties of ten to ensure coaches would need to access the site.
- The applicants confirmed that the reason they were not using the extant permission was that the building had been marketed as an office for many years and there had been no success. They stated that the configuration of the building was more suited to a hotel than an office.

Councillor Gantly proposed a motion to amend the Section 106 agreement to restrict bookings to a maximum of parties of ten. This was seconded by Councillor Klute and carried.

Councillor Klute proposed a motion to defer the consideration of the application to enable the applicants to undertake more work on the servicing and traffic management plan. This was seconded by Councillor Poyser and carried.

RESOLVED:

That the consideration of the planning application be deferred to enable the applicants to undertake more work on the servicing and traffic management plan.

The meeting ended at 10.00 pm

CHAIR

APPENDIX 2 – Report to 16th December 2014 Planning Committee

APPENDIX 3: Submitted 96-100 Clerkenwell Road: St John's Square Survey Data Analysis by JMP dated 30th January 2015.



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	16 th December 2014	NON-EXEMPT

Application number	P2014/0373/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Within the Roseberry Avenue Conservation Area
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC 41 Finsbury Local Plan Policy BC8 Employment Priority Area (General) Central Activities Zone Archaeological Priority Area Local views of St Paul's Cathedral from Amwell Street, Archway Road and Archway Bridge Central Activities Zone (CAZ) Clerkenwell Green Conservation Area
Licensing Implications	A3 use permission sought for two ground floor and basement units.
Site Address	96 - 100 Clerkenwell Road, Islington London, EC1M 5RJ
Proposal	Demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of a 8 storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 250 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations.

Case Officer	Paul Conboy
Applicant	100 Clerkenwell Ltd
Agent	DPP One Ltd

RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;
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;

SITE PLAN (site outlined in red)



PHOTOS OF SITE/STREET



Image 1: Aerial view northwards into the application site



Image 2: Aerial view westwards into the application site from St John's Square.



Image 3: View towards the site from Clerkenwell Road.



Image 4: View of the site from St John's Square.



Image 5: View of adjoining buildings to the rear of the site.



Image 6: View of adjoining buildings to the rear of the site.

1.0 SUMMARY

- 1.1 The proposal is for the demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of an 8 storey building plus two lower basement levels comprising a 212 bedroom hotel (Class C1), five (5) self contained residential units (accessed from St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 360 sq metres of flexible commercial floorspace comprised of retail A1 use and restaurant A3 uses with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations. The proposals also include two basement levels, which are also proposed to house A1/A3 units, ancillary hotel spaces and a plant room.
- 1.2 The proposed development seeks to erect a C shaped building which would address its main frontages to the front to Clerkenwell Road and to the rear to St Johns Square. The development would reinstate the street frontage therefore improving the appearance of what is a disjointed site. The proposed development would form an attractive and productive use of the site which would create a pedestrian link from Clerkenwell Road to St Johns Square which should increase surveillance and vibrancy along both routes in this case in accordance with the site allocation (BC 41).
- 1.3 The existing use of the site is a sui generis use, being a car wash business. The sui generis use class results in there being no specific policy protection for the existing uses on this site. The proposed use as a hotel with associated A1/A3 use at ground and basement levels is considered to be compliant with adopted policy, adhering to policy 4.5 (Visitor Accommodation) of the London Plan 2011, CS14 of the Islington Core Strategy 2011 and policy DM4.11 (Hotel and Visitor Accommodation) of the Islington Development Management Policies Document 2013. The site is located within 300m of a national railway station, and is identified within Site Allocation BC 41 allocated for a mixed use employment led development with some residential and office uses. The proposed hotel meets the requirements of adopted policy, would support the business function and employment uses of the area. The site is within 300m of a national railway hub, and is therefore considered to accord with Policy DM4.11 of the Islington DMP 2013, and CS14 of the Islington Core Strategy 2011.
- 1.4 The proposed development would require the demolition of all the lightweight built structures onsite. The proposed demolition of the existing buildings is considered acceptable as the existing buildings contribute negatively to the character and appearance of the Clerkenwell Green Conservation Area. The proposed hotel building comprises of an 8 storey building to be predominantly constructed from London Stock or Grey brick. The proposed design has been through a significant evolution from the pre-application process, three separate Design Review Panel (DRP) meetings. The proposed design is considered to be acceptable, subject to specific conditions relating to materials to secure a high quality resulting building, and details to address DRP queries plant screening and finishes. It is considered that the proposed development by nature of its design, and subject to relevant conditions, would not unduly harm the amenity of neighbouring residential properties. The height, scale, bulk and layout of the proposed development accords with policies DM2.1 of the Islington DMP 2013 and policies CS8 & CS9 of the Islington Core Strategy 2011.

- 1.5 The proposed building would be comprised of a hotel with no hotel rooms proposed to be created below first floor level. The proposed hotel rooms are considered to have acceptable access to light and outlook. Rear facing windows into the proposed rear atrium would be partially obscure glazed to ensure privacy which is secured with condition.
- 1.6 The proposed development is considered to be acceptable in terms of accessibility, the applicants have provided 10% of the rooms within the proposed hotel to be universal access bedrooms, which are also fully wheelchair accessible, with the development as a whole complying with the council's inclusive design policies as set out in the Core Strategy and Development Management Policies.
- 1.7 The proposed development complies with policy CS10 (Sustainable Design) and Development Management Policy DM7.4 (Sustainable Design Standards), the proposed development would achieve BREEAM 'Excellent' standards, and would provide energy savings of at least 30-37% against the 2010 building regulations. A Sustainable Urban Drainage System would be required by condition upon granting of permission, and a CO2 off-set financial contribution has been agreed. The applicant has agreed to explore the feasibility of connecting to Citigen Heating network which may improve energy performance further. The proposed development complies with the Council's policies regarding energy efficiency and sustainability, and is in accordance with policy CS10 of the Islington Core Strategy 2011, and policies DM7.1, DM7.3, DM7.4 and DM7.5 of the Islington DMP 2013.
- 1.8 The proposed development has submitted detail evidence to assess the likely transport impacts of the proposed development in relation to both Clerkenwell Road and St John's Square. The results show that the proposed use would intensify the use of the Square for servicing and deliveries but would still be lower than the extant permission in terms of vehicle movements in the area. It is considered that subject to detailed Hotel Management Plans and Servicing and Delivery conditions that the development could be built and function day to day without causing unacceptable adverse impacts on highways safety around the site not adjoining residents/users amenity levels.
- 1.9 The applicants have agreed to enter into a Section 106 agreement, the Heads of Terms of which are documented in Recommendation A of this report. The proposed financial obligations are considered to be in line with the Islington Planning Obligations SPD 2013, and are therefore considered to be acceptable.

2.0 SITE AND SURROUNDING

- 2.1 The application site is located on the northern side of Clerkenwell Road and directly to the north and west of St. John's Square. It is of an irregular shape and covers an area equal to 980sqm.
- 2.2 The site lies within the Clerkenwell Green Conservation Area, and is designated as being within an Archaeological Priority Area. There are statutorily listed buildings nearby at Nos. 47-52 St. John's Square and Nos. 49-53 Clerkenwell Road.
- 2.3 The site lies within the Clerkenwell Green Conservation Area, and is designated as being within an Archaeological Priority Area and an area of Special Character.

There are statutorily listed buildings nearby 12 to 14a Clerkenwell Green, Nos. 47-52 St. John's Square and Nos. 49-53 Clerkenwell Road. Further north of the site there is the Grade I Listed Church of St James and attached railings and the grade I Listed to the east corner of the entrance to St John's Square known as Priory Church of S t John of Jerusalem.

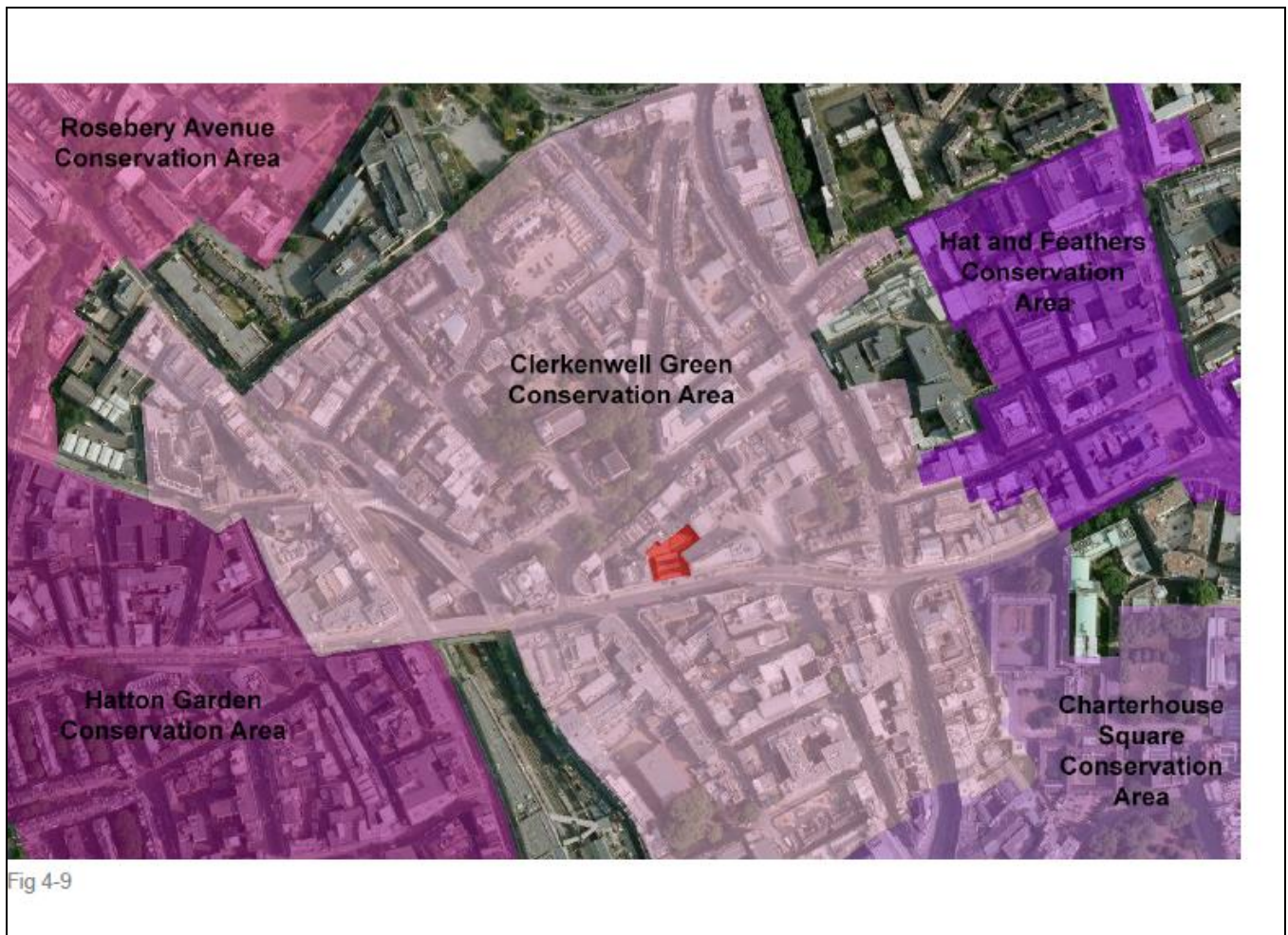


Fig 4-9

- 2.4 The site contains a former single storey Texaco service station and incorporates a covered petrol pumping station (4 pump islands) accessed from and fronting Clerkenwell Road, a small single storey brick forecourt shop (149sqm) is situated to the rear of the site and there is also a former car-wash building and cash machine on site. There are two vehicular access points from Clerkenwell Road and both points allow for vehicle ingress and egress. A portion of the site towards the east is undeveloped (formerly used for car-parking) and a wall separates the site from St John's Square, (which has a ground / street level approximately 1.5m above that of the filling station forecourt level). There is presently no vehicular or pedestrian access between St. John's Square, the site and Clerkenwell Road, principally due to the change in ground levels. The northern boundary of the site features a 6-7m high retaining wall broken only by a residential unit at No. 9 Clerkenwell Green.
- 2.5 The site is bound to the north by the rear elevations of Nos. 8-14 Clerkenwell Green, which is a mixture of commercial and residential properties. Part of the eastern boundary immediately adjoins St John's Square, although there is currently no access between the Square and the site due to a change in level of approximately 1.5m. The remainder of the eastern boundary adjoins No. 90 Clerkenwell Road which is a 5-storey office and residential development with a

blank side façade; and on the northern side of St John's Square, adjoining the application site on its north-eastern boundary is a modern 6-storey office development. The southern boundary fronts Clerkenwell Road, whilst the western boundary adjoins a part 5-storey, part 6-storey office building of some historical merit. The side façade of this adjoining building is also blank. The area is characterised by a mixture of residential and office uses, with retail and entertainment uses.

- 2.6 The application site falls within the Dartmouth Park Hill local view. The site is covered by three local views: Archway Bridge and Road (LV4 and LV5) and the SW corner of the site is covered by the view from Amwell Street (LV6), kenwood to St Paul's Cathedral designated viewing corridor, however the proposals are of a height that sits below the level of the viewing corridor, and therefore would not affect this designated view.

3.0 PROPOSAL (in Detail)

- 3.1 The proposed development seeks planning permission for the demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of 8 floor building plus 2 basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 250 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations. The proposals also include two basement levels, which are also proposed to house A1/A3 units, ancillary hotel spaces and a plant room. The proposed building would be 8 floors above ground level.
- 3.2 The proposed building seeks to create one linked curved building which would address both Clerkenwell Road and St John Squares frontages. The building would comprise of a basement level with a ground floor level and 7 storeys above with a recessed 7th floor roof level. The proposed building would stand 1.6 metres taller than the adjacent Spectrum Court to east along Clerkenwell Road and lower than the highest part of the pitched roofs of the adjoining property with a proposed set back at roof level of 2.6 metres.
- 3.3 The applicants propose an irregular shaped building which can be read as one integral unit with distinct elevations facing Clerkenewell Road and St John's Square. The proposal proposes with delineated land uses at ground and upper floor levels including the creation of a workshop unit, residential units, ground floor commercial areas including an expansive hotel lobby area with entrances to both Clerkenwell Road and St John's Square. The proposal also seeks permission to create a new passageway to St John's Square towards the proposed glazed atrium facing St John's Square which addresses the interface between the linked parts of the building facing Clerkenwell Road and St John's Square.
- 3.4 The proposed ground floor levels of the development proposes the main entrance area to the hotel with glazed frontages including a large A3 unit which would be linked to the hotel and an independent A1 unit adjacent to the proposed passageway through the site to St John's Square. The passageway would be finished with glazed brickwork, steps and a stairlift. The front elevation facing

Clerkenwell Road is proposed to have a tripartite window arrangement with both a horizontal and vertical emphasis. Each window would delineate two separate hotel floors within the building with opaque vertical and horizontal screens.

- 3.5 The window arrangement would be repeated towards the rear of the proposal with the other main elevations facing St John's Square having different window arrangements at lower levels and a more consistent and uniform window arrangement at the upper floor levels.
- 3.6 The main facing materials proposed are glazed precast bricks, concrete panels, metal frame windows, opaque glazed panels and ceramic cornices.
- 3.7 The proposed development was amended during the course of the application with second and third rounds of consultations being carried out on these changes. These changes are summarised below:
- Alteration to the building line along the northern elevation to provide increased separation distance to No. 9 Clerkenwell Green;
 - Revised canopy on Clerkenwell Road (reducing its projection);
 - Increased set back at the upper level (7th floor) facing onto Clerkenwell Road;
 - Amended glazing pattern of atrium when viewed from St John's Square;
 - Residential balconies fronting St John's Square to be fully recessed; alteration to façade treatment (raised cornice) at lower level and main Clerkenwell Road elevations.
 - Revised energy strategy, accessibility details, archaeological assessment and transport plan.



Proposed front elevation of development fronting onto Clerkenwell Road.

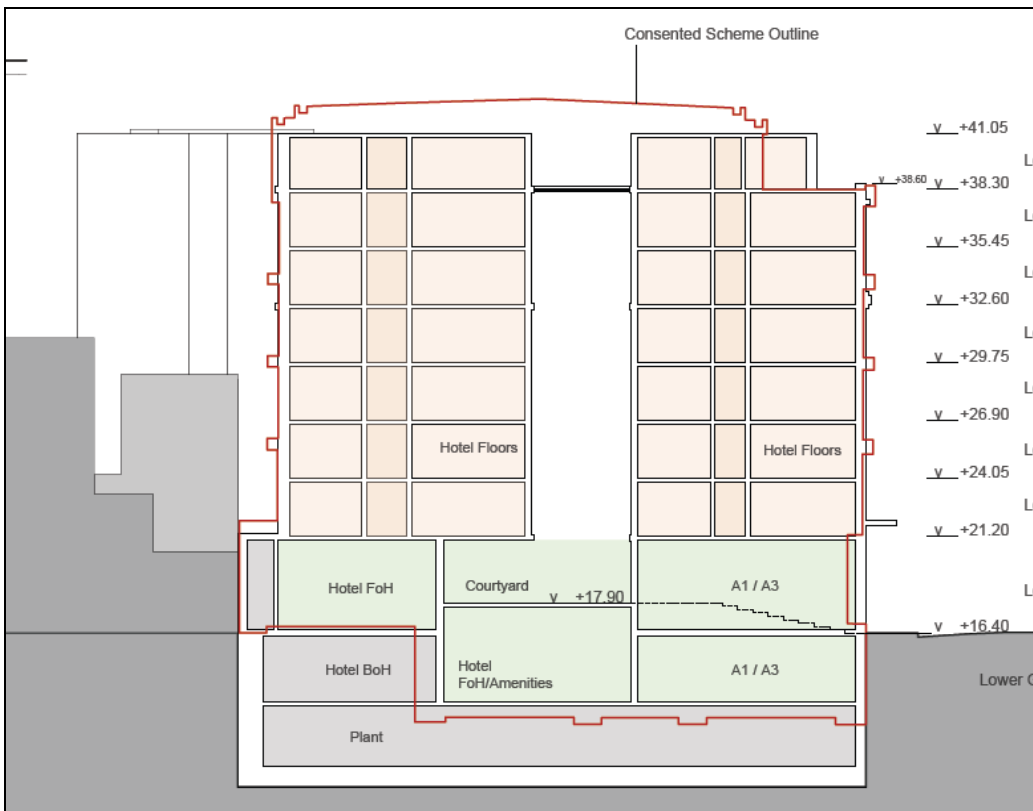


Image showing proposed development section drawing with extant permission outlined in red showing extant permissions additional height and different overall form.

- 3.8 The proposed development can be broken into several distinct sections for ease of assessment and consideration:

Proposed “Yotel Hotel” Use

- 3.9 The proposal seeks permission for the creation of a hotel that would consist of 212 no. bedrooms, with the operation split over eight floors plus 2 basement levels (circa 7,077 sqm). The main customer entrance would be directly from Clerkenwell Road, with a secondary entrance provided onto St John’s Square. The servicing entrance for the hotel would be provided off St John’s Square, whilst the plant and machinery is predominately located within the basement thereby reducing the noise impact upon surrounding neighbours.
- 3.10 “Yotel” have been confirmed as the preferred hotel operator. This international brand does not currently have a presence in central London (albeit they have hotels at Gatwick and Heathrow). Their use of innovative design, internet bookings and streamlined food and beverage provision ensures they are able to offer affordable accommodation, whilst maintaining a four-star plus service. Although relatively compact, the utilisation of space ensures that bedrooms are comfortable and innovative, providing flat screen TV with audio connectivity; free WiFi; monsoon shower with heated towel rack; and silent heating and cooling units. Bedrooms have been designed on a repeated grid layout, ensuring that partition walls can be removed and the configuration easily altered. Consequently, the building will be flexible for alternative adaptations should future demands require.
- 3.11 The spacious check-in area and entrance lobby would provide a concierge service and provide expert advice to customers on facilities and attractions in the local area. The ground floor also accommodates a large lounge, including a bar, which provides amenity space outside of the bedrooms, where customers can relax. The hotel’s food and beverage offer will be available for customers of the hotel as well as members of the public. Considering the sites access to sustainable modes of transport, the development is a car free scheme. There is no requirement for a coach drop-off. It is also Yotel’s intention to relocate their current Headquarters from 13 George Street, Westminster to an ancillary function within the hotel. This office and training facility will oversee the operations, sales, revenues, marketing and finance of the company which currently employs 12 – 15 people, all of which will be relocated to Clerkenwell Road.

Workshop/office space

- 3.12 The proposal seeks permission to create an office/workshop space (B1 use class) measuring 93 square metres below the residential aspect of the scheme fronting onto St John’s Square at basement and ground floor levels (adjacent to 53/54 St John’s Square). The proposed business space is proposed to be accessed directly from St John’s Square. The provision of a reasonable sized workspace/ business floorspace is expected the site allocation for this site.

Proposed Class Retail A1/Restaurant/A3 units fronting onto Clerkenwell Road

- 3.13 Fronting Clerkenwell Road at ground and basement level, the applicant intends to provide active uses which would provide facilities accessible by the wider community. Consequently, the proposed retail and restaurant units Class A1/A3 are proposed measuring 165 sqm and 85 sqm respectively. It is expected that one of the units will form the hotel restaurant, and therefore would be accessed through

the hotel, however it would be available for members of the public to use in addition to hotel guests. The end user of the second unit is yet to be determined, however there has been interest from numerous fine-dining restaurants which would attract customers from the local and wider area.

Residential Accommodation

- 3.14 The proposal also seeks permission for the creation of 5 self contained residential units (4x 3 beds & 1 x 2 beds) located within the rear section of the proposed building fronting onto St John'S Square. These residential aspects of the scheme would be located above the proposed basement and ground floor workshop and above the proposed first and second floors of the proposed hotel in this section of the building. The units would be located therefore on the third to 7th floor of the proposed development. The units would have large sized recessed front balconies for their main amenity space and would be dual aspect. The dwellings would be accessed via a separate residential entrance directly onto St John's Square with level threshold access, lift access and refuse and cycle parking facilities provided at ground floor level. The applicants have agreed to pay the required small sites contribution of £300,000 towards the provision of affordable housing within the borough which is to be secured via the proposed S106 heads of terms as outlined within recommendation A.

Pedestrian route through the site

- 3.15 The development scheme enhances permeability within Clerkenwell with the introduction of a pedestrian access linking Clerkenwell Road with St John's Square.

4.0 RELEVANT HISTORY:

Planning Applications

- 4.1 The application site has been the subject of a number of previous planning applications. However, the only applications considered particularly relevant are those relating to the full planning applications for the site. Those applications are summarised as follows:
- 4.2 Planning application LBI ref: P101292 to extend the time limit for the implementation of planning permission ref: P070783 dated 23/11/2007 for the: 'demolition of existing structures and erection of a part 5, part 6 and part 7-storey building (plus basement) comprising 3 (Class A1) retail units, 2 (Class B1) offices, 8 residential flats and an electrical sub-station. was GRANTED on 28/03/2012 with conditions and a legal agreement. The diagrams below show some images of the extant planning permission on this site.



Extant permission appearance from Clerkenwell Road.



Extant permission appearance when viewed from Clerkenwell Close.

- 4.3 Planning application LBI ref: P070783 for the ‘*Demolition of existing structures and erection of a seven storey building (plus basement) comprising three A1 retail units, two Class B1 offices, eight residential units, an electrical sub-station and ten micro wind-turbines and solar panels at roof level*’ was GRANTED on 23/10/2007.
- 4.4 Conservation area consent application P070780 for the ‘*Conservation Area Consent application in connection with the demolition of all on-site structures, including forecourt shop, forecourt canopy and pumps and removal of underground fuel tanks*’ was GRANTED on the 07/11/2007.
- 4.5 Planning application LBI ref P080989 for the Demolition of existing structures at 96-100 Clerkenwell Road and erection of a 7-storey building (plus basement) comprising three A1 (shop) units and an electrical sub-station at ground floor level, two B1 (business) and eight residential units at part ground and wholly to upper levels. Refurbishment and extension of 10-11 Clerkenwell Green and creation of openings in its southern elevation to allow linkages with 96-100 Clerkenwell Road and use of the ground floor of the building fronting Clerkenwell Green for flexible A1 (shop) and/or A3 (restaurant / café) use and use of upper floors of that building and all floors of the rear building for B1 (office) granted on the 20/08/2008.
- 4.6 Planning application LBI ref P052257 for the “Construction of a part six and part seven storey building (incl. basement) comprising a petrol filling station, office floorspace and 41 residential flats” granted on the 15/02/2006.
- Nearby development at Farmiloe Buildings 28-36 St John Street.**
- 4.7 Planning Application LBI ref P2013/5063/FUL for the “Retention and conversion of grade II listed office/showroom/warehouse building including internal and external alterations, demolition of 1930s extension and Atcost building, and erection of a 5-storey building, all to accommodate offices/workspace (B1 use) and flexible commercial (A1/A2/A3/D1 use) floorspace at ground floor.” Granted with conditions and legal agreement on the 8th August 2014.

Enforcement History

E12/06605: Non compliance with opening hours conditions (P101600)

E09/04517 Unauthorised use as car park

E10/05297 Untidy land

Pre-application Advice: the proposals have followed pre-application discussions held between the Local Planning Authority and the applicants (and their agents) from May 2013 to the date the application was submitted. The proposals have been generally supported by officers through the pre-application process in terms of land use and policy, however significant concerns were raised early in the discussions between the Local Planning Authority and the applicant regarding the proposed design of the building.

5.0 CONSULTATION

Public Consultation

- 5.1 Letters were sent to occupants of adjoining and nearby properties at Clerkenwell Green, Britton Street, Clerkenwell Road, Clerkenwell Close, Albemarle Way, Briset Street, Turnmill Street and Haywards place. A site notice and press advert was displayed on 06/02/2014. The public consultation of the application therefore expired on 06/03/2014.
- 5.2 Following on from a series of related amendments to the scheme a second round and third round of public consultations (14 days and site and press notices erected) were carried out starting from the 14/05/2014 and ending on the 29/05/2014 with the final round starting on the 26/06/2014 and ending on the 10/07/2014. A site notice was also displayed for both reconsultation phases. The majority of the responses were received after the first round of consultation with additional letters being received in the second and third rounds. These responses have been fully considered and grouped together for clarity under each relevant address.
- 5.3 At the time of the writing of this report a total of 34 responses (28 objections, 2 comments, response from Cllr Andrews and Cllr Court, 3 letters of support and a response from Emily Thornberry MP) had been received with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Negative impacts of the development on the character and appearance of the surrounding Clerkenwell Green Conservation Area

- Overly dense and overdevelopment of the site. (See paragraphs 8.7-8.21)
- Enclose and dominate St John's Square to an unacceptably harmful degree. (See paragraphs 8.13-8.18)
- Excessive scale and particularly the height of the proposed development. (See paragraphs (See paragraphs 8.7-8.21)
- Loss of skyline and views from properties along 45 and 47 Clerkenwell Green of St Paul's Cathedral. (See paragraph 7.18)
- Poor overall design of the proposed building. (See paragraphs 8.7-8.21)

Highways, parking, traffic congestion and servicing concerns

- Too much traffic and deliveries will be expected to be accommodated within St John's Square. (See paragraphs 15.5-15.38)
- Noise and disruption from necessary deliveries and servicing to the hotel. (See paragraphs 15.5-15.38)
- Increased risk of traffic accidents and conflicts between pedestrians and service vehicles within the Square. (See paragraphs 15.5-15.38)
- Unrealistic to compare servicing and traffic movements on the extant permission and based on uses within the square based on permission granted from over 7 yrs ago when lots of new uses have started which are using up some the servicing and delivery capacities of the square. (See paragraphs 15.5-15.38)
- Need for vehicles to reverse and inability of vehicles to enter and leave the site in forward gear. (See paragraphs 15.5-15.38)
- Increase in frequency and intensity of deliveries related to the hotel will harm the character cobble finish s along St John's Square. (See paragraphs 15.5-15.38)

- Potential for large increase in private and hotel related parking needs in the area. (See paragraphs 15.5-15.38)
- Lack of a turning point provision for vehicles within the site. (See paragraphs 15.5-15.38)
- Adverse impact the development would have on the existing cobbled square in terms of maintenance during the construction and final use phase of the development. (See paragraph 15.38)

Land-use concerns

- No need or demand for another hotel in the area. (See paragraphs 7.10-7.14)
- Should be more office based redevelopment of the site (See paragraphs 7.5-7.10)
- Transient nature of hotel residents. (Not a material planning consideration)
- Over provision of hotels in the area. (See paragraphs 7.10-7.26)

Amenity Concerns

- Noise and construction disruption to adjoining uses during the construction phase of the development. (See paragraphs 12.39-12.40)
- Increased noise and fumes coming from the intensified servicing and deliveries needed for the hotel. (See paragraph 15.26)
- Increased late night activity and noise from the hotel use and A3 uses. (See paragraph 12.39)
- Anti social behaviour along the proposed passage from Clerkenwell Road to St John's Square. (See paragraphs 12.9-12.11)
- Block light to the square itself as a result of the excessive scale and height of the proposed development. (See paragraphs 8.16-8.18)
- Licensing implications for restaurant or bar area. (See paragraphs 7.23-7.25)
- Loss of daylight/sunlight, outlook and increased sense of enclosure to adjoining properties. (See paragraphs 12.2-12.8)
- Light pollution from the proposed new building (see paragraphs 12.41-12.43)
- Inadequate refuse facilities for the hotel, residential and commercial aspects of the scheme. (See paragraphs 15.17-15.20)

External Consultees

- 5.3 English Heritage stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 5.4 English Heritage (Greater London Archaeology Advisory Service) note that the site lies astride the inner precinct boundary of the Priory of St John of Jerusalem. The officer notes the proposed basements would remove all surviving remains of archaeological interest. However the officer notes that the development will only affect a small part of the inner precinct an area with patchy survival and none of the key building the loss of these remains would amount to less than substantial harm. The officer raises advises the council that the development should be considered in light of this less than substantial harm and other public benefit of the scheme. If the council considers the public benefits of the scheme to outweigh the harm here the officer advises a series of conditions be attached to any grant of permission in relation to the submission of a written scheme of investigation, site investigation and an archaeological watching brief (condition 30).
- 5.5 London and Middlesex Archaeological Society (LAMAS): The Society noted

- “The ennuui of the architectural design, despite it being more sympathetic than the consented scheme, it was felt that a more interesting elevation to Clerkenwell Road could be produced”
- The height of the rear wing was considered excessive and detrimental. It was remarked that given the difference in scale of various surrounding buildings and the impact upon St John’s Square, the rear should be reduced by one or two storeys (even if stepped)”
- “In conclusion it was thought the design needed refinement as being a gap site in an important area it deserved a better scheme, and a reduction in the massing to the rear of the site was essential to make the proposal acceptable. (Addressed in paragraphs 8.7-8.21)

5.6 London Fire and Emergency Planning Authority raise no overall objections to the scheme while noting that developments of this type should use sprinkler systems.

5.7 Metropolitan Police (Crime Prevention) no response.

5.8 Transport for London raises no overall objections to the proposal subject to:

- No on site car parking provision
- Welcome the proposed servicing for the hotel from St John’s Square and commercial elements servicing from Clerkenwell Road. TFL recommends a Delivery Servicing Plan is submitted via conditions.
- S106 should include a Green Travel Plan to be submitted.
- Crossrail contribution should be secured for this development.

Internal Consultees

5.9 Access Officer: The Councils Access officer has reviewed the application and made comment, which resulted in revisions being made to some aspects of the development. Full details of this are included in the access section of this report. Overall the provision of 10% of the total hotel rooms (21 rooms) to be fully disabled accessible is welcomed. Still few concerns remain regarding full accessibility of the site but subject to detailed conditions to secure the full compliance with the council’s accessibility standards no objection raised.

5.10 Design and Conservation Officer: The officer has some concerns over the final design quality of the development particularly in relation to the Clerkenwell Road frontage and atrium area facing St John’s Square. However the officer welcomes the reduction in the height of the proposed development when compared to the extant planning permission which allowed a visually harmful and higher building on the application site particularly when seen from Clerkenwell Close. Bearing in mind the open nature of the site which detracts from the character and appearance of the conservation area and the extant permission in place it is considered that subject to detailed conditions controlling the selection of appropriate and high quality facing materials that the scheme can be supported.

5.11 Licensing officer: The officer notes that any new operator within the development will want to obtain a premises license to sell alcohol and possibly provide regulated entertainment and late night refreshment. The officer notes the application site is located within the council’s cumulative impact policy area which means there is a presumption against granting any new licenses unless the applicant can satisfy the

council that they will not add to the cumulative impact. The officer notes that should a licence be granted the preferred terminal hours would be the following:

- Off licences to 11pm
- Restaurants, café, bars 11pm Sunday to Thursday, midnight Friday and Saturday
- 24 hour sales of alcohol to hotel residents

5.11 Design Review Panel (DRP): Previous reiterations of the scheme have been considered by panel members on three different occasions during the process of the pre application with the third appearance at DRP (16th September 2014). A copy of that DRP response (dated 14th October 2014) is attached to this report within Appendix 3. The points below are a summary of their thoughts as outlined within the third and latest DRP response concerning the redevelopment of this site:

Panel's observations

- Panel members appreciated that the scheme had been further developed in a positive direction since the previous review and that some of the issues raised then had been addressed, but stressed that the changes fell short of the more fundamental re-design it had wished to see. The Panel remained concerned that the proposal appeared to be principally driven by the need to accommodate a set number of hotel rooms to the detriment of creating a building of distinction with high quality internal communal and private spaces.

Officer's comments: Officers note that the current design of the proposal has evolved and represents a considerable improvement on earlier reiterations in design terms. The council must consider the planning merits of the submitted scheme and it is considered that the proposed scheme offers a contextual and attractive building within its context. The council has no hotel room standards and it is considered that the room layout and room configurations of the proposed hotel are acceptable in this case.

- The Panel noted that it is critical to see drawings which adequately describe the design intent of the scheme, particularly on a site of such importance, and was concerned that from the information presented key design details remained outstanding. Please see the final page of this letter for a list of information that the Panel felt should be provided.

Officer's comments: Officers appreciate that the more detail applicants can provide within any major application the better it is for a full assessment of the design credentials of a scheme. However, the submitted plans and details for this proposal are considered to be of a good quality and sufficient detail which allow an accurate assessment of the design and planning merits of the proposal to be made. The panel members suggested a list of additional details is welcome and is suggested to be secured via conditions 3 &4. Future planning approvals relating to these points/details could be brought back to DRP if members were so minded.

- The Panel noted that the design team had done further work in developing the building's façades. On the Clerkenwell Road frontage, the Panel noted the further development of the tripartite approach with a better expression of a base, middle and top. The Panel was however concerned that the plan did not inform the elevation, and that there was a strong sense of both having been developed separately.

Officer's comments: Officers welcome the improved articulation of the main façade of the proposal fronting onto Clerkenwell Road with the proposed tripartite design approach. It is considered that the overall Clerkenwell Road elevation relates well to its local context and the room configurations proposed are not considered to be readily discernible in any harmful way from the final appearance of this elevation.

- The Panel welcomed the direction taken on the use of interesting materials on the front elevation, but said that further information was required on the detailed design. In particular the use of glazed bricks and how they are detailed on the window returns. The Panel stated that it would like some reassurance around the materials and designs proposed and whether these would be possible to deliver, particularly in relation to the windows. The Panel suggested that a two window bay mock-up (at 1:1 scale) could help inform whether the proposed designs and materials are appropriate and feasible.

Officer's comments: Once again further detailed drawings, samples and finishes could be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix B of this report (conditions 3 & 4).

- There was some discussion surrounding the proposed placement of bathrooms within the hotel rooms - the architect described the room layouts with the bathrooms on external wall - and the Panel was, therefore, concerned about their impact on the external faces of the building. It was felt that further clarification of this aspect of the scheme was needed. The Panel reiterated its concern that it is unclear what parts of the elevations were opaque, transparent and translucent and the overall impact this may have on the street elevation. A more detailed coloured elevation and CGI view at a less acute angle would be necessary to assess the appropriateness of the design.

Officer's comments: Officers consider satisfactory details have been submitted as part of the application proposal. Once again further detailed drawings, samples and finishes could be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix of this report. A further condition 42 will seek to secure the final hotel room layouts including bathrooms and their resulting visual impacts on the proposals main facades.



- In relation to the St John's Square frontage, the Panel expressed serious concerns in relation to the elevation. The Panel felt that not enough of a detailed design had been provided to judge whether the design was appropriate, particularly in relation to the functions behind the elevations for example in the southern corner, use of materials an which sections would be transparent, opaque, or solid. The Panel requested very specific design drawings of the back elevation.

Officer's comments: Once again further detailed drawings, samples and finishes would be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix B of this report.

- The Panel welcomed improvements made to the arrival area of the upper floors of the hotel. However, the Panel felt that the atrium was a lost opportunity in terms of bringing daylight and views into the corridors of the hotel. The Panel noted that the atrium is very narrow with the windows of the rooms directly facing one another only feet apart.



Officer's comments: Officers note the irregular shape of the site and the difficulty of achieving a comprehensive redevelopment of the site which addresses all frontages of the site adequately. It is considered that the proposed atrium feature would remain an attractive feature when viewed from the public realm and from within the proposed hotel rooms. The amenity of the hotel rooms are considered acceptable.

- Panel members welcomed improvements made to the residential accommodation. Although the Panel welcomed the inset of the balcony, it noted that this had reduced the size and particularly the width of the living rooms.

Officer's comments: Officers acknowledge that the recessed balconies have reduced the width of the proposed living spaces of the residential units. However these units still offer generous floor areas with a good overall layout. The quality of the proposed 5 residential units are considered to be acceptable.

- The Panel welcomed improvements made to the workshop space, but expressed concern over the lack of daylight.

Officer's comments: The level of daylight accessible to this small non residential space is considered to be acceptable in this case.

- Summary: As during previous reviews, the Panel welcomed the design intentions of reinstating the fabric on this site and the introduction of permeability from Clerkenwell Road to St John's Square. The Panel noted the scheme had evolved in some areas but felt that the proposal still fell short of delivering a building of exceptional architectural quality to respond to its rich surrounding context. Although the Panel felt that design had improved, they were concerned that the lack of detailed design drawings of the front and back elevations made it difficult to assess the proposed designs. The Panel would encourage the design team to revisit the

above mentioned aspects of the proposal to ensure the final development proposal provides a more adequate scheme.

Officer's comments: The council must assess the design quality and planning merits of the submitted scheme and not a hypothetical scheme which is not before the council for consideration. Bearing in mind the open nature of the site which currently detracts from the character and appearance of the surrounding conservation area and the extant planning permission for a taller building in this location, it is considered that the development would form an attractive and contextually appropriate building within this location and would enhance the character and appearance of the Clerkenwell Green Conservation Area.

- 5.12 Energy Conservation Officer: The Council's Energy Conservation Officer(s) have reviewed the submitted Energy Statement and consider the information contained therein to be largely suitable, and welcome the proposed 30.3% energy reduction against 2010 building control regulations, along with the BREEAM 'Excellent' rating, as adequate for a hotel scheme of this nature. The site is located 600 metres away from the Citigen Network. Officers recommend that the applicants are (where feasible) encouraged to connect to this network. The assessment of the feasibility of connecting to the Citigen network is secured by S106 agreement. A planning obligation for a Carbon Offsetting Contribution has been sought, and agreed by the applicant for a sum totalling £ 451,720 which is included within the Heads of Terms which form part of this report.
- 5.13 Spatial Planning and Transport (Transport Officer): The officer notes the inability of the application site to provide off street parking and servicing facilities. The officer notes the extant permission allowed servicing of the approved office development to occur from St John's Square and notes the current proposal would result in reduction of proposed traffic movements. Therefore subject to detailed conditions and S106 contributions to facilitate improvements and maintenance to the local highways However, it was demonstrated by the applicants that an internal servicing arrangement would not be possible in this location without significantly breaking the building line, and requiring vehicles to move across busy pedestrian footpaths, along with significantly reducing the usable ground floor area of the building for commercial uses. Further information is included in the transport section of this report.
- 5.14 Sustainability Officer: The Council's Sustainability Officer has been involved through the application process, and has confirmed no objection to the proposed development subject to a list of standard conditions being applied to any permission granted, along with a suitable S106 Carbon Offsetting contribution. The proposed development has included a large green roof on the proposed building and would embrace as many SUDS features as possible which would be secured via condition.
- 5.15 Planning Policy: The site allocation (BC41) suggests an employment led mixed use redevelopment, including an element of residential alongside small scale offices and or workshops. The site is an accessible and prominent site. Redevelopment provides an opportunity to improve the quality of the local area and provide new commercial accommodation. No in principle objections were raised by the Council's Planning Policy team, while welcoming the bar/restaurant use at ground floor level, and encouraged the retail use to be comprised of smaller units.

6.0 RELEVANT POLICIES

6.1 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

6.2 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

6.3 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

6.3 There is no Planning Advice Note/Planning Brief relevant to this proposal.

Designations

6.4 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:

Islington Local Plan

CS7: Bunhill and Clerkenwell Key Area
Archaeological Priority Area
Local views of St Paul's Cathedral
from Amwell Street, Archway Road and
Archway Bridge
Site Allocation BC 41
BC 7 "Historic Clerkenwell"
Finsbury Local Plan Policy BC8
Employment Priority Area (General)
Clerkenwell Green Conservation Area

London Plan

Central Activities Zone

Supplementary Planning Guidance (SPG) / Document (SPD)

6.5 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

7.0 ASSESSMENT

The main issues arising from this proposal relate to:

- Principle/Land Use
- Design, conservation and impacts of the proposed development on the setting of adjoining Listed buildings.
- Neighbouring Amenity
- Quality of the proposed hotel accommodation
- Living environment and mix
- Affordable housing and small sites contributions
- Access and Inclusive Design
- Energy/Sustainability
- Transport and Highways

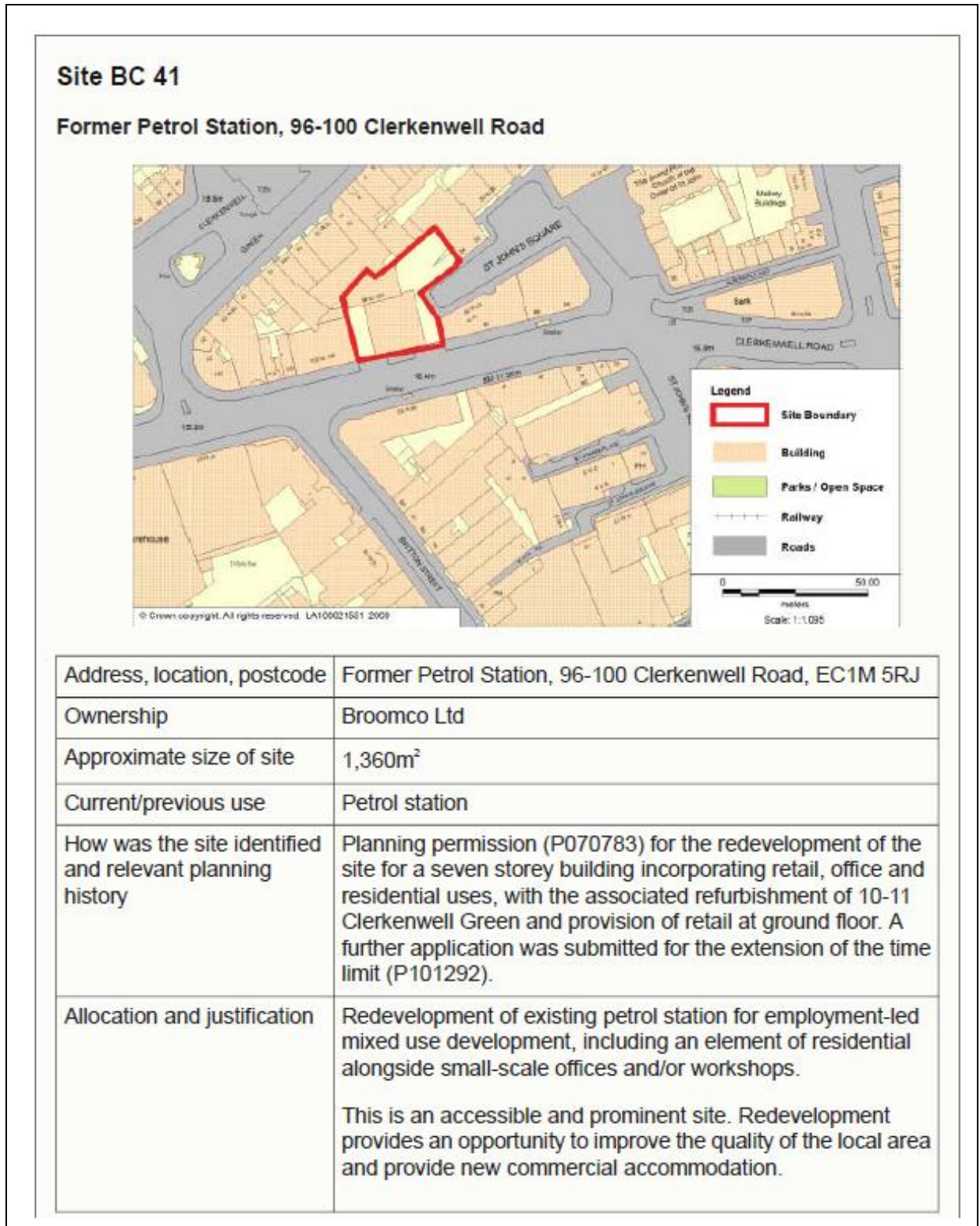
Land-use

Loss of Existing Sui Generis Uses

- 7.1 DM5.2 states that proposals that would result in a loss or reduction of business floor space will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floor space. In the absence of the required marketing and vacancy evidence covering a two year period (as set out in Appendix 11 of the DM Policies), the applicant would usually need to provide a market demand analysis under the terms of Policy DM 5.2. However, the employment operations that occupy the existing buildings on site, namely a car wash are classed as sui generis uses. The applicant contends in the Planning Statement that the existing employment provision is of low grade and the provision of a hotel at the site will increase employment density and bring economic benefits to the area, which is considered to be acceptable. It is important to note that there are no specific adopted policies protecting sui generis employment uses at this site.
- 7.2 There is a previous extant permission for an office led redevelopment of the site which expires in March 2015. As part of this application details have been provided of a reasonably high level of marketing for the delivery of the extant office permission. The initial results show no firm or concrete offers for the site for this use which covered a time frame dating from 2007. That is not to say that despite the lack of recent offers (to develop the offices within the extant permission) that the site could not be developed for a viable office led development in the future. However the council must consider the merits of the proposed development and land uses contained within this particular application.

Site Allocation “Former Petrol Station 96-100 Clerkenwell Road

7.3 The site is allocated (Site BC 41) and this seeks the following:



Design considerations and constraints	<p>The site is within Clerkenwell Green Conservation Area. Proposals should provide active ground floor uses and demonstrate design and massing that conserves and enhances the historic context.</p> <p>The site falls within protected viewing corridors defined by the Development Management Policies.</p> <p>Remediation is required prior to redevelopment.</p>
Cross-references	Policy BC7; Public space priority project 29
Estimated timescale	2012 to 2016

7.4 It is important to note that employment uses include “activities or uses that generate employment, including **offices**, industry, warehousing, showrooms, **hotels**, **retail**, entertainment, educational, health and leisure”. (Finsbury Local Plan). Given that a hotel is an employment use and the other proposed uses include an element of residential and 93m² of office/workshop, it is considered that the proposed development meets the land use allocation for Site BC 41.

Employment Priority area and range of employment uses

7.5 The site is within the general category of an Employment Priority Area and Finsbury Local Plan Policy BC 8 (Achieving a balanced mix of uses) sets out the nature of development sought in these areas. Part A (ii) and B of this policy are applicable to this proposal.

A. *Within the Employment Priority Areas (General and Offices) designated on the Policies Map and shown on Figure 16:*

ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

B. *Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*

ii. *A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*

iii. *Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*

iv. *Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*

7.6 As the extant permission for office use has not been implemented, there is no policy protection for retaining the level of office provision in the extant permission within a new application when the site has not previously been in a business use. While it is acknowledged that the site allocation seeks an employment led mixed-use scheme,

and a hotel use is considered an employment use as defined by the DM DPD, within the context of a hotel-led scheme the proposals need to demonstrate that business floorspace on the site has been maximised, as set out in BC8A(ii). An inability to secure a pre-let for the extant scheme does not demonstrate that there would be a lack of demand for a lesser quantum of office floorspace within a mixed-use scheme, particularly as the office market/rental values have moved on from 2012, the last time the site was considered for office use.

- 7.7 Although a demand analysis for the unimplemented scheme has been presented, evidence has not been provided that the provision of a single office unit of 93sqm is the maximum amount of business floorspace reasonably possible on the site. However the scheme does accord with the site allocation, the site is appropriately located for a hotel scheme in relation to transport hubs as required by planning policy and the benefits of developing a gap site are considered to outweigh this omission in this particular instance.
- 7.8 Therefore the proposed mix of hotel, office, A1/A3 uses and residential uses are considered to offer an appropriate mix of uses within the site while still emphasising the employment generation of the site as the policy seeks to create.
- 7.9 The site is covered by Policy BC 7 Historic Clerkenwell. This policy sets out the land use and design criteria for development in this area, seeking:
- 'A range of employment uses, including business workspaces suitable for SMEs, affordable workspaces for specialist industries, and small-scale retail and leisure uses, with complementary residential uses provided where appropriate.'*
- 7.10 Once more the proposed workspace is considered to be a useful workspace for Small and Medium Enterprises (SME's). The development includes retail and restaurant units and the creation of five good sized and well located residential units. The proposed development is considered to offer a mixed use redevelopment of the site which is led by employment generating opportunities and it is considered to have met the appropriate balance between creating a urban development which enhances the character and appearance of the site, offers a breadth of different uses and increases significantly the employment generation capabilities of the site as a whole.
- 7.11 The proposal includes 93m² of office / workshop space (Class B1) and 250m² of A1/A3 use as well as the hotel and residential uses. Micro and small workspaces are considered to be workspaces in business use (B use classes) with a gross internal floor area of around 90m² (gross) or less. The proposed office/workshop is would form a highly accessible and useful office/workshop space within this highly accessible location. Small retail units are considered to be individual shop (A1) units of 80m² or less (gross), the proposed A1/A3 units are to be 165m² and 85m². One of these units would form the hotel restaurant and the planning statement indicates the second unit is likely to become a fine dining restaurant. During the course of the application the one of the larger A1/A3 units has been reduced to two smaller units which is welcome in terms of creating smaller retail units. The amended plans clearly show an A3 unit which would be linked to the proposed hotel and another A1/A3 unit adjacent to the proposed pedestrian cut through over basement and ground levels.

7.12 The units are larger than what policy would usually expect. However the physical dynamics of the site creates limited street frontage but units which are reasonably deep and created over two floors which leads to the creation of two larger units overall. It is considered that both units proposed floor sizes has been justified against policy by creating attractive units which will enliven the Clerkenwell Road and St John's Square frontage at ground floor levels. These considerable benefits are considered to ensure that the proposed units will respect their context and will not undermine the vitality and vibrancy of the wider area.

Principle of the Hotel use

7.13 Core Strategy Policy 14 part G states that hotels and visitor accommodation will help support the retail and service economy while noting that the appropriate location for hotels and visitor accommodation is in town centres. The council's policies concerning new hotels are further detailed within the Finsbury Local Plan and Development Management Policies.

7.14 Policy BC 8 (Achieving a balanced mix of uses) states:

*'H. Visitor accommodation may be appropriate within the City Fringe Opportunity Area or **in proximity to Farringdon station.***

7.15 Policy DM4.11 (Hotels and visitor accommodation) sets out the criteria for assessing applications for hotels.

A. Hotels and other visitor accommodation are generally appropriate in the locations specified in the following hierarchy:

- 1. Designated Town Centres; and*
- 2. Areas within the Central Activities Zone that are within the designated City Fringe Opportunity Area or are in close proximity to national railway hubs.*

Officer response: The application site is located within very close distance to a national railway hub being Farringdon Station and is located within the Central Activities Zone. It is considered that the application site is a suitable location for a hotel use.

B. Proposals for new hotel and visitor accommodation (including ancillary hotel and visitor accommodation) will only be supported where they:

- i) contribute to the balance and mix of uses in the immediate locality;*

Officer response: The area is characterised by a wide variety of residential, commercial, offices and hotel uses. There are many examples of residential and office uses with nearby hotels within the vicinity of the site. It is considered that the creation of an additional hotel would complement the mix and variety of uses within this highly accessible location.

- ii) support the area's primary retail/business/cultural role and do not compromise economic function/growth;*

Officer response: The Finsbury Local Plan defines employment uses to include activities that generate employment including offices, showrooms, hotels, retail, entertainment, educational and health and leisure. The proposed hotel would

create an attractive offer of hotel accommodation with related restaurant facilities which would create economic activity while also activating the streetscene. The proposed hotel would offer a good number of hotel rooms to visitors to the area and London in general all of which would encourage and promote economic activities and expenditure in local businesses and within the London generally.

iii) do not result in adverse impacts on residential amenity, including cumulative impacts;

Officer response: It is considered that through the careful detailing of servicing and deliveries and a comprehensive Hotel Management Plan that the proposed use could function satisfactorily without adversely affecting the amenity levels of adjoining occupiers and users within the vicinity of the site. Detailed conditions concerning noise, hours of operation, servicing and delivery hours and controls and a hotel management plan are suggested to ensure that adjoining amenity levels are not adversely affected by the proposed development during both its construction phase and day to day operation.

iv) have excellent access to a range of public transport modes;

Officer response: The site is located within a highly accessible location within short walking distance to a major transport hub in the form of Farringdon Station. The area is also well served by a variety of modes of public transport from Clerkenwell Road.

v) provide appropriate arrangements for pick up / drop off, service delivery vehicles and coaches, appropriate to the size of the hotel or visitor accommodation;

Officer response: The application site is very well located close to a railway hub and well developed public transport modes. There are no opportunities within the application site or surrounding area to accommodate coach parking facilities. Taxis can drop off patrons along Clerkenwell Road. Detailed servicing and hotel management plans and controls on hours of operation are suggested within Appendix 1 to ensure that the use can function adequately without adversely affecting the amenity of adjoining occupier s/users and safeguarding highways safety around the site.

vi) incorporate ancillary facilities which are open for public use and create employment opportunities for local residents, such as restaurants, gyms and conference facilities (where appropriate);

Officer response: The proposed development would create a good sized restaurant which can be frequented by both patrons of the hotel and the general public alike. The restaurant use would create an attractive commercial unit which would add to and complement the existing provision of restaurants and places to socialise within the immediate vicinity. The proposed pedestrian cut through would increase the permeability of the site forming a direct access through the site from Clerkenwell Road to St John' s Square. The proposed cut through would enliven the Square and increase footfall through the Square which would benefit the business levels of existing commercial uses within the Square and surrounding area.

vii) *are inclusive, providing at least 10% of all hotel rooms to wheelchair accessible standards (the 10% wheelchair accessible standard rooms must be fully fitted from occupation); and*

Officer response: The proposed hotel has detailed the provision of 21 bedrooms to be fully wheelchair accessible and laid as such. A further condition is suggested to ensure that these rooms are fully equipped for disabled visitors prior to the first occupation of any of the hotel rooms within the scheme.

viii) *provide an adequate standard of amenity for occupants.*

Officer response: The proposed hotel rooms are considered to have adequate room height, room sizes and layouts and access to light and outlook bearing in mind the type of transient use a hotel use involves. The proposed residential units within the scheme accord with the councils room sizes and have good external amenity spaces and good access to daylight and outlook and are all dual aspect.

D. Applications for major hotel developments must be accompanied by information detailing:

- i) how any impacts on residential amenity will be mitigated; and*
- ii) arrangements for securing public access to ancillary facilities (e.g. restaurants, gyms and conference facilities suitable for locally arranged events).*

Officer response: The hotel itself and its proposed restaurant use will be accessible by patrons and the general public alike. The pedestrian cut through will open up St John's Square increasing its natural surveillance levels and allow greater footfall of pedestrians through the area who may avail of the existing and developing commercial and restaurants facilities in the surrounding area.

7.16 The proposed hotel is within 300m of Farringdon Station and would support the areas economic function, incorporating publically accessible facilities. There is an existing hotel at a neighbouring building at 88 Clerkenwell Road (The Zetter). It is considered that the creation of an additional hotel in this highly accessible location would not result in an overconcentration of hotel uses within the area. Despite the highly central urban location there is a wide variety of commercial, hotel and residential uses in the surrounding area. It is not considered that the creation of an additional hotel in this location would undermine the commercial and mixed use nature of the area. The site is considered an appropriate location for a hotel. The principle of the proposed redevelopment of the site in the form of a hotel and smaller elements of residential, office and A1/A3 floorspace is considered to accord fully with DM policy 4.11.

Local views

7.17 The site is covered by three local views: Archway Bridge and Road (LV4 and LV5) and the SW corner of the site is covered by the view from Amwell Street (LV6). Officers are satisfied that the proposed height of the buildings would not infringe on these viewpoints remaining unaffected if the development were to proceed.

Loss of skyline and views from properties along 45 and 47 Clerkenwell Green of St Paul's Cathedral.

- 7.18 Concerns have been raised from residents within 45-47 Clerkenwell Green regarding a loss of skyline and views of St Paul's Cathedral. It is important to note that the consented scheme is for a slightly taller scheme and the proposed development is considered to be finished to an acceptable height in townscape terms. The main local viewpoints are unaffected. There is no right to a view in planning terms. The overall height, scale and massing is considered to relate well with the surrounding area and it is not considered that any objections to the height of the proposed built form cannot be sustained in terms of protecting limited views over the site from adjoining properties.

Affordable housing and small sites contributions

- 7.19 The proposed development includes some provision of housing. The size and number of these units are considered to be acceptable. The applicants have committed to pay an affordable housing contribution as a result of the proposed five residential units (5 x £ 60,000 = £300, 000). This is secured via S106.

Employment provision:

- 7.20 Within its current use as a car wash facility, the contribution of the current use on the site to the employment needs of this part of Islington is minimal. In addition to providing a vibrant and active use on this long under-utilised site, the hotel operation would generate significant new jobs for the local area. It is expected that the hotel alone would employ approximately 100 staff, with a dedicated training programme being implemented to train and provide the necessary skills for the staff. Furthermore, the provision of Class A1 / A3 units adjoining Clerkenwell Road and the office / workshop floorspace on St John's Square will provide additional job opportunities for the local area. Consequently, the development proposal is expected to significantly contribute to the employment opportunities within the local area.
- 7.21 The applicants have confirmed their commitment to Islington's Code of Local Procurement, along with compliance with the Code of Employment and Training, an agreed sum within the S106 agreement as proposed towards employment and training. All of these points are to be secured in the Section 106 agreement that this application would be subject to, the heads of terms for which have now been agreed.
- 7.22 The associated restaurant use of the hotel is considered to be broadly acceptable in this location as this would comply with the London Plan and Islington Policy DM4.11. A condition would be attached to any consent in order to limit the hours of operation of this restaurant area (condition 25), along with requiring details of any flue or extraction systems (condition 35) to be provided to the Local Planning Authority prior to the use commencing in order to meet the requirements as set out in Part B (iii) of DM4.11.

Flexible Retail /Restaurant Uses

- 7.23 The application is proposing to provide 250 m² of A1-A3 space on the basement and ground floor of the scheme. Policy DM 4.1 seeks to secure small shop units (generally considered to be units of around 80m²) for small and independent retailers throughout the borough, with retail development required to provide a good supply of smaller units. The policy also states that:

1. *The development would not individually or cumulatively with other development have a detrimental impact on the vitality and viability of Town Centres within Islington or an adjacent borough.*

Officer's comments: The surrounding area is characterised by a mixture of office, restaurants and some A1 units. The creation of a larger hotel related restaurant unit with frontages onto both St John's Square and Clerkenwell Road is considered to improve the vibrancy of the area over the existing non-existent frontage to the site. The units proposed are large in floorspace by reason of their large depth and still represent a relatively narrow frontage onto Clerkenwell Road. The physical dynamics of the site makes the provision of smaller retail units with very small actual Clerkenwell Road frontages difficult and would affect their long term viability. It is considered that the proposed two units in this case have been justified in policy and townscape terms and re therefore considered to be acceptable.

2. *Proposed uses can be accommodated without adverse impact on amenity and*

Officer's comments: The proposed units are not considered to have an unacceptable impact on the amenity levels of adjoining occupiers/users subject to detailed hotel management and restaurant plan which will outline controls on the deliveries, servicing and hours of operation of the restaurant use. The proposed A1 uses hours can also be controlled via conditions 9, 21, 22, 23, 25, 34 7 35.

3. *The proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.*

Officer's comments: It is considered that the creation of a 212 bedroom hotel and five residential units will create a significant increase in the number of people frequenting and visiting the site form day to day activities. The hotel use would enliven the streetscene and promote economic activity around the site. The likely increased economic activity around the site during its construction and operation would complement and intensify economic activity within the surrounding CAZ which is supported in policy terms.

- 7.24 The scheme has reduced the proposed units from three to two units which is considered to be acceptable bearing in mind the limited frontage onto Clerkenwell Road and the imbalance between the actual frontage onto Clerkenwell Road and the depth of the proposed building into St John's Square.
- 7.25 London Plan policy 2.10 states that boroughs should support and improve the retail offer of the CAZ for residents, workers and visitors. Policy 2.11 states that boroughs should identify, enhance and expand retail capacity to meet strategic and local need and focus this on the CAZ frontages. A condition is also recommended limiting the hours of operation of the ground floor retail units in order to protect nearby residential amenity.

Location and concentration of uses:

- 7.26 Policy DM 4.3 seeks to resist granting planning permission for cafes, restaurants, drinking establishments, hot food takeaways, nightclubs, casinos and other similar uses where they:

- 1) would result in a negative cumulative impacts due to an unacceptable concentration of such uses in one area or
- 2) would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

7.27 There are a number of restaurants in the immediate vicinity of the site. It is important to note the central location of the site and the dual frontages of the application site has facing onto Clerkenwell Road and St John's Square. The councils licencing officer advises that the site is located within a cumulative impact area where there is a presumption against granting any new licences unless applicants can demonstrate that their use will not add to the cumulative impact of such uses within the area. The councils Licensing Team will consider any future application for a licence on its own merits and based on the details and operation controls that may be suggested by the applicants. The applicants have stated that the preferred licencing hours of operation would be acceptable if applied to the proposed uses in this case. It is considered that with adequate sound/noise insulation, odour controls and controls on operation hours and services and deliveries that the proposed A3 uses could function satisfactorily without adversely affecting the amenity levels of adjoining occupiers/users.

Summary

7.28 As set out above, the proposed land use as a mixed development of hotel, residential, retail and small office/workshop unit is considered to be acceptable subject to servicing, quality of accommodation, design, sustainability, accessibility and transport which are covered elsewhere in this report.

8.0 Design, Conservation and Heritage Considerations (including Archaeology)

Policy Context

8.1 The NPPF (at paragraph 56) states that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 63 states that, in determining applications, great weight should be given to outstanding designs which help raise the standard of design more generally in the area. Further relevant design policies are included in the London Plan, Islington's Core Strategy, Development Management Policies and the Finsbury Local Plan and the Islington Urban Design Guide (2006).

8.2 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character. The policy (7.6) states that architecture should incorporate the highest quality materials and design appropriate to its context. It adds that buildings should use materials that complement – but not necessarily replicate – the local architectural character.

8.3 Development Management Policies, Policy DM2.1 (Design), DM2.2 (Inclusive Design) and DM2.3 (Heritage) are particularly relevant to this application. Key

requirements are listed under policy DM2.1 relating to the need for development proposals to be: durable and adaptable; safe and inclusive, efficiently use the site; improve the quality, clarity and sense of spaces around or between buildings; clear distinction between public and private spaces; improve movement through areas and repair fragmented urban form; respect and respond positively to existing buildings, the streetscape and the wider context including wider architectural language and character, surrounding heritage assets, create a positive sense of place, provide a good level of amenity, not unduly prejudice the operation of adjoining land, consider landscape holistically.

- 8.4 Policy DM2.3Bi states that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance the significance of conservation areas. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm will be strongly resisted.
- 8.5 Core Strategy policy CS7 (part I) refers to the need for major development proposals in Bunhill and Clerkenwell to be of exceptional design quality. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.

Demolition and removal of the existing structures on site

- 8.6 The existing structures on site consist of a single storey kiosk feature and large canopy garage structure and associated equipment. Whilst they are within a conservation area they detract from the character of the conservation area and in visual terms the removal of the existing structures on site is welcomed and will improve the character and appearance of the site which detracts from the visual amenity of the area at present. In this regard the proposed demolition complies with the NPPF and Islington's policies on protecting heritage assets.

Design, scale massing and character and appearance of the area.

- 8.7 The proposed development has sought to create a new building which complements and reflects the prevailing building heights of the area while acknowledging the tight physical constraints of the site and attempting to address the key objectives of the site allocation. The development has had to balance a series of competing objectives to create a well designed yet comprehensive redevelopment of the site.
- 8.8 The scheme has had extensive officer input and design evaluation during the pre-application and application process. This has included discussions at Design Review Panel on three separate occasions. The design of the development has changed during the course of the application to focus on a tripartite window elevation facing onto Clerkenwell Road including setting back the roof level of the development and recessing the proposed residential balconies within the scheme. Careful consideration has been given to the extant permission on the site which could be implemented at any time until March 2015. That permission granted

permission for a higher building in this location which forms an important consideration in this case. The extant permission varies from 1.2 to 1.6 metres taller in height than the current proposal before members. There are a variety of building heights in the vicinity of the site varying from 5 to 7 storeys with 6 to 7 storeys in the immediate vicinity of the site.

- 8.9 Bearing in mind the shape and scale of the application site and its frontage onto St John's Square and Clerkenwell Road, the local context and the extant permission it is considered that the proposed height of the building is acceptable which rises to a height of eight storeys with a recessed roof floor at 7th floor level. The proposed roof level is set off the front and rear parapets of the building would not appear as a top heavy or dominant feature when seen from the surrounding streetscape. Bearing in mind the height of existing adjoining buildings the proposed building height is considered to respond well to these buildings and is considered to be acceptable in visual and townscape terms.

Design of the Clerkenwell Road elevation

- 8.10 Extensive discussions have been undertaken to try and create a contextual and successful elevations to the main buildings facades. The proposed tripartite window approach on the Clerkenwell Road elevation is considered to offer a visually interesting and appropriate finish. Detailed discussions were undertaken with the DRP. The main frontage to Clerkenwell Road would be punctuated by a tripartite window arrangement which would cover two floors of the hotel accommodation. The windows would have elements of opaque glazing and a horizontal band delineating the separate floors within each larger window. The DRP raised concerns regarding the final levels of opaque finishes proposed and the internal layouts of the hotel rooms at this level which have the bathrooms towards the front of the windows. It is considered that a further detailed condition can be secured to secure the final extent of opaque glazing and the final internal hotel room configurations in order to ensure that the final appearance of this elevation is of the highest quality.



CGI IMAGE: View of the proposal (hotel) fronting onto Clerkenwell Road during daytime hours and early evening views.

- 8.11 The ground floor level of proposed development offers large glazed entrances and frontages to the hotel, restaurant unit and a separate A1 /A3 unit adjacent to the proposed pedestrian cut through. This section of the proposed Clerkenwell frontage is considered to form an attractive and well surveilled space which would enliven the streetscene. A reduced cornice canopy feature above the units would add more articulation and visual interest to this elevation which is welcomed.
- 8.12 The proposed roof floor is well set off the parapet of the proposed main building if the proposal. The proposed lightweight materials and satisfactory set back are considered to ensure that this proposed floor level would not appear as a dominant feature when seen from the public realm and would complement and respond well to the overall design of the proposed building and wider urban context surrounding the site.

Design of the St John's Square elevations

- 8.13 The main elevations facing St John's Square of the hotel and residential spaces are considered to be interesting and subject to the final selection of high quality facing materials would enhance the character and appearance of the square. The application property has an unusual frontage to both Clerkenwell Road and St John's Square located within an irregular shaped site. The proposal has sought to address both these differing elevations in a cohesive manner while creating a visually interesting St John's Square elevation once again the ground floor level is dominated by clear and legible glazed areas for the commercial aspects of the scheme and a reasonably large pedestrian cut through to the Square itself. Once again similar styled windows are proposed for the hotel elements towards the rear of the hotel and residential aspects of the scheme with less of an emphasis on a tripartite window design acknowledging the need to distinguish the different land uses in this section of the proposal with an office space and the recessed balcony areas of the proposed residential units.
- 8.14 The proposal include a large expanse of glazed windows to form an internal atrium linking the main sections of the hotel together and creating a flush elevation to St John's Square. The glazed atrium would have elements of opaque glazing. The GGI image below seeks to illustrate the view of the main atrium area when seen from within St John's Square.



View of central atrium section of the proposal facing onto St John's Square.

- 8.15 It is considered that careful attention needs to be made to the final selection of the highest quality finishing materials, final window finishes, atrium details and internal room layouts. Many of these important areas were highlighted by the DRP. Officers recommend through conditions 3 & 4, that these areas are submitted for approval prior to the development commencing on site.

- 8.16 It is important to note that the existing site offers little visual interest to the surrounding conservation. The open site creates an unusual and visually harmful break in the street frontage along Clerkenwell Road and St John's Square. The proposed development will reinstate this frontage to better frame Clerkenwell Road and St John's Square which is considered to enhance the character and appearance of the conservation area over the existing situation on site. Concerns raised from residents regarding the potential of the development to overshadow the square and create a gloomy and oppressive space have been fully considered. The proposed buildings main front and rear building lines are consistent with the established building lines of adjacent buildings front and rear elevations on Clerkenwell Road and St John's Square. The roof level of the proposal is well set off the rear elevation which is considered to reduce the bulk of the proposal as a whole and helps maintain a good level of light and open sky to the interior of St John's Square.
- 8.17 It is acknowledged by officers that clearly the redevelopment of the site to any material degree to reinstate the street frontage will inevitably change the outlook and experience of the Square in terms and enclosure and loss of light in comparison to the mainly open site which exists at present. However It is considered that the overall height, scale, massing and detailed design of the proposal have struck an appropriate balance in creating an attractively designed redevelopment of the site which is corresponds with the surrounding built form in terms of design, height and massing without exerting a material adverse impact on the open feel of the Square nor creating an unacceptably enclosed space or any material loss of light to the Square as a result.

Materials

- 8.18 The applicant has proposed a consistent and high quality selection of materials for the proposed development. The predominant material proposed to be used is glazed finished light coloured brick. Other materials proposed are: concrete panels, metal frame windows, metal aluminium windows and ceramic cornices to the main elevations of the building. The choice of finishing materials is considered to be of a high quality and would complement the local vernacular which has a variety of stock brick finishes with some dark bricks. The proposed materials are considered to be acceptable bearing in mind the local context and subject to the final selection of materials via planning condition and further detailed drawings and samples as recommended by the DRP members. (Conditions 3, 4 and 5).

Pedestrian cut through

- 8.19 The proposed pedestrian cut through is considered to significantly enhance the permeability and accessibility of St John's Square to the public forming an important visual and physical link from Clerkenwell Road to St John's Square. The pedestrian cut through would allow access to hotel patrons and the general public to St John's Square and the rear of the hotel where there would be able to access a variety of restaurants and facilities for patrons and general public. The pedestrian cut through will significantly enhance the public realm along this section of the Clerkenwell Road and St John's Square. It is envisaged that the passageway would be well used by the public and would be well surveilled from the adjacent ground floor commercial uses with proposed lighting and CCTV measures (condition 9) to further ensure a

safe and secure space is created in this location. Due to the slope of the application site the pedestrian cut through would have steps but would also include a fully operational stair lift (condition 7) to enable wheelchair users to access the area also.

- 8.20 The development is considered to significantly improve the visual amenity of the area, increase surveillance along Clerkenwell Road and St John's Square while also creating a valuable pedestrian cut through for use by the public. These are significant improvements over the existing situation on the site which offers a poor visual appearance and is considered to harm the character and appearance of the area on the whole.
- 8.21 The development is considered to offer a contextual yet modern redevelopment of the site which respects the site constraints by reducing the massing and height of the proposed development to directly respond to its often constrained relationship with its neighbours.

Setting of Nearby Listed Buildings

- 8.22 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 requires Local Planning Authorities considering proposals that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 12 of the NPPF sets out tests and what weight should be given to relevant considerations when considering development proposals that may impact upon designated and undesignated heritage assets. Relevant local policies include CS9 in the Core Strategy and Development Management Policy DM2.3.
- 8.23 Criterion D of Policy 7.8 (Heritage Assets and Archaeology) of the London Plan seeks to safeguard heritage assets. The policy encourages development that (i) identifies, values, conserves, restores, re-uses and incorporates heritage assets, where appropriate, and (ii) that conserves heritage assets and their setting. Criterion C (iii) of Policy DM2.3 (Heritage) of the Council's Development Management DPD requires that new developments within the setting of a listed building to be of a good quality contextual design.
- 8.24 There are a number of grade II listed buildings in the immediate vicinity of the site. To the north of the site there is 12 to 14a Clerkenwell Green and 49 to 53 Clerkenwell Road opposite the site. Further north of the site there is the grade I Listed Church of St James and attached railings and the grade I Listed Priory Church of St John of Jerusalem.



Fig 4-10

Conservation Areas map
The Site is indicated in red

Listed Buildings map

The Site is indicated in red

Purple – Grade I

Light blue – Grade II*

Dark blue – Grade II

Yellow – Benedictine nunnery of
St Mary, Clerkenwell
(Scheduled Ancient Monument)

1. Priory Church of St John of Jerusalem – Grade I
2. Church of St James and attached railings – Grade II*
3. Clerkenwell Conference Centre – Grade II*
4. Nos. 47 and 48 St John's Square – Grade II
5. Nos. 49 and 50 St John's Square – Grade II
6. No. 52 St John's Square – Grade II
7. Nos. 36 and 36a St John's Square – Grade II
8. Nos. 12-14a Clerkenwell Green – Grade II
9. The Crown Tavern Public House – Grade II
10. Comwell House – Grade II
11. Nos. 49-53 Clerkenwell Road – Grade II

Location of Grade I & Grade II Listed buildings in the vicinity of the site.

8.25 Other grade I listed buildings in the vicinity are considered to be far enough away from the proposed development to ensure that their setting would remain unharmed as a result of the development. However the extant permission clearly allowed substantial additional height to the proposed building which was readily visible from Clerkenwell Close and had a clear detrimental impact on the views of the Grade II listed buildings at 12 to 14a Clerkenwell Green. The current application is lower in height with a more recessed roof level which would significantly improve this view and respect the setting of this listed building which is welcomed. The diagram below clearly shows the improvement in visual terms with the current proposal over the extant permission.



CGI images of the extant permission when viewed from Clerkenwell Close.

- 8.26 The grade II listed buildings opposite the site at 49 to 53 Clerkenwell Road are not considered to be adversely affected by the proposed development. The overall height and frontage of the proposed new building is compatible with its immediately adjoining buildings. The roof level has reasonably large set backs off the front elevation facing Clerkenwell Road. The application site is also located on the other side of the road to the grade II listed buildings at 49 to 53 Clerkenwell Road and is not readily seen in tandem. However in views where they are seen together it is considered that the overall appearance and scale of the proposed building would not have any adverse impact on the setting of adjoining grade II listed buildings.
- 8.27 The council's Design and Conservation officer considers that the overall design, scale and finish of the proposed development is acceptable bearing in mind the existing open nature of the application site, the extant permission which includes a slightly higher and more prominent building on the site when seen from Clerkenwell Green and Clerkenwell Close in particular.

Conclusions relating to design and the setting of designated heritage assets

- 8.28 In relation to design, the proposed development is considered to offer a high quality and contextual redevelopment of the site. The overall design of the proposed development has moved on significantly from its consideration by the Design Review Panel with the overall appearance and massing of the development having been reduced as a result of these comments as well as improved in design.
- 8.29 It is considered that the proposed design now responds well to its surrounding context and would form an attractively designed, well proportioned building when seen in its immediate and wider urban context. The proposed development would enhance the character and appearance of the surrounding area while having no discernible adverse impacts on the setting of nearby listed buildings. Subject to

conditions regarding the final facing materials, details of the pedestrian cut through and also roof plant details, it is considered that the proposed development would accord with CS Policy 9, DM policies 2.1, 2.3, the NPPF 2012, Site Allocation BC 41, BC 7, Islington's Urban Design Guidance 2006 and Conservation Area Guidelines.

Archaeology:

- 8.30 The application site is located within a designated Archaeological Priority Area (APA). English Heritage GLASS have assessed the application and raise no objections to the proposed redevelopment subject to the imposition of conditions which will seek approval of a 'Written scheme of Investigation' and should the scheme be supported and permission be granted (condition 30).

Rooftop Plant and Screening

- 8.31 The development proposes two basement floors, the proposed lower basement floor has some dedicated spaces for plant and machinery which lessens the need for any large scale installation of additional plant and machinery to be placed on the proposed buildings main roofs. This is welcomed in visual and design terms. A condition is proposed in order to secure the final arrangement and visual appearance of any details for the rooftop plant and associated screening to be submitted to and approved by the Local Planning Authority prior to works commencing on site (condition 6).

Summary

- 8.32 The proposed design, scale and materials of the proposed development are considered to be acceptable, would respond to the character and appearance of the area and the Clerkenwell Green Conservation area and would offer a positive contribution to the street scene.

9.0 Quality of Resulting Hotel/Restaurant Accommodation

- 9.1 The proposed hotel accommodation is generally considered to be of an acceptable overall layout and provides for all necessary ancillary spaces to ensure the correct functionality of the hotel for its end purpose. All of the proposed hotel rooms have acceptable access to natural light, outlook and natural ventilation for a non residential use as proposed. The floor to ceiling heights of the proposed hotel rooms measure 2.65 metres.
- 9.2 The proposed restaurant use would form an attractive amenity for hotel occupiers and the general public who choose to dine there. The creation of a publicly accessible passage way allowing access from Clerkenwell Road to St John's Square is very welcomed and would vastly improve the permeability and accessibility of the site, forming an attractive public realm through around the site. The proposed A1/A3 units fronting onto Clerkenwell Road would further reactivate this frontage and ensure natural surveillance of the both Clerkenwell Road and the passageway itself. The hotel and restaurant uses have very good access to toilet facilities and have good accessibility levels that would create an inclusive and inviting environment for all users and patrons of the site.

10.0 Quality of Resulting Residential Accommodation

- 10.1 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels. Islington's Development Management Policies will set out these in detail. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. It should be noted that particular care and attention was given to the design and layout of residential units at the pre-application stage, and the quality of accommodation proposed within this scheme is considered to be particularly high quality.
- 10.2 Unit Sizes All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres.
- 10.3 Policy DM3.4 part D sets out that *'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'*. The policy then goes on to state that *'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'*. All of the proposed residential units have very good access to outlook, sunlight and daylight levels and natural ventilation, all residential units are dual aspect which is also welcomed.
- 10.4 Amenity Space Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that *'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'*. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. A minimum amount of 30sqm is required for family housing (which is three bedroom residential units and above).
- 10.5 Four of the five proposed residential units can be considered to be family units. Therefore the council would expect larger amenity spaces for these units as supported by DM policy 3.5. The proposed family units have front recessed balconies measuring 1.5 metres in depth and would measure approx 13 sq metres in total which is considered to be an acceptable amount of family size amenity space bearing in mind the constraints of the site and the need to safeguard as much as possible the amenity levels of nearby residents. The proposed mix of units has focussed on the provision of 3 and 2 bed units. All of the proposed units have access to an acceptable sized external amenity space for the size of the residential unit proposed.
- 10.6 Refuse: Dedicated refuse and recycling facilities/chambers are proposed for the residential uses and the commercial spaces. The location and capacity, including management of these facilities have been developed in consultation with the Council's Street Environment department. It is considered that all differing uses have adequate refuse facilities and appropriate management secured by condition 27.

11.0 Dwelling Mix

- 11.1 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing.
- 11.2 The proposed development is a mixed use development which is employment led in the form of a hotel and small related workspace. The site allocation for the site does not intend the site to be developed with a large number of residential units. Therefore it is considered that the right mixes of uses have been put forward within this application.
- 11.3 This planning application proposes a total of 5 residential units (4 x 3 beds & 1 x 2 bed) which would all be for private market sale or rent. There is an identified strong demand for 2 bed units within the market tenure and a strong demand for larger units (3 and 4 beds) within the social rented tenure within the borough. The five units will contribute the full £300,000 small sites contribution which is considered to be acceptable.

12.0 Neighbouring Amenity

- 12.1 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 12.2 Overlooking / increased enclosure, privacy & loss of Outlook: Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 meters 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'.
- 12.3 It is accepted that the site is currently open in character and has no substantial built form on it at present. Therefore, it is accepted that adjoining properties to the site are accustomed to open views onto this space which the development will inevitably affect to a material degree. Along Clerkenwell Road the prevailing height of buildings ranges from 5, 6 and 7 storeys. The proposed development would reinstate a gap in the street frontage along Clerkenwell Road with an 8 storey plus basement levels building. The building that would remain a consistent height to both existing adjoining properties. There are residential properties directly opposite the site on Clerkenwell Road (no's 49 to 53). It is important to note that the front elevation along this section of Clerkenwell Road would serve hotel rooms with elements of opaque glazing to the front, rear atrium and rear elevation windows of the proposal. These windows would look across a public highway and the Square itself. Therefore the proposed windows would not give rise to any material

incidences in terms of overlooking or loss of privacy as what could reasonably be expected within a central London location.

- 12.4 Towards St John's Square it is clear the proposed built form will bring the building envelope closer to adjoining properties at Spectrum House (57-59 Clerkenwell Road) and 54 St John's Square. However it is important to note that established building lines within the square are generally respected. The atrium feature would mitigate direct overlooking and privacy concerns from the proposed hotel rooms into adjoining properties. It is noted that the residential windows of the scheme would look towards the rear habitable room windows of Spectrum House at a distance of just under 12 metres at the shortest point and over 14 metres towards the eastern section of the residential area of the proposal. However this distance is mirrored in several residential properties in this section of the Square and is considered to be acceptable. The proposed residential unit's balconies have been fully recessed to avoid any undue loss of privacy or overlooking in this case as requested by officers during the assessment and consideration of the current proposal.
- 12.5 To the north of the site is 8 to 9 Clerkenwell Green which is residential use. The proposed rear elevation of the hotel would be located metres away from the nearest rear window of this property. The majority of the rear windows of this building serve bedrooms and have small openings. The rear elevation windows of the hotel will be semi opaque with no proposed rear amenity spaces. There is an existing rear second floor roof terrace for one of the units within 8 to 9 Clerkenwell Green. However this terrace will be set away from the built form as proposed and is not considered to suffer from any increased overlooking or enclosure as a result.
- 12.6 Nos. 10 to 11 Clerkenwell Green is not in residential use at present. Bearing in mind the existing physical dynamics of the site, its central London location and the proposed window arrangements of the proposed hotel and residential units of the scheme, it is not considered that the development would give rise to unacceptable material adverse impacts on adjoining residential properties in terms of overlooking, loss of privacy or loss of outlook.
- 12.7 The proposed height and massing of the development is considered to be acceptable. While rising to a height of 8 storeys in total the building will have large sections of glazing at roof level giving it a lighter appearance and reducing its overall bulk. The 7th floor roof level is well set off the front and rear boundaries of the site and is significantly lower in height than the extant permission on the site. Bearing in mind these attributes it is considered that the overall design, scale massing, bulk and height of the development will not give rise to any undue increase in enclosure to adjoining uses/buildings in this case.
- 12.8 Bearing in mind the urban context and the central London location it is not unusual for reasonably small distances between new and existing buildings as part of the wider inner London urban grain. In this case it is acknowledged that the proposed built form at 8 storeys (with a recessed roof floor) in height would affect the main outlook from residences in 54 St John's Square, 8-9 Clerkenwell Road, Spectrum Court and 49 to 53 Clerkenwell Road. However the changes to these properties outlook are considered to be acceptable with the overall massing of the proposal being considered to be appropriate in townscape terms and also lower in overall height than the consented scheme.

- 12.9 Emergency Access and safety and security: Concerns have been raised from residents regarding potential safety and security concerns and emergency access to the proposed development. It is important to note that the London Fire Brigade and the Met Police raised no objections to the development. The site's accessibility would be significantly increased with a pedestrian cut through and public realm improvements which would be actively surveilled by the hotel and adjoining residential uses. With appropriate lightning and CCTV systems this would further increase the security of the site. A condition is proposed to ensure these details are secured. (Condition 9). The site will become more accessible and surveilled by the public and residents as the use functions which is considered to deter potential anti social behaviour which may occur in the square as it becomes more open as a result of the new passageway. There is adequate access to fire hydrants surrounding the site and access into the site generally to enable emergency services to access the site in an efficient and safe manner.
- 12.10 It is considered that the proposed use as a hotel would not create any significant negative impact on the amenity of existing residential properties in terms of security or an increase in antisocial behaviour. However, details of security lighting and CCTV would be required by condition if permission is granted, and a Hotel Management Plan is to be secured by condition 34.
- 12.11 The council acknowledge that the proposed development will create a restaurant, retail use, office, residential and a reasonably large hotel use all of which will exert additional deliveries and servicing needs to the site. These uses will also involve the movement of a material amount of people through the site and St John's Square which will be further increased by the proposed pedestrian cut through. There are a variety of existing residential and commercial uses surrounding the site particularly in St John's Square. Therefore the council suggest detailed conditions as part of any approval to control the operation hours of the proposed commercial uses, controls on the hours of deliveries and servicing and a range of transport measures to be submitted to the council to outline and approve how the hotels requirements and operations can be controlled and managed to ensure that the proposed use of the site can function adequately and safely to create a space that is enjoyed by patrons and existing residents/occupiers alike. Noise and refuse conditions are suggested to ensure once more that amenity levels are not materially affected as a result of the development. (Conditions 21, 22, 23, 25, 28, 35)

Daylight and Sunlight

- 12.11 It is considered that one of the main amenity impacts the proposed development would generate over what is currently generated by the site is the impact on daylight and sunlight receipt on existing properties within close proximity of the application site. The application site has been historically underdeveloped, with the existing car wash facilities being an anomaly amongst the more developed surrounding buildings and properties. The applicant has provided a Daylight and Sunlight Report that assesses the proposed development on the existing situation enjoyed by surrounding properties.
- 12.12 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight 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 greater than 20% of its original value. (Skylight);

Daylight Distribution (DD): The area of the working plane in a room which can receive direct daylight is not reduced to less than 0.8 times its former value.

- 12.13 Sunlight the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- 12.14 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 Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.
- 12.15 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE guidelines provide numerical guidelines, the document though emphasises that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

Sunlight and Daylight Losses for Affected Properties Analysis

- 12.16 Residential dwellings within the following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

Properties	Daylight	Sunlight
8-9 Clerkenwell Green	Yes	Yes
49-53 Clerkenwell Road	Yes	No
45-47 Clerkenwell Road	Yes	No
90 Clerkenwell Road / 58 St. John's Square	Yes	No

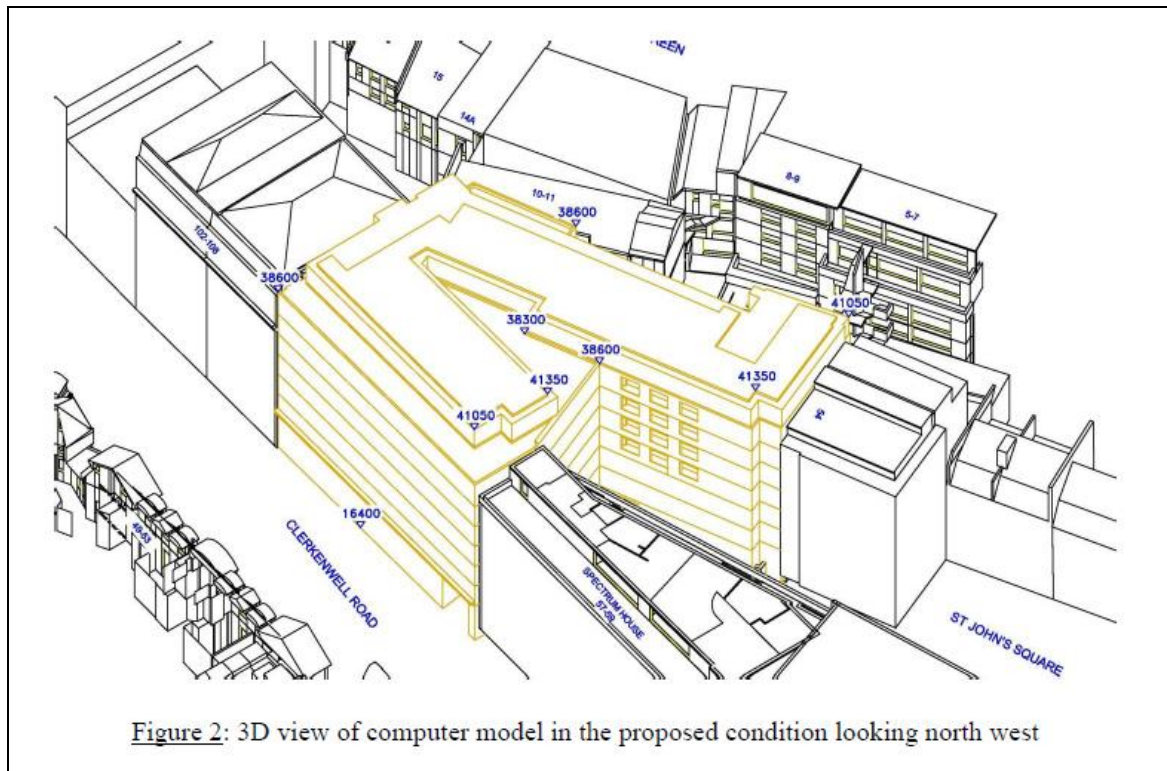


Figure 2: 3D view of computer model in the proposed condition looking north west

Computer model showing main massing of the proposal in relation to existing adjoining properties.

8 to 9 Clerkenwell Road

- 12.16 The VSC results confirm that 2 of the 11 windows tested would satisfy the targets set out in the BRE Guide, either by achieving 27% VSC or by retaining at least 0.8 times their former values. For the remaining windows the following can be noted:
- 12.17 With regards to the rear apartment, there are significant VSC reductions in respect of the ground floor glass prisms in the boundary wall, but they are too small to make any meaningful contribution to the daylight in the key open plan living space, the main source of light being the retractable glass roof. The true position can be seen by reference to the Daylight Distribution result.
- 12.18 For the first floor bedroom window to the rear apartment and for the remaining windows up to fifth floor level the VSC reductions will fall below the BRE 0.8 target, with retained VSC values ranging from 0.47 to 0.73 times their former values.
- 12.19 In terms of the Daylight Distribution results show that 4 of the 11 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The seven remaining rooms, the majority of which are located in the middle elevation of the building, would retain daylight areas of between 0.32 and 0.74 times their former values. It should be noted, however, that the main open plan living space would remain sufficiently daylit, retaining 0.89 times its former value when compared to the BRE 0.8 target, with four of the remaining 7 rooms are bedrooms, for which the BRE Guide states are “*less important than main living rooms*”. The remaining three rooms serve habitable rooms.
- 12.20 When comparing these daylight results to those arising out of the consented (extant) scheme for the site, it is clear that they are very similar, with no additional

transgressions in terms of either the VSC or DD tests. The proposed development would have having no additional effect on the existing surrounding properties. It is noted that minimal built form changes have occurred around the site since the extant permission was approved.

- 12.21 For the remaining windows tested, the APSH results confirm that the vast majority will satisfy the BRE Guide in terms of achieving at least 25% total APSH or by retaining at least 0.8 times their existing annual sunlight values. There would be some winter sunlight transgressions, however in all but three instances where the winter APSH results are below the BRE 5% target, those windows would exceed the BRE target of 25% APSH annually.
- 12.22 These sunlight results demonstrate that the south facing windows within 8/9 Clerkenwell Green would generally retain better sunlight values with the Proposed Development in place, in the majority of instances, when compared to the effect of the consented scheme.

49-53 Clerkenwell Road

- 12.23 This property is located directly opposite the site to the south fronting onto Clerkenwell Road. The VSC results confirm that the majority of windows tested would experience reductions of greater than 0.8 times their former values, however the following should be noted: Given the existing low structures on the site, the majority of existing VSC values are very good for an urban location, such that any meaningful form of development on the site will inevitably give rise to BRE transgressions, if the Proposed Development is to be consistent, in height and massing terms, with the existing neighbouring buildings.
- 12.24 When considering the absolute VSC values, the majority of windows above first floor level would achieve greater than 20% VSC, which is good for an urban location.
- 12.25 The submitted assessments have been carried out based upon a comparison between the existing structures on the site and the proposed development. Whilst that approach is in keeping with the BRE guidelines, it can be very misleading on a site such as this where there is very limited obstruction to light in the existing condition. It is clear that there were buildings on this site historically.
- 12.26 In terms of Daylight Distribution the submitted results, drawing ROL6896_4_107 indicate that 7 of the 21 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. There would be a number of material reductions with the main change in the daylit areas arises at second floor level where there are smaller dormer openings.
- 12.27 However, it is important to reiterate the fact that this is an inevitable consequence of infilling the Clerkenwell Road frontage. The BRE guide simply works on the basis of a comparison between existing and proposed conditions and the existing condition here - when viewed from 49-53 Clerkenwell Road – is virtually no obstruction to light at all. Reinstatement of a frontage along Clerkenwell Road cannot be achieved with an appropriate townscape height if the BRE guidelines are to be applied rigidly.

12.28 Again, comparing these daylight results to those arising out of the consented scheme for the site, whilst the internal arrangements have been updated since the previous planning application, it is clear that overall the results are very similar, with the proposed development resulting no additional effect on this adjoining property.

45-47 Clerkenwell Road

12.29 The VSC results confirm that all of the windows tested would satisfy the BRE guidelines, either by achieving 27% VSC or by retaining at least 0.8 times their former values therefore, no tables are provided below. In terms of the Daylight Distribution results, the results indicate that 5 of the 8 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The remaining rooms (R2/21 at first floor level, R2/22 at second floor level and R2/24 at fourth floor level) would retain between 0.64 and 0.78 times its former value and currently relies on oblique light from across the existing site.

12.30 This property was not included within the scope of the daylight and sunlight report that was submitted as part of the 2007 planning consent, however, it is clear that given the similarities in height and massing between the Proposed Development and the consented scheme along the Clerkenwell Road frontage, the daylight and sunlight effects at 45-47 Clerkenwell Road are likely to be virtually identical if a comparative assessment was undertaken.

57 – 59 St. John’s Square (Spectrum House)

12.31 This property is in commercial use at ground floor level, but with residential use on the floors above. The affected windows are in the St John’s Square elevation, directly overlooking the rear wing of the development site. Based upon external inspection and floor layouts obtained from a local estate agent, it is understood that the affected rooms overlooking St John’s Square are predominantly living rooms and bedrooms.

12.32 The VSC results confirm that 26 of the 45 windows tested would satisfy the targets set out in the BRE Guide, either by achieving 27% VSC or by retaining at least 0.8 times their former values. Of the remaining 19 windows, 1 would experience a ratio reduction only marginally below the BRE 0.8 target (0.77 times its former value), 11 would retain between 0.61 and 0.77 times their former values and 7 windows experience reductions below 0.60 times their former value.

12.33 In terms of Daylight Distribution results show that 32 of the 38 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The remaining 6 rooms would retain between 0.53 to 0.79 times their former values. It should be noted that where daylight reductions exceed the 20% BRE benchmark, it should be recognised that the testing is based upon a comparison with the existing, virtually cleared site conditions.

12.34 In evaluating these matters and breaches of VSC and Daylight Distribution levels it is necessary to note that the BRE guidelines place greater emphasis on the protection of living rooms, dining rooms and kitchens identifying that bedrooms should also be analysed, although they are less important.

12.35 It is also important to recognise when assessing failures in VSC and Daylight Distribution levels to consider the magnitude or scale of the failure. Failure or loss of daylight levels ranging from 20% - 30% can be considered to be relatively lesser infringements, particularly in this central London location.

Evaluation Daylight Impact

12.36 The results of the sunlight/daylight report have been carefully considered by officers as part of the assessment and weighing up of the merits of the proposed development.

12.37 In several cases the results have identified daylight losses greater than 20% of the existing levels however the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character with surrounding perimeter buildings. There is a balance to be struck in creating an appropriately scaled redevelopment of the site while safeguarding adjoining residential daylight /sunlight levels to an acceptable degree. It is also important to note that the extant permission creates very similar impacts on adjoining properties in terms of sunlight and daylight losses.

Summary – Sunlight and Daylight:

12.38 The proposal would make the best or optimum use of a very central London site. It is considered that the proposed adverse impacts of the development in terms of loss of daylight and sunlight, are acceptable within this central London location due to the fact that the site is a gap site and in the context of the consent (extant) of a similar scaled development on the site. It is considered that the reductions proposed as detailed within the submitted daylight/sunlight report are acceptable when considered against the existing context of the site, the extant permission in place, the existing window arrangements and VSC levels within the adjoining buildings surrounding the site and the very open, undeveloped nature of this site, rare in central London.

12.39 *Noise & pollution:* The council's noise officer notes the potential commercial activities associated with the restaurant use and hotel deliveries and servicing have the potential to cause noise disturbances in the area. The officer recommends conditions be attached to control noise levels from any plant or equipment needed for the restaurant use, controls on noise and operating hours for the restaurant, delivery and servicing hours condition for a hotel use and noise and sound insulation conditions for the proposed new residential aspects of the scheme (conditions 13, 21, 22, 23, 25, 31 & 34). A condition would also be attached ensuring updated noise mitigation measures to be enacted within the development. Subject to these detailed conditions the officer is satisfied with the proposed development in this case.

12.40 *Construction:* The scale of the project and its close proximity to existing residential and commercial properties is likely to lead to disruption during the construction period. A condition (condition 27) is suggested to monitor and manage this period during construction. The applicant has also agreed to comply with Islington's Code for Construction Practice which is agreed to be secured within the suggested S106 heads of terms. .

- 12.41 *Light Pollution:* The application being considered does not include any details of external lighting, or illuminated signage. The proposed hotel use would provide internal blinds/curtains and would be considered to be similar to a residential use. A lighting scheme has been recommended as a condition, and details of signage would require separate applications for advertisement consent.
- 12.42 It is considered that the proposed development would not create a material increase in light pollution or spillage from what would be normally expected in a dense central London location. The residential windows of the units would be located away from adjoining residential units over a distance of 12 to 14 metres which is comparable to existing distances between units in the area. A large part of the rear sections and of the hotel and main elevation to St John's Square would be formed of a large glazed atrium which would have elements of opaque glazing with windows of the rear facing hotel windows behind. Given the opaque nature of both the rear windows and the atrium feature and the transient nature of hotel use generally it is not considered that the proposed hotel use would give rise to any material increases in light pollution/spillage to adjoining occupiers and units.
- 12.43 The ground floor commercial units fronting onto both Clerkenwell Road and St John's Square will have expanses of glazing allowing natural surveillance to both frontages. It is considered that subject to controls on the opening hours of these aspects of the scheme that light emanating from these areas would not have any material adverse impacts on adjoining residential units which are concentrated on the upper floors of adjoining properties in this case. Nevertheless a condition is recommended requiring details of any external lighting to be used within the proposal. (Condition 9)

13.0 Accessibility

- 13.1 Paragraph 57 of the NPPF notes the importance of planning positively for the achievement of inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standard (as set out in Islington's Accessible Housing SPD), with at least 10% wheelchair housing provided as part of all new developments.
- 13.2 Development Management Policy DM2.2 requires all developments to demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone; and
 - iv) bring together the design and management of a development from the outset and over its lifetime.

Commercial and residential spaces

- 13.3 The applicants have designed 10% of the hotel bedrooms (22 rooms in total) to be fully wheelchair accessible. The hotel would provide level threshold access to the ground floor reception areas of the hotel with 3 individual lifts accessing all the

upper floor levels of the hotel. The residential units also have level threshold entrances from the street and a lift accessing all of the units. Final compliance and creation of appropriate lifetime/accessible homes wheelchair units, scooter stores and accessible layouts throughout the entire development will be secured by conditions (conditions 7, 8 & 10).

- 13.4 The proposed passageway from Clerkenwell Road to St John's Square will need to have steps and would not have a level threshold approach due to the different land levels around the site. However a stair lift would be installed which should allow reasonably easy access for wheelchair users to use and enjoy this important improvement to the public realm as patrons of the hotel or as members of the general public moving through the site. This is secured by condition 7 also.
- 13.5 There is an allocated taxi drop off area in front of the hotel entrance and distances between the entrances to both the residential and commercial aspects of the scheme are considered to be acceptable bearing in mind the constraints of the site.
- 13.6 The agreed S106 also seeks to create 26 disabled parking spaces in the locality of the site or a contribution of £52,000 towards bays or other accessible transport initiatives in the area which should further increase the accessibility of the development enabling disabled patrons/guests of the hotel, retail or restaurants to park locally. Subject to the S106 and the imposition of further detailed conditions securing the final layout and accessibility of the hotel rooms, commercial uses and residential units, securing the inclusive design aspects of the public route through the site, it is considered that the development as a whole offers an inclusive development and is welcomed in policy terms.

14.0 Sustainability & Energy Efficiency and Renewable Energy

- 14.1 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be BREEAM Excellent or equivalent), this is set out in Core Strategy policy CS10 and Development Management policy DM7.4. The applicants have confirmed a commitment to achieve BREEAM Excellent status, which is supported. A condition is recommended in order to secure this provision. (Condition 15)
- 14.2 All development should demonstrate that it meets best practice water efficiency targets, with non-residential developments demonstrating how they would achieve all credits for water efficiency in the relevant BREEAM scheme.
- 14.3 Core Strategy policy CS10 requires an adequate provision of recycling, with the applicant committing to divert 90% of operational waste from landfill in the first year, which is supported. (Condition 38)
- 14.4 The proposed development incorporates a green/brown roof with wildflower planting, which is supported – though would be secured by condition if permission is granted. The applicants also commit to the provision of bird nesting boxes, which would also be secured by condition. (Condition 20)

Sustainable Urban Drainage (SUDS) and Surface Water Flood Risk

- 14.5 The submitted flood risk assessment evaluates flood risk, but has not provided a drainage strategy for the proposed development which includes SUDS principles. It

is proposed that a condition be attached to seek further information as to how the scheme would comply with Development Management Policy DM6.6 (Flood Prevention) and the requirements as set out in the London Plan. Information should include how SUDS have been incorporated to reduce run-off rates, including (where necessary) attenuation. The brown roof proposed and greywater recycling would go some way to reduce the amount of water discharged into the sewer system, however other measures such as permeable paving, or attenuation should be provided. This would be sought by condition (condition 17).

- 14.6 The proposed building indicates savings of over 30.37% against the 2010 building regulations. The applicants have submitted an addendum to the Energy Strategy with a low baseline, stating that revised modelling had been undertaken over the original strategy. This baseline has been reviewed by the Council’s Energy Officers and is considered to be appropriate, and the applicants have provided further information expanding and accounting for the difference.
- 14.7 While the applicants propose no solar power in the form of photovoltaics, the proposed development benefits from a Gas fired Combined Heat and Power Engine (CHP), enhanced U values along with WR2 Heat recovery heating and cooling systems, primary heat rejection by roof mounted low profile dry coolers and heat recovery from water cooled pipes. The proposed on-site reduction of CO2 emissions as compared to the 2010 Building Regulations would amount to 30.37% which is welcomed. This can be secured to be achieved by condition (Condition 12).

CO₂ Emissions (kg/Annum)			
	Regulated	Un-regulated	Total
Baseline	378,689	236,597	705,286
Lean (Efficiency Measure)	378,689	326,597	705,286
Clean (Low Carbon)	164,469	326,597	491,066
Green (Renewable Energy)	164,469	326,597	491,066

14.8 It is noted that the application site is located 600 metres from the closest connection point to the Citigen Decentralised Energy Network. Policy DM 4.2 expects major developments to connect to this network when they are located within 250 metres of the nearest connection point. Therefore the proposed development is over double this distance from the Citigen Connection.

14.9 However a recent approval at Farmiloe Buildings (St John’s Street) under planning ref: P2013/5063/FUL granted planning permission on the 8th August 2014 for the:

“Retention and conversion of grade II listed office/showroom/warehouse building including internal and external alterations, demolition of 1930s extension and Atcost building, and erection of a 5-storey building, all to accommodate offices/workspace (B1 use) and flexible commercial (A1/A2/A3/D1 use) floorspace at ground floor.”

- 14.10 This development if enacted would bring the nearest connection point to citigen within 300 metres of this site. Therefore the council have included in the S106 agreement a clause to secure the connection of the proposed development to this network if economically and physically feasible bearing in mind that the Farmiloe development may be implemented soon and would make the feasibility and the opportunity for this development to connect more probable. Further justification and evidence would need to be submitted by the applicants as they commence the development to prove that the potential connection is not economically or practically feasible. If the connection to the Citigen DEN turns out to be unfeasible the applicants would need to adhere to the proposed total CO2 reduction targets of 30.37% while ensuring the that the system is future proofed for a possible connection into the future. (Condition 11).
- 14.11 The applicants have also agreed within the Section 106 Heads of Terms to provide a financial contribution to mitigate the carbon footprint of the proposed development, to allow the Local Authority to carry out works to reduce the carbon impact of other developments within the borough equating to a contribution of £451,720. This secures compliance with Policy CS10 (A), bringing the scheme to the equivalent of a 'zero carbon' development if the connection to Citigen is secured the CO2 savings would increase and this contribution amount would be reviewed.

15.0 Highways and Transportation

- 15.1 The site is located in the heart of Clerkenwell and the wider City fringe area. It is bounded by Clerkenwell Road (A5201) to the south and St John's Square to the east. The site is currently accessed via two crossovers on Clerkenwell Road. There is currently a wall separating the site from St John Square. The site has excellent access to public transport with a Public Transport Accessibility Level (PTAL) rating of 6b. This is the highest level PTAL rating. It reflects the range of public transport options located within close proximity of the site including national rail, London underground and bus services.
- 15.2 The site is currently used as a hand car wash. It was previously a petrol filling station. Due to this use, there are a number of vehicle movements into the site from Clerkenwell Road and out of the site onto Clerkenwell Road (using the two existing crossovers). This creates additional congestion and creates a potential hazard for pedestrians and cyclists. However, the applicant has not provided an estimate of the current number of turning movement per day.
- 15.3 In 2007, the Council granted planning permission for the demolition of the existing structures and creation of 331sqm commercial space, 2046 sq m B1 office space and 8 residential flats. This proposed development has included some key features of the 2007 permission. Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. As part of this, Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts where pedestrians have to share space with vehicles/cyclists.
- 15.4 The applicants have submitted a Transport Assessment explaining the highways and transportation proposals and its likely impacts that has been reviewed by the Council's Spatial Planning and Transport Team. This Transport Assessment was revised during the course of the application to consider the existing traffic and

servicing levels within St John's Square and not just against the predicted levels related to the extant permission.

Servicing, deliveries and refuse collection

- 15.5 In line with 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). The applicant has proposed on-street servicing along St John Street and Clerkenwell Road. This is in line with previous permission on the site. Furthermore, Development Management Policy DM8.6 (Delivery and servicing for new developments), Part B, requires that, where servicing/delivery vehicles are proposed on street, details need to be provided that demonstrate that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The proposed arrangement needs robust management and mitigation to ensure it complies with DM 8.6. (Conditions 13, 27, 31 & 34)



Large service vehicles swept path analysis image

- 15.6 The applicant has provided information on the number of servicing and delivery events anticipated to take place from St John Square. In the AM peak (8.00-9.00) there were 3 servicing/delivery events and in the PM peak (17.00-18.00), there would be two events. The peak time for the square at present is in fact between 10.00-11.00 where there are 6-7 events per day.
- 15.7 The proposed development would likely generate 18 servicing and delivery trips per day. Fourteen of these are expected to take place on St John Square and four from Clerkenwell Road. Of the fourteen that will take place on St John Square, the hotel would require seven deliveries, the office will require 4 deliveries and the residential units will require 3. The 4 events would be exclusively for the proposed flexible restaurant/retail space. It should be noted that, since the submission of the original application, the number of daily deliveries planned for St John's Square has increased from 10 to 14 following the submission of more accurate and detailed transport surveys and studies. The diagram below shows a proposed estimate of

weekday servicing requirements for the proposed development. The consented scheme was expected to generate 26 servicing/delivery trips with 22 of these to St John's Square daily.

Table 4B Proposed Servicing Requirements: Weekday

Servicing Location	Time	Hotel	Residential	B1 Use	Independent Restaurant/Retail Unit	Total
St John's Square	07:00-08:00	-	-	-	-	0
	08:00-18:30	7	-	4	-	11
	18:30-00:00	-	3	(1)	-	3
	Total St John's Square Daily	7	3	4	-	14
Clerkenwell Rd	06:00-08:00	-	-	-	2	2
	08:00-19:00	-	-	-	-	-
	19:00-00:00	-	-	-	2	2
	Total Clerkenwell Rd Daily	-	-	-	4	4

Note [] = Existing postal/refuse trips to Clerkenwell Road or St John's Square

15.10 The servicing needs and potential arrangements of each of the proposed uses within the development are outlined below:

15.11 *Hotel Servicing Requirements:* Servicing of the hotel would occur from St John's Square. The hotel operator has advised that deliveries can be scheduled as part of the service management plan. The hotel would receive a total of 7 deliveries as follows:

- 2 x daily delivery by a rigid vehicle of up to 10m in length for linen/laundry;
- 5 x daily delivery by transit vans for food and drink supplies.

15.12 *Residential Servicing Requirements:* The residential units are expected to be serviced mainly in the evening (after 17:00 hours) by, for example, home supermarket shopping deliveries, fast food deliveries. Residential deliveries would also be undertaken from St John's Square.

15.13 *B1 Use Servicing Requirements:* The offices/workshops are expected to be serviced during the daytime (09:00 – 18:00 hours, Monday to Friday only) by transit vans for example by couriers, office suppliers, IT suppliers. Any lease arrangement will limit servicing movements to the days / times noted. The offices would be serviced from St John's Square.

15.14 *Restaurant/Retail Servicing Requirements:* One of the restaurant units would be ancillary to the hotel and therefore the servicing for the restaurant is included within the hotel deliveries. The independent restaurant/retail unit would be serviced from Clerkenwell Road.

Servicing Strategy: St John's Square

15.15 The hotel operator is expected to appoint specific contractors for the distribution of their food and drink. Deliveries would be managed to accord with the site specific delivery requirements of the proposed hotel. A member of the hotel operator back of house team will be appointed as a dedicated Banks-man to manage deliveries and logistics. This person would also be responsible for monitoring the cleanliness of the entrance to the servicing area. Contact details will be provided to all residents and local businesses.

Servicing Restrictions: Clerkenwell Road

15.16 Servicing of the restaurant unit would be restricted on Clerkenwell Road outside the site between 09:00 – 19:00 hours Monday to Friday and 10:00 – 13:30 hours on Saturday.

Waste Collection Arrangements

15.17 *Hotel Waste Collection:* The bins for the hotel would be stored at Level -1 (lower ground) and would be brought up to the ground floor level via a service lift to be collected from St John's Square. The hotel operators would seek to work with waste contractors used by existing hotel operators (The Zetter) to coincide refuse collection trips to St John's Square.

15.18 *Residential Waste Collection:* The residential bins would be located in the refuse and waster chamber at ground floor collected from St John's Square. Residential waste would be collected by the existing residential waste collection services operated on St John's Square.

15.19 *B1 Use Waste Collection:* The B1 use bins would also be located at ground floor level brought up to be collected from St John's Square.

15.20 *Restaurant/Retail Waste Collection:* The restaurant/retail units would have bins located at ground floor level. The restaurant/retail waste would be collected from Clerkenwell Road.

15.21 The change in land use has an impact on the proposed trip generation for the development and the servicing requirements. The existing car wash facility does not have vehicle access onto St John's Square. Considering both the current proposal and the consented scheme it is clear both proposals result in an intensified use of the site and John's Square with both schemes increasing the potential vehicle movements through the Square. A detailed delivery and servicing management plan and hotel management plan will be secured via Conditions 13, 27, 31 & 34. The condition should also ensure the provision of both h of the following to mitigate potential traffic safety hazards as the use functions day to day:

- Employ a qualified banksman at all times to manage and monitor servicing/delivery vehicles entering and exiting St John Square.
- Operate and enforce a booking system for all deliveries/servicing events. Each visit must be allocated a specified time slot, during which no other vehicle can arrive. The service management plan must be agreed prior to occupation.

Vehicle parking

15.22 Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. It is welcome that the applicant has not proposed any car parking spaces. The rights of residents to apply for on-street parking permits would be removed via S106 Agreement. However, in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking), the applicant should make a contribution towards on street wheelchair accessible car parking and this is secured in the listed heads of terms.

- 15.23 The applicant has agreed to pay a contribution towards the creation of 26 publicly accessible wheelchair parking bays. It is welcomed that the applicant accepts a contribution should be paid towards the designation of wheelchair parking bays.

Safety

- 15.24 A robust and comprehensive service management plan will be essential in managing the servicing and deliveries to the site. As part of this plan, a qualified banksman must be on duty at all times to supervise servicing/delivery vehicles. The plan will be used to deliver, monitor and enforce these arrangements. Effective arrangements, such as having a qualified banksman monitoring deliveries, must be put in place to mitigate this risk. This is proposed to be secured via Condition 13 and form part of the Servicing and Delivery Management Plan.

Highways works

- 15.25 Vehicles are proposed to deliver from the rear end of St John Square. There is at present no dropped kerb to assist with the unloading and loading of deliveries. The applicant should bear the costs of putting a dropped kerb in place at this location. The work would be carried out by LBI Highways and secured (including applicants payment for the works) through a S278 Agreement.

Traffic Congestion and fumes

- 15.26 Furthermore, in order to reduce potential congestion, a booking system with specified time slots should be put in place. If properly managed and enforced, this would ensure that multiple deliveries do not arrive at the same time and create congestion within St John's Square or along Clerkenwell Road. Furthermore, the plan would help plan deliveries outside of the current morning peak (10.00-11.00) to help avoid future congestion in the square. The booking system would be secured in St John's Square through the Servicing and Delivery Management Plan. It is considered that these controls and the frequency of the proposed vehicle movements related to the proposed use would not create any material increases in noise and fumes coming from the servicing and delivery of the development over what can be normally expected within a central London location.

Pedestrian access

- 15.27 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. As part of this, Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts where pedestrians have to share space with vehicles/cyclists.
- 15.28 The proposed development has some features that would enhance pedestrian accessibility in and around the site. The removal of the crossovers on Clerkenwell Road and the re-instatement of the footway would create a safer and more accessible footway along Clerkenwell Road. The proposed development will include a new passage way from Clerkenwell Road to St John's Square. This space would allow the movement of pedestrians and disabled persons via a stairlift through St John's Square. Delivery and servicing controls would be in place to manage the movement of goods and vehicles within the Square which should alleviate any potential conflicts between pedestrians and vehicles using passing through the site

and vehicles manoeuvring out of the end of St John's Square. (Details secured by condition 13 & 34).

Vehicle Access

15.29 Vehicle access from Clerkenwell Road into the site would be removed. The crossovers would be removed with the pedestrian footway re-instated. This would be done at the applicant's expense and by LBI Highways.

On Site Cycle Parking

15.30 The proposed on-site cycle parking is in line with the requirements set out within Appendix 6 of the Development Management Policies. This is welcome, but the applicant should also confirm that accessible bicycle parking provision will also be made. Further details on accessible bicycle storage are contained within the Council's SPD on Inclusive Design (2014). Development Management Policy DM8.4 (Walking and cycling).

15.31 Development Management Policy DM8.4 (Walking and cycling), Part B requires major developments to contribute to strategic improvements to the cycle network.

Use	Minimum Cycle Parking Standard	Development	Cycle Parking Requirement
C1 Hotels	1/14 bedrooms	225 rooms	16
A3 Restaurant/A1 Retail	1 per 80sqm	200sqm	3
C3 Housing	1 per bedroom	14 beds	14
B1 Office	1 per 80sqm	93sqm	1
Total			34

15.32 Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts. The proposed servicing arrangements in St John Square may create a conflict and potential collisions with cyclists accessing the site from St John's Square side or other uses along St John Square. This is supported by the applicant's Transport Assessment that has found that there have been 6 accidents in the past 36 months at the junction between St John Square and Clerkenwell Road. The applicant will need to propose a number of effective mitigation and management measures to reduce the risk of conflict between cyclists and vehicles. This should form part of the service management plan.

Transport impact of development:

15.33 The applicant has provided information on the number of trips generated by the existing use during AM peak (8.00-9.00) and PM peak (17.00-18.00) periods. The existing use generates 6 movements in AM peak and 18 movements during peak times. The proposed development may result in 26 vehicle movements in the AM peak and 19 PM peak. In effect the proposed development would lead to an additional 20 vehicle movements in AM peak and 1 more vehicle movement in the PM peak. It should also be considered that the proposed development will lead to less vehicle movements than the permitted development.

15.34 It is also worth considering that St John Square currently accommodates 35 vehicles during the traditional AM peak (8.00-9.00), 47 vehicles during the square's

busiest period (10.00-11.00) and 28 during the evening peak (17.00-18.00). With the proposed development in place, there would likely be an additional 20 vehicle trips in the AM peak (8.00-9.00) and an additional 1 trip in the PM peak (17.00-18.00). LBI Parking and Projects have raised their concerns about the impact of additional vehicle trips upon St John Square in terms of both traffic safety and the impact of vehicles, and in particular larger vehicles, upon the high quality shared surface across St John Square. The actual increase is further complicated as the assessment on vehicle generation is mainly based on existing hotels with car parking facilities (the proposed facility will not have any car parking facilities) rather than car-free hotels. Therefore the proposed levels are likely to over exaggerate the potential transport implications of the development.

- 15.35 Construction Logistics Plan: The applicant has agreed to submit a Construction Logistics Plan which is secured by condition 27. Additionally the S106 would secure compliance within the Code of Construction Practice.

Travel Plan

- 15.36 In line with DM 8.2 and Appendix 5, a draft framework travel plan has been submitted, updates and monitoring are secured through the agreed S106 heads of terms.

Physical impacts on the on-street network

- 15.37 The proposed development would result in the removal of two crossovers on Clerkenwell Road. These should be removed at the applicant's expense with the footway re-instated. The works will be carried out by LBI Highways. These details are secured by appropriate S106 heads of terms.

Impacts of the development on the appearance and long term maintenance of the cobbles within St John's Square.

- 15.38 The impact of the servicing/delivery vehicles upon the paved surface may impact upon the paving in St John Square. To ensure that the impact of the paving can be mitigated, the agreed detailed servicing and delivery plan will need to ensure that the number of vehicles accessing St John's Square is controlled in numbers to limit any potential damage and to maintain the current high quality of the surface for all users of the square. While the proposal will involve more deliveries and vehicles movements accessing the site from St John's Square, it is important to note that the movements would be less than the projected movements involved in the functioning of the consented office scheme which is an important consideration. It is considered with detailed Hotel Management Plan, Servicing and Delivery Plan, A Construction Management Plan and Construction logistics plan that the development can be constructed and operate on a day to day basis without materially adversely affecting the long term appearance and long term maintenance of the cobbled Square subject to careful management and monitoring.

16.0 Contaminated Land and Air Quality

Contaminated Land

- 16.1 The NPPF indicates that where a site is affected by contamination, responsibility for securing safe development rests with the developer and / or landowner. London Plan policy 5.21 (Contaminated Land) states that appropriate measures should be

undertaken to ensure that development on previously contaminated land does not activate or spread contamination.

- 16.2 Policy DM6.1 (Healthy Development) of the Council's Development Management DPD requires adequate treatment of any contaminated land before development can commence. The council's land contamination officer is satisfied with the details provided subject to condition 36 requiring any mitigation measures necessary are attached to any grant of permission.

Air Quality

- 16.3 London Plan policy 7.14 is relevant to air quality. Development Management Policy DM6.1E states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits, and that where adequate mitigation is not provided and/or is not practical planning permission may be refused. Part F states that developments should not cause significant harm to air quality cumulatively or individually. Where modeling suggests that significant harm would be caused this shall be fully addressed through appropriate mitigation.

- 16.4 The applicant has submitted an Air Quality Assessment which states that the proposed development is considered to be a Medium Risk Site overall for demolition pollution and a high risk site for earthworks and general construction activities. It is considered that through good practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases can be reduced to acceptable levels during what would be a reasonably short overall construction period. Subject to appropriate conditions (conditions 27 & 40) and through compliance with the code of construction practice, the residual effects of the construction phase on air quality is considered to be acceptable in this case.

17.0 Planning Obligations, Community Infrastructure Levy and local finance considerations

- 17.1 The applicants have agreed to enter into a Section 106 agreement, the Heads of Terms of which are documented in Recommendation B of this report. The proposed financial obligations are considered to be in line with the Islington Planning Obligations SPD 2013, along with the National Planning Policy Framework (necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development), and are therefore considered to be acceptable.

Islington CIL

- 17.2 The application is subject To the Islington CIL fee regulations. The total Islington CIL liability is separate from the agreed S106 planning obligations outlined below.

Mayoral CIL

- 17.3 The application will be liable for the Mayoral CIL. To help implement the London Plan, policies 6.5 and 8.3, the Mayoral CIL came into effect on 1st April 2012. The proposed development would be the subject of Mayoral CIL payment.

Crossrail

- 17.4 This site is within the area where section 106 contributions for Crossrail will be sought in accordance with London Plan policy 6.5 and the associated Supplementary Planning Guidance (SPG) ‘Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy’, April 2013. In paragraph 4.20 of the SPG, it can be seen that in these situations, the Mayor’s CIL charge (but not the boroughs’) will be treated as a credit towards the section 106 crossrail liability. The applicants have agreed to contribute towards £376,247 less any amount payable by the Owner in relation to the Mayor’s CIL to be secured via the S106 agreement attached to any grant of permission here.

Planning Obligations

- 17.5 Those contributions or obligations are considered necessary, relevant and appropriate in scale and kind to the proposed development and to make the development proposals acceptable in planning terms and policy compliant. Those obligations have been calculated based on the adopted Planning Obligations SPD (2013).

Local employment and training opportunities

- 17.6 The proposal has secured a S106 contribution of commuted sum of £14,455 towards employment and training for local residents. The S106 will also secure the creation of 12 work placements during the construction phase of the development for a period of 13 weeks. If these placements prove unfeasible the applicants have agreed to pay a contribution of £60,000 in lieu.

18.0 National Planning Policy Framework

- 18.1 The NPPF sets out 12 core planning principles that should underpin decision-taking. Of these, the current proposal is particularly strong in relation to the effective reuse of brownfield land, and is compliant with elements of other core planning principles.
- 18.2 Paragraph 7 of the NPPF sets out 3 dimensions of sustainable development (economic, environmental and social). The proposed development is considered to be compliant with these 3 dimensions.
- 18.3 The proposal is considered to be compliant with the NPPF’s planning policies regarding building a strong, competitive economy (section 1), promoting sustainable transport (section 4), good design (section 7), meeting the challenge of climate change (section 10), conserving and enhancing the natural environment (section 11), and conserving and enhancing the historic environment (section 12).

19.0 SUMMARY AND CONCLUSION

Summary

- 19.1 A full summary of the proposals is located at paragraphs 1.1 – 1.9 of this report, however in brief summary, the proposals are for the delivery of a mixed use redevelopment with a hotel, commercial uses and a small number of good sized residential units all of which are supported by planning policy. The overall design, scale, massing and appearance of the proposed development positively responds

to the architectural character of the surrounding street scene subject to conditions ensuring a high quality design.

- 19.2 The transport infrastructure is capable of accommodating the proposal in this highly accessible location. The proposed design, scale, massing of the proposal is considered to conserve the character and appearance of the area and respect the setting of nearby Grade I and Grade II buildings.
- 19.3 It is accepted that the proposed development would materially change adjoining residents' outlook and their experience of the existing open site. It is acknowledged that the proposed development would have some adverse impacts on some adjoining residents' daylight and sunlight levels to their windows. The impacts have been assessed very carefully. Bearing in mind the specifics of the site and the extant permission in place for a taller redevelopment of the site it is considered the impacts of the development on the amenity levels of adjoining occupiers are within acceptable limits.
- 19.4 The development as a whole offers significant public benefits in terms of urban design, townscape goals and the provision of a high quality development with very good well CO2 emissions reductions strategy, employment generating uses and public realm improvements.

Conclusion

- 19.5 It is recommended that planning permission and be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1.

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:

- A contribution of £300,000 towards the provision of affordable housing in the London Borough of Islington.
- A contribution towards Crossrail of £376,247 less any amount payable by the Owner in relation to the Mayor's CIL.
- Payment of a commuted sum of £14,455 towards employment and training for local residents.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 12 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of up to £60,000 to be paid to LBI (£5,000 per placement not provided). Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £12,203 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 26 accessible parking bays or a contribution of £52,000 towards bays or other accessible transport initiatives
- Removal of eligibility for residents' and commercial premises parking permits.
- A contribution of £451,720 towards offsetting any projected residual CO2 emissions of the development. Note: This amount could be adjusted on the basis of an updated Energy Statement being submitted and approved in conjunction with either
 - I. connection to Citigen being provided or if proven to be unfeasible

II. Submission of an updated Energy Strategy in accordance with planning condition number being submitted to and approved by the LPA.

- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Owner/developer to meet the costs of the delivery of the new development and its impact on the public highway. To include all associated construction, signage, demarcation, S38 works involving adoption of widened footway and drop off bay, S278 agreement, monitoring, any necessary amendments to Traffic Management Orders (estimated at £2,000 per Traffic Order) and administration costs.
- Site management plan to be submitted for the Council's approval, specifying arrangements for maintenance, servicing, security, fire safety, coach parking facilities and liaison with local residents. To be made available to residents on request and to be drafted before implementation.
- The approved Pedestrian cut through allowing access from Clerkenwell Road to St John's Square shall be maintained as an open unrestricted space at all times subject to closure only for essential maintenance.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made presented to the Planning Committee, 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
	<p>CONDITION: The development hereby permitted shall begin no later than the expiration of 3 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
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Daylight and Sunlight Report by Anstey Horne ref MH/KW/ROL6896 dated 17th December 2013, Updated Daylight and Sunlight Report by Anstey Horne ref MH/KW/ROL6896 dated 29th September 2013, Updated Sustainable design and construction statement (energy statement) by The Engineering Practice, Planning Statement by DPP One ltd ref 1081LO/R003HC, Land Contamination Assessment by Bureau Veritas, Transport Statement by ADL Transportation Limited, Full Travel Plan Template by ADL Transportation Limited, Heritage Assessment by DPP One LTD Ref 1081LO/R005he, Systems Design Statement by The Engineering Practice, Strucutral Information for planning by MLM Consulting, Ventilation and extraction statement by The Engineering Practice, Fire Safety Overview by MLM Multidisciplinary Consulting, Lighting Assessment by The Engineering Practice, Archaeology Assessment dated April 2014 by Museum of London Archaeology, Noise Assessment by Hepworth Acoustics, Statement of Community Involvement by DPP One Ltd ref 1081LO/R004HC, Air Quality Assessment doc ref MH/771322/R1 dated 17 January 2014, Utilities and Drainage Assessment by The Engineering Practice/MLM consulting, Item 1: Clerkenwell Green Visual Impact Assessment dated May 2014, Design and Accessibility Statement by Stephen Reinke Architects, Urban Design & Spatial Assessment folio by Space Syntax Limited, Townscape and Urban Design Visual Impact by Tavernor Consultancy/Hayes Davidson.</p> <p>Architectural drawings comprising of: 043/M1SK01/Rev P1, A0003A/Rev 08, A0003/Rev 08, A1001A/Rev 08, A1001/Rev 08, A2101/Rev 08, A2102/Rev 08, A2103/Rev 08, A2104A/Rev 08, A2104B/Rev 08, A2105A/Rev 08, A2105B/Rev 08, A2105C/Rev 08, A2106/Rev 08, A2107/Rev 08, A2108/Rev 08, A2114/Rev 08, A2115/Rev 08, A3001/Rev 08, A3002/Rev 08, A3003/Rev 08, A3004/Rev 08, A3005/Rev 08, A3101/Rev 08, A3102/Rev 08, A3006/Rev 08, A5101/Rev 08, A3201/Rev 08, A3202/Rev 08, A3203/Rev 08, A3204/Rev 08, A3205/Rev 08, A3206/Rev 08, A3207/Rev 08, A3208/Rev 08, A3209/Rev</p>

	<p>08, A3210/Rev 08, A3211/Rev 08, A3212/Rev 08, A3213/Rev 08, A3214/Rev 08, A3215/Rev 08, A3216, A3217, A3301/Rev 08, A3302/Rev 08, A3303/Rev 08, A3304/Rev 08, A3305/Rev 08, A3306/Rev 08, A3307/Rev 08, A3308/Rev 08, A3309/Rev 08, A3310/Rev 08, A3311/Rev 08, A3312/Rev 08, A3313/Rev 08, A3314/Rev 08 & A3315/Rev 08.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	Materials and Samples
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) any cladding f) steel columns g) cornice details and samples h) spandrel samples and colours i) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples 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: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Further detailed elevational details conditions
	<p>CONDITION: Full details of the design and treatment (including colour schemes and finishes) of all elevations shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.</p> <p>Details shall all be shown in context and to a scale of 1:50 with 1:10 details or larger where necessary and include the following (but not be limited to):</p> <p>A) Clerkenwell Road elevation:</p> <ul style="list-style-type: none"> 1) Typical 3d detail interfaces ceramic frame and window finishes. 2) 1:5 key details 3) 1:20 section showing bathroom drop down ceilings 4) 1:20 part elevation coloured/CGI <p>B) Atrium Details to include Internal atrium elevation and the atrium elevation</p>

	<p>facing St John's Square.</p> <p>1)1:20 part elevation coloured CGI 2) Typical 3D detail interfaces atrium glazed wall in front of room window/opaque and transparent 3)1:5 typical details</p> <p>C) Pedestrian Passage details</p> <p>1) CGI render view of passage from west side of Clerkenwell Road looking diagonally through passage to St John's Square- daytime and night time. 2) CGI render view of the passage from St John's Square side highlighting interface with atrium façade and passage during daytime hours.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings</p>
5	Scheme of opaque glazing
	<p>CONDITION: Notwithstanding there by approved plans, detailed elevational plans and a detailed scheme of opaque glazing to all the main elevations including the hereby approved atrium windows shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
6	Roof Level Structures
	<p>CONDITION: Notwithstanding the drawings hereby approved, updated details of the proposed roof-top structures/enclosures demonstrating a reduction in their prominence shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority</p>

	<p>may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
7	Accessibility details 1
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the the principles of Inclusive Design and Islington’s Development Management Policy 4.11. Plans and details confirming 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. The details shall include:</p> <ul style="list-style-type: none"> a) stairlift facility to allow full accessible access to the hereby approved passageway to St John’s Square b) Refuge Areas on all upper and lower floors; c) Cycle storage and changing facilities including: <ul style="list-style-type: none"> i) Provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection); d) Maximum feasible amount of wheelchair accessible rooms (fully fitted out) up to a minimum of 21 wheelchair accessible bedrooms. d) Details of how each floor plan and layout accords with good inclusive design principles and needs. <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 facilitate and promote inclusive and sustainable communities.</p>
8	Accessible hotel 2
	<p>CONDITION: All lifts serving the hotel accommodation hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
9	Security and general lighting details
	<p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures), and the location and design of any CCTV camera equipment shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p>

	<p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
10	<p>Accessible environment details</p> <p>CONDITION: Notwithstanding the plans hereby approved, the residential units shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Amended plans / details confirming 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. The details shall include:</p> <ul style="list-style-type: none"> • Plans (and if necessary elevations) to scale 1:50; and • An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met. <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs</p>
11	<p>District Heat Network-Future Proof Connection</p> <p>CONDITION: Details of how the communal boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The communal boiler and associated infrastructure shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and so that it is designed in a manner which allows for the future connection to a district system.</p>
12	<p>Energy Reduction</p> <p>CONDITION: The energy efficiency measures/features and renewable energy technology(s); which shall provide for no less than 30.37% on-site total CO₂ reduction as compared to the 2010 Building Regulations detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer feasible, then a revised scheme of renewable energy provision within an updated Energy Strategy, which shall provide for no less than 30.37% CO₂ reduction, shall be submitted to and approved in writing by</p>

	<p>the Local Planning Authority prior to any superstructure works commencing on site. Those details shall include:</p> <ol style="list-style-type: none"> a) the resulting scheme, together with any flue/stack details, machinery/apparatus location, specification and operational details; b) a management plan and maintenance strategy/schedule for the operation of the technologies; c) (if applicable) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary); d) (if applicable) a noise assessment and air-quality assessment regarding the operation of the technology; and e) (if applicable) confirmation that ground source heat pumps and ground source cooling system shall be a 'closed loop' system and shall not tap or utilise ground water / aquifer. <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
13	<p>Vehicular Facilities & Servicing and Delivery Management Plan</p>
	<p>CONDITION: Detailed design of the proposed servicing area, including the provision of the associated changes to the public highway along Clerkenwell Road and St John's Square, shall be submitted to and approved by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>A Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Council prior to the first use of the respective part of the approved development.</p> <p>Details confirming the following shall be submitted:</p> <ul style="list-style-type: none"> • Employ a qualified banksman at all times to manage and monitor servicing/delivery vehicles entering and exiting St John Square. • Operate and enforce a booking system for all deliveries/servicing events. Each visit must be allocated a specified time slot, during which no other vehicle can arrive. The service management plan must be agreed prior to occupation. <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>

14	Green Procurement
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
15	BREEAM (Compliance)
	<p>CONDITION: The Hotel portion of the development shall achieve a BREEAM New Construction 2011 rating of no less than 'Excellent'. The office space refurbishment shall achieve a BREEAM Office 2008 rating of no less than 'Excellent'. The retail space refurbishment shall achieve a BREEAM Retail 2008 rating of no less than 'Excellent'</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
16	Green and Brown Roofs (Compliance)
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan A2108/REV V08 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 used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
17	Sustainable Urban Drainage System (SUDS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system 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 and be designed to</p>

	<p>maximise water quality, amenity and biodiversity benefits.</p> <p>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 minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/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: To ensure that sustainable management of water.</p>
18	Rainwater and Greywater Recycling
	<p>CONDITION: Details of the rainwater and greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater and greywater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management and use of water, and to minimise impacts on water infrastructure, potential for surface level flooding</p>
19	CSH LEVEL 4
	<p>CONDITION: The residential units hereby approved shall achieve a Code of 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>
20	Bird and Bat Boxes
	<p>CONDITION: Details of no less than 4 (total) bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

21	Plant Noise and Fixed Plant
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,Tbg}$.</p> <p>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 development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
22	Noise Level from Premises
	<p>CONDITION: Noise emitted from any part of the premises through the operation of the use shall not increase the current background levels, measured as an LA_{90} (one hour) day and LA_{90} (five minutes) night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
23	Noise protection measures
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB L_{max} (fast) Living Rooms (07.00-23.00 hrs) 35 dB L_{Aeq}, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq}</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby 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: In order to protect residential amenity.</p>
24	Lifts
	<p>CONDITION: All lifts serving the hotel accommodation hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment</p>

	of the site.
25	Retail Opening Hours
	<p>CONDITION: The ground floor retail/ professional services / café/ restaurant (A1/A3) hereby approved shall not operate except between the hours of 08:00 and 23:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Outdoor tables and chairs associated with the A1-A3 uses at ground floor level shall be used between 9am – 10pm only unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
26	Shopfront Glass
	<p>CONDITION: The window glass of all ground floor retail units 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 shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
27	Construction Management Plan and Construction Logistics Plan
	<p>CONDITION: No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The CMP and CLP shall update the Draft Construction Management Plan as submitted as part of the application hereby approved, while also providing the following additional information:</p> <ol style="list-style-type: none"> 1. identification of construction vehicle routes; 2. how construction related traffic would turn into and exit the site 3. details of banksmen to be used during construction works 4. the parking of vehicles of site operatives and visitors; 5. loading and unloading of plant and materials; 6. storage of plant and materials used in constructing the development; 7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; 8. wheel washing facilities; 9. measures to control the emission of dust and dirt during construction; 10. 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 approved CMP and CLP throughout the construction period.</p>

	<p>REASON: In order to secure highway safety and free flow of traffic on York Way and Wharfdale Road, local residential amenity and mitigate the impacts of the development.</p>
28	Recycling/refuse storage provision and management
	<p>CONDITION: Full details of refuse/recycling storage locations, dimensions, collection arrangements and management shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The approved details shall be installed prior to the first occupation of the development and collection and management practices be carried out in accordance with the details so approved permanently 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>
29	No External Piping
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
30	Archaeology
	<p>CONDITION: In the event of a buried heritage asset being found during site clearance or construction works no further works (including demolition works) shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence along with details of mitigation and asset protection.</p> <p>This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the protection of archaeological assets if they are discovered.</p>
31	Servicing Arrangements - Compliance
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of:</p>

	<p>Monday - Friday 07:00 to 20:00; and Saturdays 08:00 to 20:00; and Sundays and Public Holidays 10:00 to 17:00</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
32	Connection to a District Energy Network Feasibility
	<p>CONDITION: No superstructure works shall be commenced unless and until a feasibility study analysing the potential for the connection to a nearby energy district heating network (or other network) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Should the study demonstrate that a connection is:</p> <p>a) technically and practically feasible then full details of the connection and infrastructure including the level of CO2 reduction which would be achieved by such a connection shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite;</p> <p>or</p> <p>Should the study demonstrate that a connection is:</p> <p>b) not technically and practically feasible - then the scheme of on-site renewable energy provision as detailed under the Energy and Sustainability Statement and conditions herein shall be implemented.</p> <p>Should the connection be found feasible, the connection shall be provided and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure investigation into the potential connection to a nearby district energy network and to secure the on-site provision of the maximum amount of energy efficiency technology should this not be feasible.</p>
33	Thermal modeling details
	<p>CONDITION: Details of internal thermal modelling of the development using the SBEM procedure should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The modelling shall demonstrate that the development will have a low likelihood of high internal temperature during hot weather, allowing for increasing summer temperatures as a result of projected climate change. 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 adapting to climate change and to secure sustainable development.</p>
34	Hotel Management Plan

	<p>CONDITION: A Hotel & Restaurant Management Plan shall be submitted to and approved by the Local Planning Authority prior to the hotel and restaurant use first commencing. The management plan shall address both separate uses and contain details of:</p> <ul style="list-style-type: none"> • Door policy; • Servicing and delivery times/arrangements; • Bottling out and waste management noise and times; • Control of noise from any designated smoking areas; • Control of noise from amplified music within the building; • Close down policy with gradual lowering of music volume and increasing of lighting; • Visitor Accommodation Operation; • An enforcement strategy for dealing with any breaches of the scheme; • Coach parking arrangements; and • Any other relevant operation of the site. <p>REASON: To ensure that the resulting arrangements do not adversely impact on existing and future residential amenity, safety and security of the surrounding area.</p>
35	Details of Flues
	<p>CONDITION: Details of proposed flues / extraction systems for the restaurant/retail units at ground floor level hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>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 flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
36	Contaminated Land
	<p>CONDITION: No development/demolition works shall be commenced unless and until details of the following works are be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>a) Any necessary remedial land contamination works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the land contamination investigation and any resulting scheme of remedial land contamination works so approved, any necessary remediation shall be carried out prior to the first occupation of the development, and shall be maintained as</p>

	<p>such thereafter.</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
37	Cycle Parking (Compliance)
	<p>CONDITION: The hereby approved provision of 22 cycle spaces for the hotel use and 14 cycle spaces for the residential aspects of the scheme as detailed within approved drawing A2103/REV V08 shall be provided prior to the first occupation of the buildings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
38	Reuse materials target
	<p>CONDITION: In accordance with the approved plans 10% of materials used in the construction of the development are to be derived from re-used or recycled content.</p> <p>REASON: In the interests of environmental sustainability and sustainable development.</p>
39	Water usage and reduction targets
	<p>CONDITION: The residential development shall achieve a 95 litre / person / day of water use rate.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources, in accordance with Core Strategy Policy CS10.</p>
40	Construction Environment Plan
	<p>Condition: A Construction Environmental Management Plan 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 construction phase 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 and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers.</p>
41	Control on Hotel occupation
	<p>CONDITION: The hotel accommodation hereby approved shall be retained in a single planning unit and shall not be subdivided into independent residential</p>

	<p>units for the purpose of management or sale. The rooms shall not be occupied other than by hotel visitors on a short stay basis (no greater than 3 months).</p> <p>REASON: To ensure that the facility remains in use as hotel accommodation.</p>
42	Details of final hotel room layouts and elevational alterations
	<p>CONDITION: Notwithstanding the hereby approved plans, detailed plans and information documenting the final layout of the hereby approved hotel rooms detailing the removal of the bathroom areas of the hotel rooms away from the front elevation windows along Clerkenwell Road shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.</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 order to ensure the visual appearance of the building is enhanced.</p>
43	Non amalgamation of A1/A3 units.
	<p>CONDITION: The two ground and basement floor flexible A1/A3 (shop / restaurant-café) units hereby approved shall be laid out / divided as shown on drawings A2103/REV V08 and A2102/REV V08 hereby approved and shall not be amalgamated or further subdivided.</p> <p>REASON: The consideration of the acceptability of the commercial uses was based on the proposed size of units as shown on the approved plans; the amalgamation or further subdivision of the units is likely to have operational, transportation, security and amenity implications, which would need to be tested under a separate planning application.</p>
44	No rear roof terraces
	<p>CONDITION: The rear first floor flat roof area and flat roof area shown on drawings nos.: A2104A/REV 08 & A2108/REV V08 hereby approved shall not be used other than for essential maintenance or repair, or escape in case of emergency and shall not be used as an amenity or sitting out space of any kind whatsoever.</p> <p>REASON: To prevent the overlooking of neighbouring habitable room windows.</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
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

	<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	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>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 would 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 would 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> <p>Pre-Commencement Conditions:</p> <p>These conditions are important from a CIL liability perspective as a scheme would not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Sustainable Sourcing of Materials</p> <p>INFORMATIVE: 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>
5	<p>NPPF</p> <p>INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.</p>
6	<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.</p>
7	<p>No permission for any signage</p> <p>Informative: Your attention is drawn to the fact that any signage on the</p>

	approved building would require a separate advertisement consent application to be made to the council
8	Car free development
	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.

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 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

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	6 London's transport Policy 6.1 Strategic approach Policy 6.3 Assessing effects of development on transport capacity
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 2.10 Central Activities Zone – strategic priorities Policy 2.11 Central Activities Zone – strategic functions	Policy 6.5 Funding Crossrail and other strategically important transport infrastructure Policy 6.7 Better streets and surface transport Policy 6.8 Coaches Policy 6.9 Cycling Policy 6.10 Walking Policy 6.13 Parking
3 London's people Policy 3.9 Mixed and balanced communities	7 London's living places and spaces 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
4 London's economy Policy 4.1 Developing London's economy Policy 4.5 London's visitor infrastructure Policy 4.7 Retail and town centre development Policy 4.8 Supporting a successful and diverse retail sector Policy 4.9 Small shops	Policy 7.8 Heritage assets and archaeology Policy 7.11 London View Management Framework Policy 7.12 Implementing the London View Management Framework Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes
5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide	Policy 7.19 Biodiversity and access to nature

emissions	
Policy 5.3 Sustainable design and construction	8 Implementation, monitoring and review
Policy 5.5 Decentralised energy networks	Policy 8.1 Implementation
Policy 5.6 Decentralised energy in development proposals	Policy 8.2 Planning obligations
Policy 5.7 Renewable energy	Policy 8.3 Community infrastructure levy
Policy 5.8 Innovative energy technologies	Policy 8.4 Monitoring and review for London
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 5.18 Construction, excavation and demolition waste	
Policy 5.21 Contaminated land	

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS13 (Employment Spaces)
Policy CS7 (Bunhill and Clerkenwell)	Policy CS14 (Retail and Services)
Strategic Policies	Infrastructure and Implementation
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	Policy CS18 (Delivery and Infrastructure)
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	
Policy CS12 (Housing)	

C) Development Management Policies June 2013

Design and Heritage	
DM2.1 Design	Energy and Environmental Standards
DM2.2 Inclusive Design	DM7.1 Sustainable design and construction statements
DM2.3 Heritage	DM7.3 Decentralised energy networks
DM2.4 Protected views	DM7.4 Sustainable design standards
DM2.5 Landmarks	DM7.5 Heating and cooling
Shops, culture and services	
DM4.1 Maintaining and promoting small and independent shops	Transport
DM4.2 Entertainment and the night-time economy	DM8.1 Movement hierarchy
DM4.3 Location and concentration of	DM8.2 Managing transport impacts
	DM8.3 Public transport
	DM8.4 Walking and cycling

uses				DM8.5 Vehicle parking
DM4.4 Promoting Centres	Islington's	Town		DM8.6 Delivery and servicing for new developments
DM4.6 Local shopping Areas				
DM4.8 Shopfronts				Infrastructure
DM4.11 Hotels and accommodation		and visitor		DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation

D) Site Allocations June 2013

Finsbury Local Plan
BC41 & BC 8.

Designations

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

Islington Local Plan

Employment Priority Area (General),
Conservation Area (Clerkenwell Green),
Site Allocations (KC3)
Archaeological Priority Area
Local Views of St Paul's Cathedral from
Amwell Street, Archway Road and
Archway Bridge.

London Plan

Central Activities Zone

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design
Conservation Area Design Guidelines
Planning Obligations and S106
Urban Design Guide
Streetbook SPD
Small sites SPD

London Plan

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

CONFIDENTIAL



ISLINGTON

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA

ATT: Bob Robinson
DPP
4th Floor Hamilton House
Mabledon Place
Bloomsbury
London
WC1H 9BB

T 020 7527 2389
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E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: **DRP/037**

Date: 14 October 2014

Dear Mr Robinson,

ISLINGTON DESIGN REVIEW PANEL

RE: 96-100 Clerkenwell Road (application ref: **P2014/0373/FUL**) – 3rd Review

Thank you for coming to Islington's Design Review Panel meeting on 16 September 2014 for a follow-up assessment of the above scheme which the Panel previously reviewed on 9 April and 11 June 2013. The proposed scheme under consideration is for provision of a mixed use development of 8 storeys (plus basement) accommodating retail/restaurant uses (A1/A3 use class) to Clerkenwell Road, 224 bedroom hotel and 9 residential units to the St John's Square block (as per Planning Case Officer's briefing note).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Charles Thomson, Philip Cave, Richard Portchmouth, Stephen Archer and Stuart Piercy in the afternoon of Tuesday 16 September 2014 including a presentation from the design team followed by question and answers session and deliberations at Islington's Municipal Offices, 222 Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

- Panel members appreciated that the scheme had been further developed in a positive direction since the previous review and that some of the issues raised then had been addressed, but stressed that the changes fell short of the more fundamental re-design it had wished to see. The Panel remained concerned that the proposal appeared to be principally driven by the need to accommodate a set number of hotel rooms to the detriment of creating a building of distinction with high quality internal communal and private spaces.
- The Panel noted that it is critical to see drawings which adequately describe the design intent of the scheme, particularly on a site of such importance, and was concerned that from the information presented key design details remained outstanding. Please see the final page of this letter for a list of information that the Panel felt should be provided.

- The Panel noted that the design team had done further work in developing the building's façades. On the Clerkenwell Road frontage, the Panel noted the further development of the tripartite approach with a better expression of a base, middle and top. The Panel was however concerned that the plan did not inform the elevation, and that there was a strong sense of both having been developed separately.
- The Panel welcomed the direction taken on the use of interesting materials on the front elevation, but said that further information was required on the detailed design. In particular the use of glazed bricks and how they are detailed on the window returns. The Panel stated that it would like some reassurance around the materials and designs proposed and whether these would be possible to deliver, particularly in relation to the windows. The Panel suggested that a 2 window bay mock-up of the (at 1:1 scale) could help inform whether the proposed designs and materials are appropriate and feasible.
- There was some discussion surrounding the proposed placement of bathrooms within the hotel rooms - the architect described the room layouts with the bathrooms on external wall - and the Panel was, therefore, concerned about their impact on the external faces of the building. It was felt that further clarification of this aspect of the scheme was needed. The Panel reiterated its concern that it is unclear what parts of the elevations were opaque, transparent and translucent and the overall impact this may have on the street elevation. A more detailed coloured elevation and CGI view at a less acute angle would be necessary to assess the appropriateness of the design.
- In relation to the St John's Square frontage, the Panel expressed serious concerns in relation to the elevation. The Panel felt that not enough of a detailed design had been provided to judge whether the design was appropriate, particularly in relation to the functions behind the elevations for example in the southern corner, use of materials and which sections would be transparent, opaque, or solid. The Panel requested very specific design drawings of the back elevation.
- The Panel welcomed improvements made to the arrival area of the upper floors of the hotel. However, the Panel felt that the atrium was a lost opportunity in terms of bringing daylight & views into the corridors of the hotel. The Panel noted that the atrium is very narrow with the windows of the rooms directly facing one another only feet apart.
- Panel members welcomed improvements made to the residential accommodation. Although the Panel welcomed the inset of the balcony, it noted that this had reduced the size and particularly the width of the living rooms.
- The Panel welcomed improvements made to the workshop space, but expressed concern over the lack of daylight.

Summary

As during previous reviews, the Panel welcomed the design intentions of reinstating the fabric on this site and the introduction of permeability from Clerkenwell Road to St John's Square. The Panel noted the scheme had evolved in some areas but felt that the proposal still fell short of delivering a building of exceptional architectural quality to respond to its rich surrounding context.

Although the Panel felt that design had improved, they were concerned that the lack of detailed design drawings of the front and back elevations made it difficult to assess the proposed designs. The Panel would encourage the design team to revisit the above mentioned aspects of the proposal to ensure the final development proposal provides a more adequate scheme.

With regard to assessing the further detailed design response and the façade and atrium details the Panel suggested that a desktop assessment could be explored.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

List of further information to be provided

Clerkenwell Road Elevation

- 1:20 part elevation coloured / CGI
- Typical 3D detail interfaces ceramic frame /window/opaque and transparent.
- 1:5 key typical details
- 1:20 section showing bathroom drop down ceilings
- CGI render face on to the elevation from across the street - daytime and nighttime

Internal Atrium Elevation

- 1:20 part elevation coloured / CGI
- 1:5 key typical details
- 3D detail interfaces atrium glazed wall/ room window/opaque and transparent.

Atrium Elevation facing the square

- 1:20 part elevation coloured / CGI
- 1:5 key typical details
- 3D detail interfaces atrium glazed wall in front of room window/opaque and transparent
- CGI render face on to the elevation (closer than current images) - daytime and night time

Passage

- CGI render view of passage from west side of Clerkenwell Road looking diagonal through passage to St Johns Sq - daytime and night time.
- CGI render view of the passage from the St. John's Square side highlighting interface with Atrium facade and passage – daytime

Confidentiality

Please note that as the scheme under review is currently the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,



Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager

96-100 Clerkenwell Road: St John's Square Survey Data Analysis

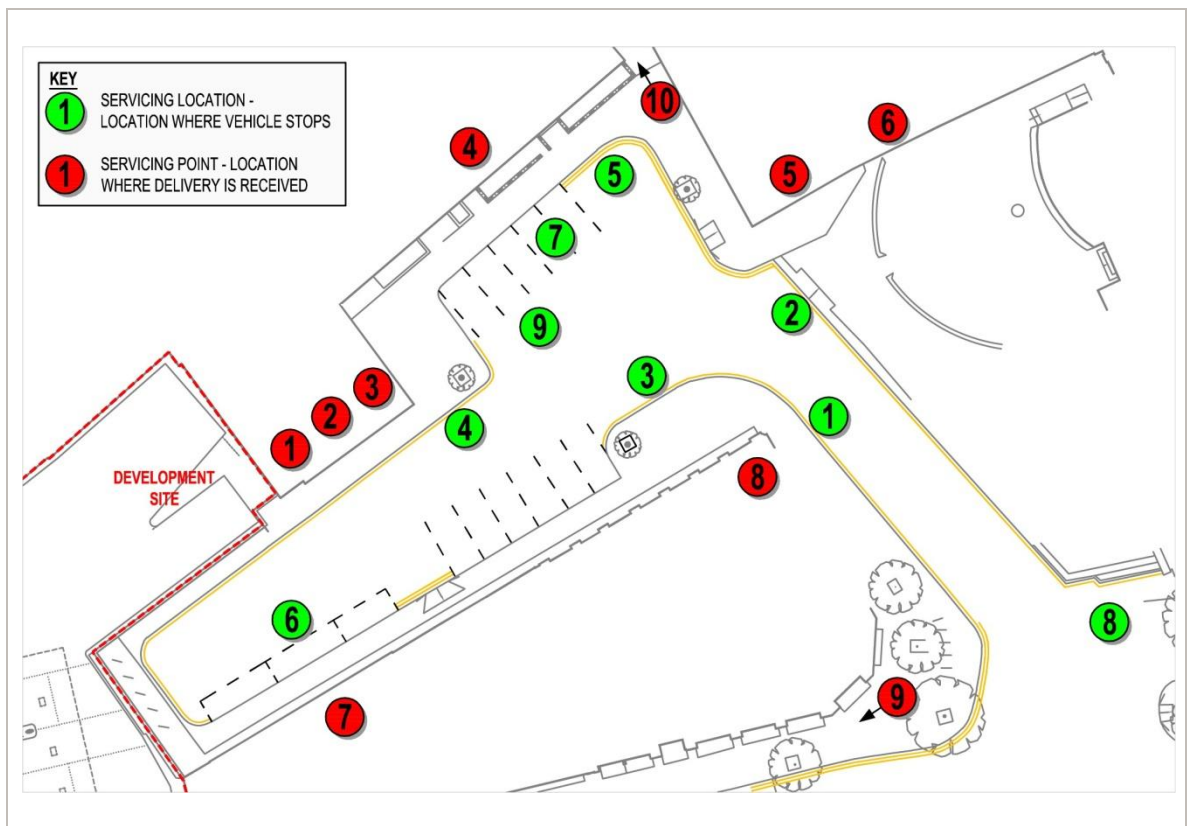
INTRODUCTION

- 1.1 This Technical Note sets out the findings of a servicing survey carried out by an independent traffic survey company, MHTC Ltd, at St John's Square, Islington.
- 1.2 A video survey was undertaken to cover a 16 hour period between 06:00 and 22:00 on Tuesday 6 January 2015. All delivery and servicing trips within St John's Square were recorded and categorised by time period, duration of stay, vehicle type, type of goods, parking location and delivery location. Video cameras were deployed to view all servicing locations in the square.

RESULTS

- 1.3 Details are provided on the delivery and servicing locations, vehicle types, time period and duration of stay. The survey location is broken down by where the vehicle stops and where the delivery is received.
- 1.4 The delivery locations are illustrated in **Figure 1** below.

Figure 1 Servicing Locations



Servicing Point – Point where the Delivery is Received

1.5 Deliveries were recorded to twelve delivery locations within St John's Square, as detailed below, and illustrated on Figure 1:

- 1: No. 54, St John's House;
- 2: No. 52 (west door);
- 3: No. 51 (east door);
- 4: No. 49/50 Zetter Townhouse;
- 5: The Modern Pantry;
- 6: No. 42-47;
- 7: No. 57-59;
- 8: The Zetter Hotel (and Bistro Bruno Loubert);
- 9: Outside St John's Square (Clerkenwell Road direction);
- 10: Outside St John's Square (Jerusalem Passage direction);
- None (delivery vehicles stopped in St John's Square but did not make a delivery); and
- Not Seen (delivery location was not identified through the video).

1.6 A total of 75 delivery and servicing trips were made in St John's Square between the hours of 06:00 and 22:00. The breakdown of servicing trips by delivery location is shown in **Table 1**, detailed for each access point set out above.

Table 1 Delivery Location

Delivery Location	No. of Delivery vehicles
1: No. 54, St John's House	10
2: No. 52 (west door)	0
3: No. 51 (east door)	6
4: No. 49/50 Zetter Townhouse	5
5: The Modern Pantry	8
6: No. 42-47	8
7: No. 57-59	4
8: The Zetter Hotel (and Bistro Bruno Loubert)	14
9: Elsewhere (Clerkenwell Road direction)	8
10: Elsewhere (Jerusalem Passage direction)	1
None (no delivery made)	8
Delivery Location Not seen	3
Total	75

1.7 Eight delivery and servicing trips were associated with The Modern Pantry. On the day of the survey, the Modern Pantry was undergoing refurbishment works and was closed for normal operation. As such, these trips have been discounted from further analysis as they do not represent usual delivery and servicing activity. The servicing of The Modern Pantry is discussed further on Page 6 of this document.

Servicing Location - Location Where Vehicle Stops

1.8 Loading locations were recorded for the following areas:

- 1: Single Yellow Line outside Zetter Hotel (west side of street)
- 2: Single Yellow Line (east side of street)
- 3: Single Yellow Line outside Zetter Hotel (south side of street)
- 4: Single Yellow Line outside No. 54 St John's House (north side of street)
- 5: Double Yellow Line outside the Zetter Townhouse (north side of street)
- 6: Double Yellow Line outside No. 57-59 (south side of street)
- 7: Pay and Display bays outside No. 51-52 (north side of street)
- 8: Near Entrance to the Square
- 9: In road, in front of Pay and Display bays outside No. 51-52
- 10: Did not park

1.9 The survey showed that 20 vehicles (27%) were parked on the single yellow lines located outside No. 54 St John's House, and on the north side of the street, whilst 11 vehicles serviced from the double yellow lines located outside the Zetter Townhouse, on the north side of the street.

1.10 The full breakdown of loading locations is provided in **Table 2**, which should be read alongside **Figure 1**.

Table 2 Parking / Loading Location

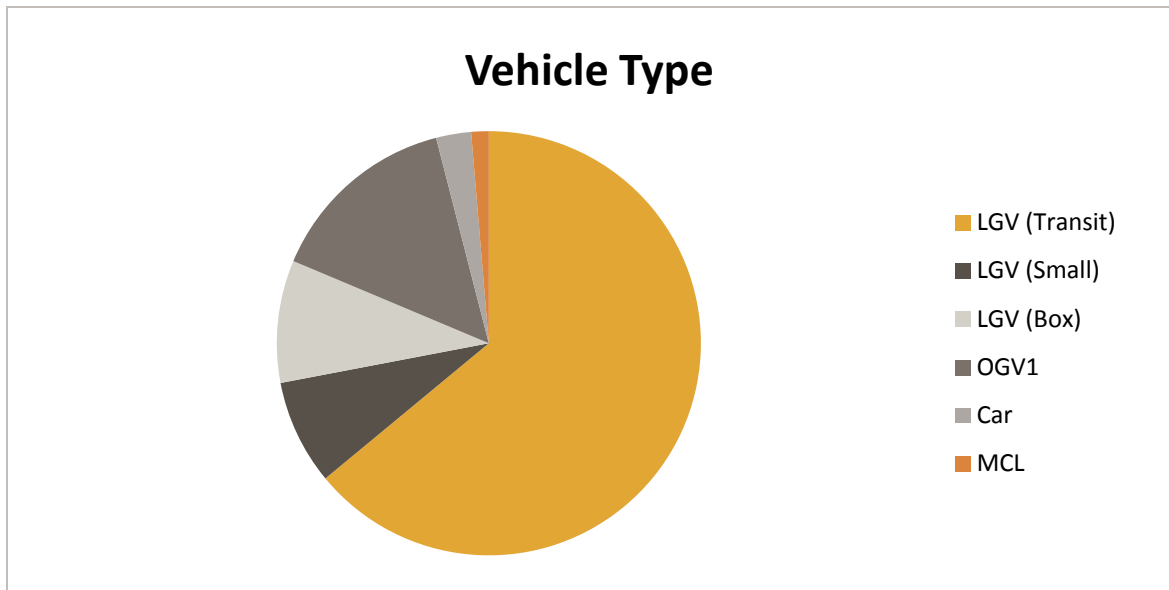
Parking / Loading Location	#
1: SYL outside Zetter Hotel (west side of street)	9
2: SYL (east side of street)	11
3: SYL outside Zetter Hotel (south side of street)	4
4: SYL outside No. 54 St John's House (north side of street)	20
5: DYL outside the Zetter Townhouse (north side of street)	11
6: DYL outside No. 57-59 (south side of street)	1
7: P&D outside No. 51-52 (north side of street)	5
8: Near Entrance to Square	1
9: In road in front of Pay and Display bays outside No. 51-52	3
Did not park	2
Total	67

Vehicle Type

1.11 A Ford Transit type Light Goods Vehicle (LGV) was the most common delivery vehicle, being used to make 64% of deliveries. 17% of deliveries were made by other LGVs (box and small vans), 15% were made by an Other Goods Vehicle (OGV1) and 3% by a car. One delivery (1%) was made by motorcycle.

1.12 The breakdown of vehicle type is shown in **Figure 2**.

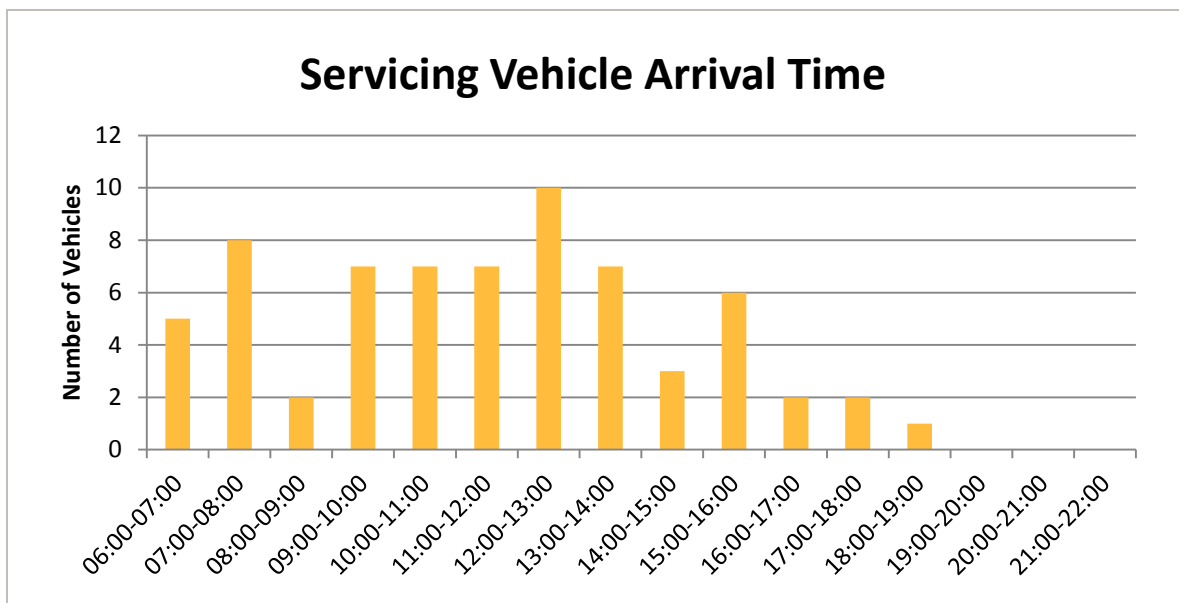
Figure 2 Vehicle Type



Arrival Time / Peak Activity

1.13 The peak period of delivery and servicing activity was recorded between 12:00 - 13:00 with a total of ten deliveries recorded. **Figure 3** shows that deliveries were concentrated in the morning period (69% of delivery and servicing trips occurred before 13:00).

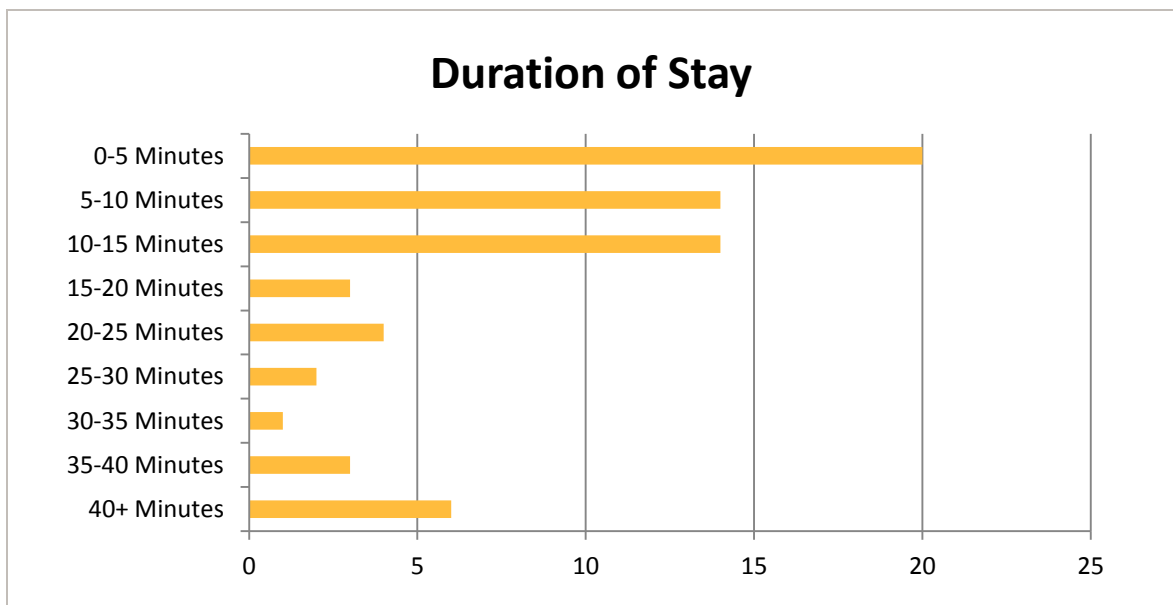
Figure 3 Servicing Vehicle Arrival Time



Length of Stay

- 1.14 Of the recorded delivery and servicing trips, 30% of vehicles were stopped for less than five minutes and 51% for less than ten minutes. 6 stays (9%) were over 40 minutes in duration. The longest stay recorded was 3hrs 51mins, with a Ford Transit type lights good vehicle (LGV) arriving at 09:16 and leaving at 13:07. This vehicle was parked in the pay and display bays located outside No. 51-52 (on the north side of the street), and was associated with No. 51 (east door).
- 1.15 **Figure 4** shows the duration of each stay of delivery and servicing vehicles in five minute periods.

Figure 4 Duration of Stay



The Modern Pantry

- 1.16 To account for delivery and servicing trips associated with normal operation of The Modern Pantry, delivery and servicing data collected at Motcombs Restaurant & Bar, Motcomb Street, Belgravia, Westminster has been used as a comparable site to The Modern Pantry. This data were collected by MHTC Ltd in June 2014. Twelve delivery and servicing trips were recorded at Motcombs Restaurant during the same time period (06:00-22:00). The peak period of delivery and servicing activity was recorded between 08:00 - 09:00 with a total of three deliveries recorded. **Table 3** details delivery and servicing trips by time period, and shows that 75% of delivery and servicing trips occurred before 12:00. No deliveries were recorded after 16:00.

Table 3 Number of Deliveries by Arrival Time

Arrival Time	No. of Deliveries
07:00-07:59	2
08:00-08:59	3
09:00-09:59	2
10:00-10:59	1
11:00-11:59	1
12:00-12:59	1
13:00-13:59	0
14:00-14:59	1
15:00-15:59	1
Total	12

- 1.17 Seven vehicles (58%) were stopped for less than five minutes and 75% for less than ten minutes. Two stays were over 40 minutes in duration. A Ford Transit type Light Goods Vehicle (LGV) was used to make 25% of deliveries. Two deliveries were made by Other Goods Vehicle (OGV1) and two by a car. One delivery (1%) was made by motorcycle. Five vehicles were not seen, as these stopped outside camera survey area. It is assumed that these deliveries are likely to have been made by Ford Transit type LGVs.
- 1.18 It is expected that all delivery and servicing trips associated with The Modern Pantry would take place from the single yellow lines located outside the restaurant's entrance, and as such would not impact on the proposed servicing location for the Site.

SERVICING OF THE PROPOSED DEVELOPMENT

- 1.19 Servicing associated with the proposed development will take place from the Servicing Point 4, the single yellow line outside St John's House, as shown in the Delivery & Servicing Plan Diagram contained at **Appendix A**. This single yellow line is 32m in length, with capacity for a total of 4 Light Goods Vehicles.
- 1.20 On the day of the survey, 20 deliveries took place from this location, with 70% of these made by Ford-Transit type Light Goods Vehicles. Four vehicles (20%) were stopped for less than five minutes, and 11 (55%) for less than ten minutes.
- 1.21 Full analysis of delivery and servicing activity at this location is provided in **Table 4** overleaf.

Table 4 Servicing Location 4 Usage, Single Yellow Line outside No. 54 St John's House (north side of street)

	Arrival Time	Departure Time	Duration	Vehicle Type	Delivery Location
1	07:22	08:50	1:28:00	LGV (Transit)	7
2	07:38	07:44	0:06:00	LGV (Transit)	8
3	08:55	08:58	0:03:00	LGV (Transit)	8
4	09:10	10:10	1:00:00	LGV (Box Van)	7
5	09:33	09:42	0:09:00	LGV (Transit)	1
6	10:15	10:20	0:05:00	LGV (Transit)	1
7	10:31	10:38	0:07:00	LGV (Transit)	1
8	11:26	11:29	0:03:00	OGV1	None
9	11:52	12:04	0:12:00	LGV (Transit)	1
10	12:02	13:07	1:05:00	LGV (Transit)	Not Seen
11	12:16	12:20	0:04:00	LGV (Transit)	1
12	12:28	14:06	1:38:00	LGV (Box Van)	None
13	13:25	14:01	0:36:00	LGV (Transit)	1
14	13:55	14:00	0:05:00	LGV (Small Van)	1
15	15:01	15:05	0:04:00	LGV (Transit)	7
16	15:09	15:23	0:14:00	LGV (Transit)	None
17	15:12	15:18	0:06:00	LGV (Box Van)	3
18	16:27	16:47	0:20:00	LGV (Box Van)	7
19	17:30	17:37	0:07:00	LGV (Transit)	8
20	17:42	18:07	0:25:00	LGV (Transit)	Not Seen

- 1.22 The proposed development is expected to generate up to 14 delivery vehicles per day, between the hours of 08:00 and 20:00. For this time period, the servicing location to be used by the development is unoccupied for 58% of the time, occupied by one vehicle for 29% of the time, occupied by two vehicles for 13% of the time and three vehicles for 1% of the time. During the survey, the single yellow line was never occupied by four vehicles.
- 1.23 Given that the development's deliveries will be managed to ensure that only one vehicle attends the Site at a time, and that for the majority of the time the servicing location is unoccupied or occupied by one vehicle, it is considered that there is adequate capacity to cater for the proposed development.

SUMMARY

- 1.24 In summary, the servicing survey has shown that a total of 75 delivery and servicing trips were recorded in St John Square over a sixteen hour period. Eight of these were associated with refurbishing works at The Modern Pantry, and so have been discounted from analysis within this Technical Note. However, analysis of Motcombs Restaurant has shown a total of 12 delivery and servicing trips, considered to be a similar number to normal operation of The Modern Pantry. As such, a total of 79 delivery and servicing trips take place daily in St John Square. The majority of delivery and servicing trips occur by light goods vehicles and load for relatively short periods of time.

CONCLUSION

- 1.25 The servicing survey carried out at St John's Square has demonstrates that the proposed development at 96-100 Clerkenwell Road will generate comparatively few delivery and servicing movements (a total of 14) when compared to the number currently taking place in St John's Square. Once operational, 15% of delivery and servicing trips in St John's Square would be associated with the Site. The servicing survey demonstrates that the square is not congested, and that occasions of congestion are very rare.
- 1.26 The survey has also demonstrated that the vast majority (72%) of existing servicing activity is undertaken at the eastern end of St John's Square; the proposed servicing location for 96-100 Clerkenwell Road at the western end of St John's Square currently experiences 27% of all servicing activity in the square. As such, anticipated delivery and servicing activity associated with proposed development will not negatively impact upon existing delivery and servicing activity.

Delivery and Servicing Plan Diagram

1:100 @ A1

1:200 @ A3

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FOR PLANNING

96-100 Clerkenwell Road | London

Hotel Entry/Arrival

Public Frontage

A1/A3 Service Entry

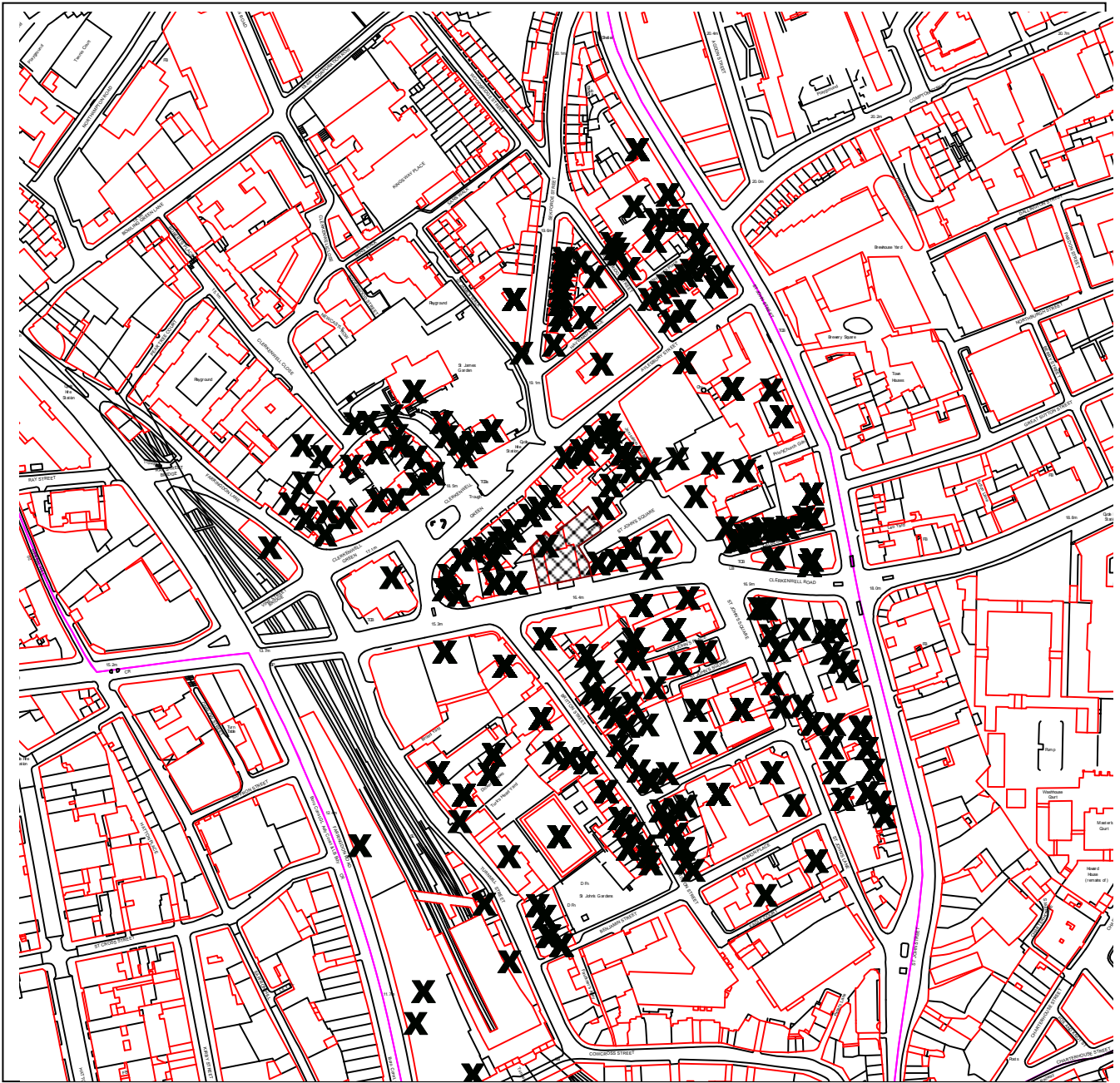
Passage

Clerkenwell Road

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0373/FUL

LOCATION: 96 - 100 CLERKENWELL ROAD LONDON EC1M 5RJ

SCALE: 1:3500

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	
Date:	24 February 2015

Application number	P2014/2950/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	None
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Core Strategy Key Area – Bunhill and Clerkenwell - Central Activities Zone (CAZ) - Employment Priority Area (general) - Within 50m of listed buildings – Eagle Court (Grade II); Farringdon Station (Grade II); and other listed buildings - Archaeological Priority Area 1 - Clerkenwell - Clerkenwell Green Conservation Area - Protected Vista – Kenwood viewing gazebo to St Paul’s Cathedral - LV1 from Farringdon Road/Clerkenwell Road - LV4 from Archway Road - LV6 from Amwell Street
Licensing Implications	None
Site Address	1 & 2-5 Benjamin Street & 94-98 Turnmill Street, London, EC1
Proposal	<p>Erection of a 6-storey (plus basement) building fronting Turnmill Street and a 5-storey (plus basement) building fronting Benjamin Street connected by a 4-storey linked building, comprising retail [Class A1] and office [Class B1a] uses and 4 residential units [Class C3], cycle parking, refuse storage, rooftop plant and landscaping works to Faulkner's Alley, following the demolition of all existing buildings.</p> <p>NB: amendments were made during the application – 8 residential units were initially proposed and the Benjamin Street building was 6-storeys.</p>

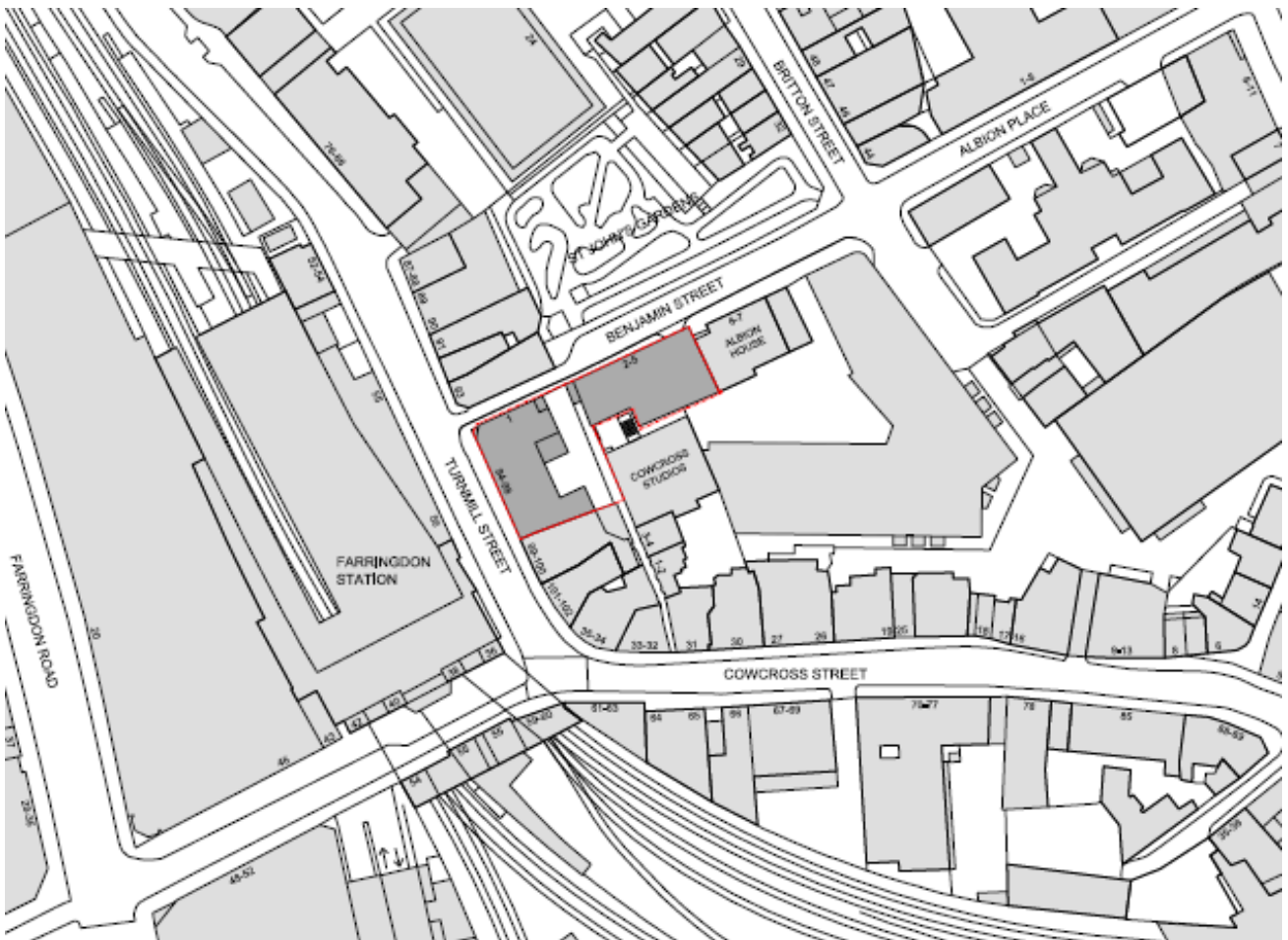
Case Officer	Ben Le Mare
Applicant	The Girdlers' Company
Agent	DP9

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;

SITE PLAN (SITE OUTLINED IN RED)



PHOTOS OF SITE/STREET

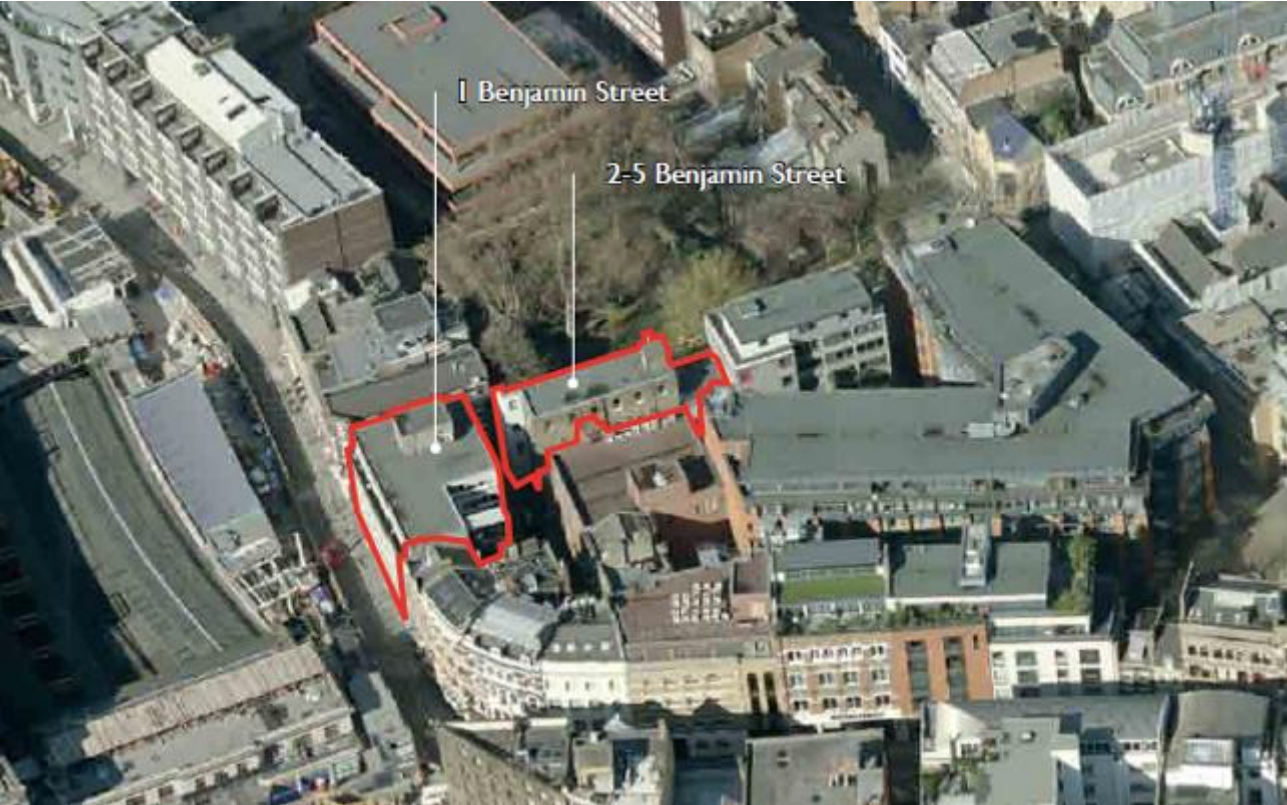


Photo 1: Aerial view from South



Photo 2: Aerial view from North

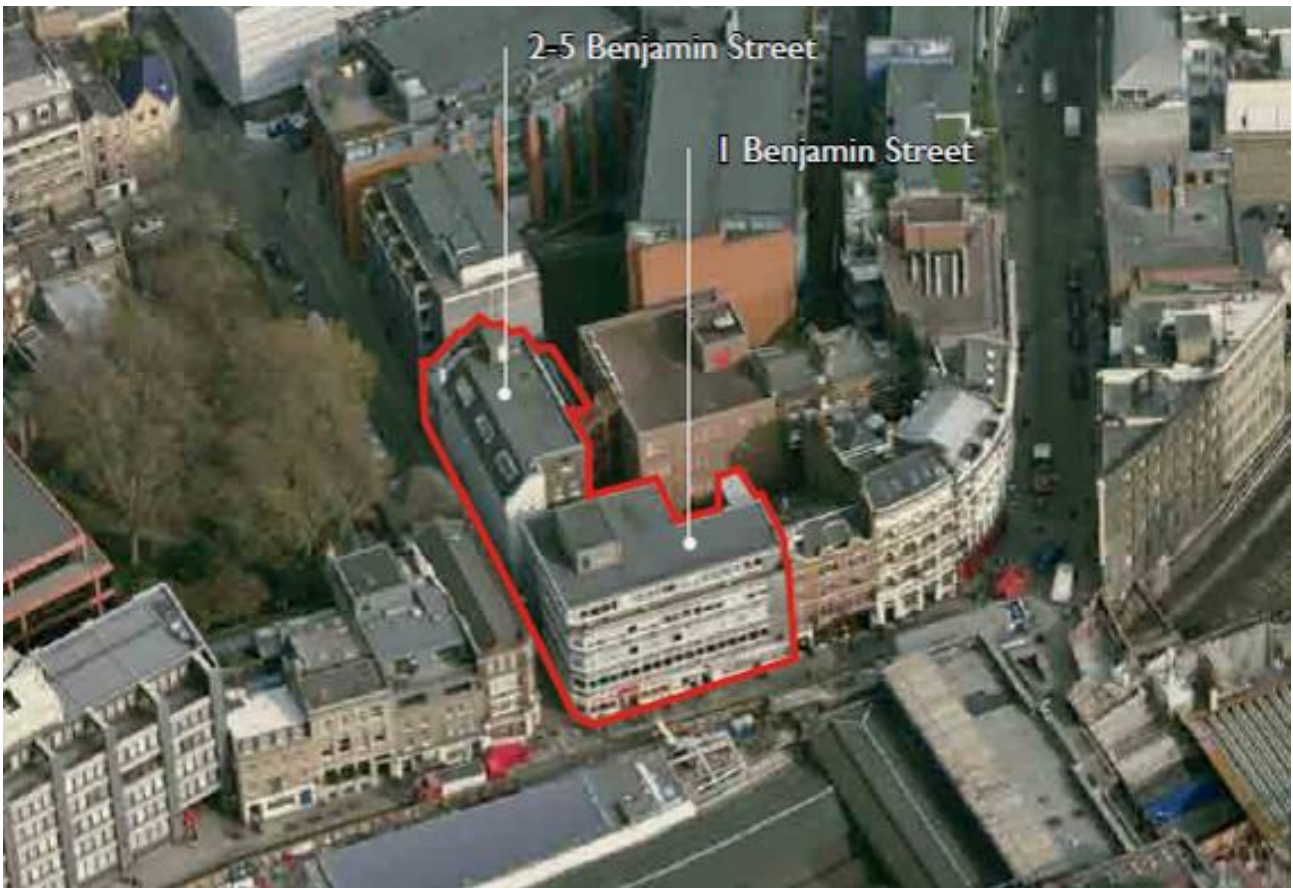


Photo 3: Aerial view from West

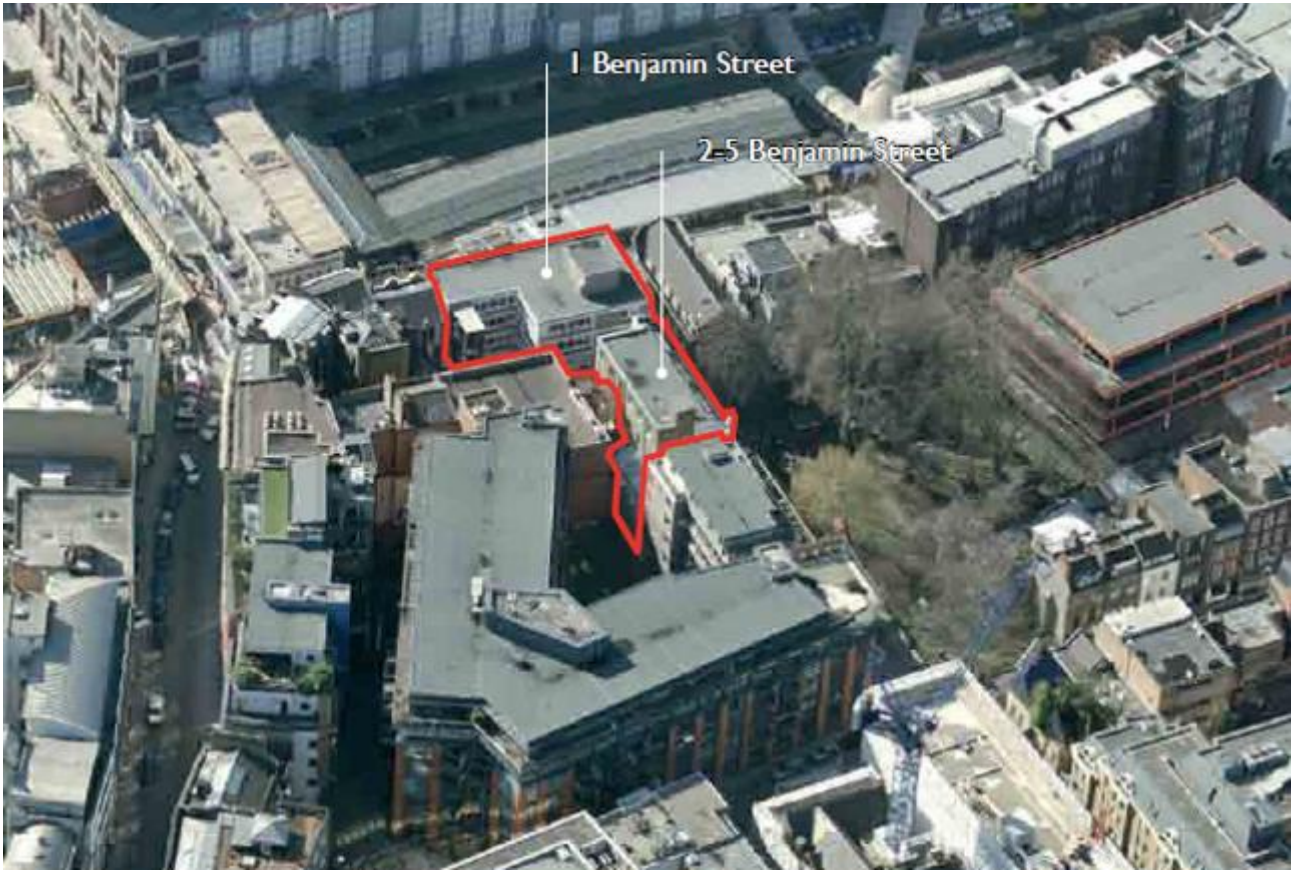


Photo 4: Aerial view from East



Photos 5, 6, 7: Turnmill Street building



Photos 8, 9, 10: Benjamin Street building



Photos 11, 12, 13: Faulkner's Alley

1. SUMMARY

- 1.1 The planning application proposes the demolition of all existing buildings and redevelopment of the site to provide two linked mixed-use buildings along Benjamin Street and Turnmill Street, ranging between six and four stories in height. The development would deliver retail (Class A1) units over basement and ground floor with office (B1a) floorspace and four (Class C3) residential units on the upper floors.
- 1.2 During the determination of this application the scheme has been amended to respond to concerns raised by officers and local residents in respect of the development's impact on the historic character of the conservation area and amenity. These amendments have included the removal of a storey from the building fronting Benjamin Street, resulting in a reduction in the amount of residential accommodation from eight units to four units.
- 1.3 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development.
- 1.4 The main shortcoming of the development is loss of 2-4 Benjamin Street, a positive contributor to the Clerkenwell Green Conservation Area. This matter is considered to have been outweighed by the public benefits of the proposal, namely the delivery of high quality mixed-use building which by reason of its height, scale and detailed design responds well to the character and appearance of the conservation area, improved public safety through the proposed landscaping and lighting along Faulkner's Alley and significant highway improvements to Benjamin Street. To ensure that Faulkner's Alley continues to remain as a publicly accessible thoroughfare it will not be gated during day time hours.
- 1.5 The proposal is considered by officers to be acceptable in terms of land use, heritage conservation, neighbour amenity, the quality of the proposed residential accommodation, dwelling mix, affordable housing, transportation and servicing, landscaping and trees, sustainability and energy, subject to conditions and to an appropriate Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.
- 1.6 It is recommended that planning permission be granted.

2. SITE AND SURROUNDING

- 2.1 The application site is located on the junction of Turnmill Street and Benjamin Street adjacent to Farringdon Station. The site is made up of two unconnected buildings, No.1 Benjamin Street (the ground floor is known as No.95 and 96-98 Turnmill Street) and No.2-5 Benjamin Street.
- 2.2 No.1 Benjamin Street mainly fronts Turnmill Street and comprises a 5-storey office 1960's building with two commercial units on the ground floor – A1 retail unit (Cost Cutter) and A3 restaurant unit (Meze Meze). To the rear is a service yard which is accessed from Benjamin Street. The existing building by reason of its height and scale is respectful to the streetscene and adjoining buildings but possesses limited architectural merit. It comprises 1,240sqm (GIA) of office (Class B1) floorspace and 247sqm (GIA) of retail/restaurant (Class A1/A3) floorspace.

- 2.3 No.2-4 Benjamin Street is a 4-storey building which dates from the late 19th Century. The building was originally a warehouse, but has been altered internally and externally over time to provide office accommodation. Faulkner's Alley cuts through the west elevation of No.2-4 and provides a pedestrian alleyway between Benjamin Street and Cowcross Street. It is listed as a feature of local and historic importance. The alley has gates at either end however there is currently an informal arrangement in place whereby these are locked by local residents at night.
- 2.4 No.5 Benjamin Street adjoins No.2-4 and is a 2-storey yellow brick building and dates from the early 20th Century. The building has undergone significant functional modifications, such as the installation of a metal roller shutter to the opening at ground level. Nos. 2-5 Benjamin Street comprise 1,033sqm (GIA) of office (Class B1a) floorspace.
- 2.5 The site is located within the Clerkenwell Green Conservation Area, which has experienced immense pressure for change in recent years. The Charterhouse Square Conservation Area lies adjacent to the site. No.2-4 (entrance to Faulkner's Alley) is listed in the conservation area design guidelines as building which should be retained. Opposite Nos. 2 -5 Benjamin Street is St John's Gardens, which is a designated open space and Site of Importance for Nature Conservation (SINC). The Turnmill Street frontage is along a protected viewing corridor between Kenwood viewing gazebo and St Paul's Cathedral.
- 2.6 The surrounding area comprises a range of different uses, including residential, office and retail accommodation. The buildings are from different periods and have varying architectural styles. To the west of the site on the opposite side of Turnmill Street is Farringdon Station (Grade II listed) which is undergoing extensive refurbishment and extension. To the north of the site are a number of late 19th century commercial buildings and a contemporary 6-storey mixed use (commercial and residential) development at 75 Turnmill Street / Thackery Court / Dickens Mews. Adjoining the south of the site on Turnmill Street is a traditional style 3-storey plus mansard roof office building with retail at ground floor level. City Pavilion (33 Britton Street) is located at the rear, which has a number of residential apartments that have their outlook onto the application site.
- 2.7 The site has a PTAL of 6b and therefore benefits from excellent connections to public transport. It is within 110m of Farringdon Station, providing National Rail Services and Farringdon Underground Station. No.1 Benjamin Street is on a Crossrail 1 safeguarding area. There are frequent bus services within walking distance of the site and Benjamin Street provides an important, pedestrian route linking Britton Street with Turnmill Street. There is also local cycle route which runs along Turnmill Street.

3. PROPOSAL (IN DETAIL)

- 3.1 The application proposes to demolish all the existing buildings - No.1 Benjamin Street (No.95 and 96-98 Turnmill Street) and No.2-5 Benjamin Street - and redevelop the site to provide two linked mixed-use buildings along Benjamin Street and Turnmill Street. During the determination of this application the scheme was amended on the advice of officers. These changes included:

- The rear elevation of the Benjamin Street building was redesigned and the massing reduced by one storey (approx. 2.8m), in order to address concerns regarding design and amenity.
- The top storey of residential accommodation in the Benjamin Street building has been removed, resulting in the relocation of plant space. The roof profile has been revised accordingly.
- Minor changes have been made to the elevations on the Turnmill Street building to address the alignment of parapets and string courses to neighbouring buildings and the composition of the roof level elevation.
- Revisions to the internal layout and floorspace figures as a result of changes to the massing of the Benjamin Street building.

3.2 The proposed 'Benjamin Street building' is now 5-storeys (plus basement) and 'Turnmill Street building' is 6-storeys (plus basement), the link between the buildings drops to 4-storeys.

3.3 In terms of land use, at basement level the development would provide retail floorspace, plant, changing facilities and lockers for staff and potential tenant space.

3.4 At ground floor level the development would provide three retail (A1) units, the office (B1a) reception, residential (C3) reception, substation, plant areas, cycle stores and courtyard. Faulkner's Alley would also be retained and resurfaced and continue to provide a pedestrian link between Benjamin Street and Cowcross Street.

3.5 The first, second and third floors would provide open plan office (B1a) accommodation with 2.8m floor to ceiling heights. The office accommodation would be accessed via a reception on Benjamin Street, which would provide access to a staircore and to lifts. This principal entrance is set back from Benjamin Street to provide a sheltered area with a canopy.

3.6 The fourth and fifth floors of the Turnmill Street building would deliver 3 residential (C3) maisonettes, 1 x bed and 2 x 2-beds. All of the buildings would benefit from outdoor amenity space in the form of either balconies or terraces. The fourth floor of the Benjamin Street building would provide a large 4-bed unit. At roof level an external plant area is proposed.

3.7 A breakdown of the floorspace areas (extract from the addendum D&A Statement) is provided below:

	Existing Buildings	Submitted Scheme	Revised Scheme	Increase on existing buildings
Residential Area	0sqm	1181sqm	977sqm	+ 977sqm
Office Area	2273sqm	2338sqm	2451sqm	+ 178sqm
Retail Area	247sqm	584sqm	592sqm	+ 345sqm
Total Area	2520sqm	4103sqm	4020sqm	+ 1500sqm

No. of resi units	0	8	4	+ 4
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4. PLANNING HISTORY

No. 1 Benjamin Street (96-98 Turnmill Street)

- 4.1 The existing building was built in the 1960's and below provides a summary of the planning history from this date:

Application Ref(s)	Proposal	Decision	Date
880497	Change of use to Class B1	Approved	12/09/1988
890680 & 891601	Change of use to any purpose (unrestricted) within Class B1	Approved	25/07/1989 & 08/02/1990
900887	The formation of a new pedestrian entrance with double wooden doors and with brick and artificial stone surrounds to the Turnmill Street elevation	Approved	17/09/1990
901317	The formation of a new pedestrian entrance to the Turnmill Street frontage with double aluminium framed glazed doors with brick piers and with aluminium facing panel above	Approved with conditions	08/11/1990
940093	Change of use of ground floor from Business use (B1) to 5 retail shops (A1).	Approved with conditions	12/07/1994
951665	Alterations to main entrance, new shopfronts for five new shop units at ground floor, provision of new external doors to fourth floor at front and first floor at rear opening onto new rear balcony on existing flat roof	Approved with conditions	19/02/1996
960839	Approval of shopfront details pursuant to Condition 3 of planning permission dated 19/02/96 (ref. 951665)	Approved	25/07/1996
970103	Change of use to restaurant (A3)	Withdrawn	19/02/1997

	use.		
P060611	Installation of internally illuminated shop fascia sign.	Withdrawn	23/08/2006
P062768 & P062769	Retrospective application to install an automated teller machine at front and an internally illuminated shop fascia sign.	Refused and appeal withdrawn	18/01/2007
P070739	Change of use from B1 (office) to a mixture of B1 (office) and D1 (IT Training)	Approved with conditions	12/05/2007
P072125 & P072124	Installation of an ATM and illuminated sign.	Approved with conditions	12/10/2007

Nos.2-4 & No.5 Benjamin Street

- 4.2 Whilst the buildings have undergone some elevational changes over the years, these appear not to have been subject to any planning permissions. The rather limited planning history is provided below:

Application Ref(s)	Proposal	Decision	Date
P030027	Alterations to front entrance.	Approved with conditions	28/02/2003
P2013/0530/FUL	Installation of air conditioning plant at first floor level.	Withdrawn	20/09/2013

Pre-application advice

- 4.3 The proposed development has been subject to on going pre-application discussions since June 2013. A number of amendments have been made to the plans in this process affecting the design of the proposals in response to officer comment including the conservation and design officer. The following advice was issued in a pre-app response letter dated 27/05/2014:

2-5 Benjamin Street

- The buildings have historic interest. It has evidential value in serving as a reminder of the historic development of Clerkenwell and is considered by the Local Planning Authority to be a non-designated heritage asset. Policy DM2.3 of the IDMP seeks to ensure the retention of all buildings and structures which make a positive contribution to the significance of a conservation area and states that the appropriate repair and re-use of such buildings will be encouraged. In light of the fact that the existing building makes a positive contribution to the conservation area, consideration of the loss of the building will be considered against the quality

and appropriateness of any replacement building and any public benefits from the scheme.

1 Benjamin Street, 94-98 Turnmill Street

- Although the building makes a limited positive contribution to the streetscape and conservation area by virtue of its sensitive scale and references to adjacent buildings, the Local Planning Authority has no objection in principle to its demolition, subject to a satisfactory building of a sensitive scale and design being put forward.

Redevelopment Scheme

- The design of the overall development has developed in a positive manner since the initial pre-application meeting in 2013. Officers welcome the positive approach of the applicants who have taken on board officer advice and have demonstrated a willingness to modify proposals to satisfy concerns. There is, however, a fundamental concern remaining in terms of the proposed rooflines and roofshape to both the proposals on Benjamin Street and Turnmill Street, both on design grounds and impact on the strategic views. However, there is reason to hope these concerns can be overcome by further detailed design work being undertaken.

Scale

- The height of the proposed development must take account of the viewing plane threshold heights for the local and strategic views (protected vistas) of St Paul's Cathedral. These are the heights of the view across the site and thus a development must not breach these heights. The heights are given as AOD, and the applicant should confirm the ground level at the site to ascertain how high a building can be before it will reach the AOD height threshold listed. Even if the proposal does not breach a view there may be other design reasons for restricting its height.

Detailed Design

- The overall design proposals have been considerably revised to overcome many of the council's concerns which have been raised through pre-application stages. Officers are encouraged that changes have been made to increase the scale and prominence of the ground floor but would advise that the canopies and fins at fascia level are removed as these are alien to the streetscape. In pre-application meetings the detailing proposed for the stall risers was discussed. This level of detail should be included with any forthcoming application wherever possible.
- Officers have not seen detailed drawings to fully assess the treatment of the ground floor elevation of the Benjamin Street frontage therefore we cannot advise whether our concerns in relation to the change in topography and associated design of the ground floor have been addressed.
- The incorporation of a vertical emphasis to the curved corner windows is beneficial in terms of improving the proportions and visual bulk of the building.
- Officers are encouraged by the retention, incorporation and improvement of the gates to the alley and the alley itself. It is however advised that design and materials of the gate to the alley should be submitted at application stage wherever possible. The gate should also be perforated as opposed to solid to maximise passive surveillance.

- The improvements to the alley, including the incorporation of active frontages, are welcomed.

Materials

- Officers are encouraged that pre-application advice has been followed in relation to the materials palette and are encouraged by the proposals to incorporate patterned and textured materials which should provide interest to the building.
- 4.4 The applicant was also made aware of the relevant planning policies which would need to be addressed in relation to land use, dwelling mix and affordability, quality of the office floorspace, size retail units, transport and highways, energy and sustainability.
- 4.5 The applicant was advised that a key matter of consideration would be the effect of the development on the amenities of surrounding residential units. It was identified that any application would need to be submitted and supported by a full BRE daylight/sunlight assessment.

5. CONSULTATION

Public Consultation

- 5.1 Letters were sent to the occupants of 296 adjoining and nearby properties at Turnmill Street, Cowcross Place, Britton Street, Faulkner's Alley, Eagle Court, Cowcross Street and Benjamin Street. Site notices and a press advert were displayed on 31/07/2014. The first period of public consultation closed on 21/08/2014.
- 5.2 Re-consultation: In response to the submission of a revised plans and supporting information including a daylight/sunlight report the Council re-consulted on the application. Letters were sent to the same 296 properties and persons responding to the first consultation. A site notice was displayed also on the 16/01/2015. The public consultation of the application following this consultation period expired on the 30/01/2015.
- 5.3 At the time of the writing of this report a total of 8 responses and one petition from the residents of City Pavilion, 33 Britton Street (containing 18 signatures), had been received. Of these responses an objection letter was received during the second period of consultation in respect of the revised scheme.
- 5.4 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land use

- The proposed ground floor units should have a retail use (as proposed) and not become bars and clubs.

Officer's comment: Planning permission is sought for Class A1 retail uses over basement and ground floor, any change of use to a bar or nightclub would require the submission of planning application.

Design

- The character of the conservation area has been depleted by recent developments and this building would further add to problem (*para. 7.12*);

- The removal of the existing lower two storey building is not supported as this adds to the streetscene (*para. 7.12*);
- The existing building along Benjamin Street, whilst not remarkable and rendered, is an original four storey brick warehouse that could be resorted or rebuilt in style. The brick sides and rear are original and the brick vaulted entrance to the historic alley adds to the areas character (*para. 7.12*);
- The height of the building could create a 'canyon' effect at the western end of Benjamin Street as the road becomes narrow at this point (*para. 7.12*);
- The design of the building makes some effort to pick up on the features of the warehouse style of the area but these are no more than cosmetic (*para. 7.12 - 7.16*)

Amenity

- Loss of light to bedrooms, other rooms in other apartments and the common parts of the Albion House (*para. 7.37*);
- Loss of light to bedrooms and living rooms in apartments with City Pavilion, 33 Britton Street. Furthermore, the submitted assessment does not accurately locate existing windows (*para. 7.39 – 7.41*);
- Unacceptable overshadowing of St John's Gardens (*para. 7.42*);
- Loss of privacy through overlooking from windows and balconies on the rear of the building (*para. 7.18 – 7.21*);
- Reduction of light to Falkner's Alley (*para. 7.89*)

Transport / Servicing

- The proposed building would worsen the existing situation regarding rubbish collection which would detract from the amenity of the street (*para. 7.72*);
- Concerns that the proposed building would put greater stress on the existing transport network around the site (*para. 7.66 – 7.71*);
- The development should provide improvements to the road and pavements as these are in a poor state of repair – continued the block paving recently laid in Turnmill and Cowcross Street would be an upgrade possibility and give it a more pedestrian feel (*para. 7.96*);
- Faulkner's Alley should remain as a public thoroughfare and not just become part of the office entrance and private domain. It should not be gated (*para. 7.74*);
- Welcome the resurfacing and lighting of Falkner's Alley to cater for the increased use as result of the development (*para. 7.89*)

Construction

- Measures should be put in place to minimise noise and disruption during the construction of the development (*para. 7.49 – 7.50*)

External Consultees

- 5.5 Thames Water – No objection raised, the developer is required to make provisions for surface water drainage, water usage and sewage management (informatives) and provide a piling method statement (**condition 24**) to mitigate the impact on underground sewage.
- 5.6 Transport for London – No comments to make in relation to this application.
- 5.7 Crossrail Limited – No objection, subject to a method statement requiring concurrent working with Crossrail being secured through a condition (**condition 16**). An informative is also recommended for inclusion which requests the developer to liaise

with Crossrail's Farringdon Station construction team to understand and consider in its logistics planning.

- 5.8 Greater London Archaeological Advisory Service (GLAAS) – Raised an objection to the applicant's submitted desk based assessment as it lacked information from Museum of London Archaeological Service monograph on the Priority of St. John of Jerusalem. The applicant submitted an updated report which was sent to GLAAS and no further concerns have been raised.
- 5.9 English Heritage – Whilst we do not object to the demolition and redevelopment of the other buildings (94-98 Turnmill Street & 1 Benjamin Street), the loss of the warehouse at 2-5 Benjamin Street would harm the conservation area as it makes a positive contribution to its significance. The replacement building will occupy a large floor area and the return elevation to Benjamin Street will be particularly long, even in comparison to recent redevelopments in the area. Combined with the increased height the proposed scheme will significantly chance this part of the conservation area. As such, your authority must be satisfied that the scheme meets the requirements of the NPPF, particularly in respect of the scheme enhancing or better revealing the significance of the heritage asset and that the scheme secures the optimum viable use.

Internal Consultees

- 5.10 Conservation and Design Officer – The site is located within a designated conservation area and the proposed development would result in demolition of 2-5 Benjamin Street which is recognised as making a positive contribution to the character and appearance of the area. The loss of the building therefore is considered to cause harm to this part of the conservation area and this would need to be weighed against the quality of the replacement building and the public benefits which the development would deliver, as set out in Section 134 of the NPPF. Through ongoing discussion with the applicants, revised plans which reduce the height of the proposed building along Benjamin Street and makes modifications to the upper floors of the Turnmill Street has been submitted.
- 5.11 Acoustic Officer – No objection, subject to conditions requiring sound insulation, noise thresholds imposed on the new rooftop plant, restrictions on deliveries and the submission of land contamination and construction environmental management plans/studies.
- 5.12 Tree Preservation / Landscape Officer – No objection as the development or its construction would not harm existing trees around the site. Details of landscaping should however be secured through a condition.
- 5.13 Designing out Crime officer – No objection, however if the development is to apply for Secure By Design (SBD) then the following recommendations should be followed:
1. The recessed frontage of this building should be reduced. There is a lack of surveillance from a person walking down the street. There can be mitigation such as lighting, or location of planters to reduce this recess.
 2. If CCTV is used then registration and compliance with the information commissioner's guidelines.

3. Should the benches be fitted, then they should be of a design that should easily be removed if they become subject of street drinkers.

4. Faulkner's Alley currently has gating at both ends. I agree with this remaining the same. Control of this alleyway is required to control anti-social behavior (ASB). Audio and video access control should be fitted to provide opportunity for visitors, to gain access to the building.

- 5.14 Parks manager – The development is opposite St. Johns Gardens, a public park managed by Islington Council. I have a concern about the possibility of overshadowing from the building. The park is heavily used and a very valuable space for local residents and workers. The area of the park opposite the building is not currently in shadow from the existing buildings. This area contains a section of grass and other planting that is hard to maintain because of the amount of footfall and low light levels due to tree cover.
- 5.15 Highways Officer – Support has been expressed towards the improvement works to Faulkner's Alley. They also welcome the resurfacing of Benjamin Street and require this to be delivered through a s106 agreement.
- 5.16 Street Environment Division – No objection to the proposed arrangements for refuse storage and collection. There is a preference for the retail refuse store on Benjamin Street to go ahead otherwise the refuse sacks associated with retail units will simply be presented on the streets which is an unacceptable alternative.
- 5.17 Energy conservation officer – Supports this application, however some concerns have been raised if the connection to Citigen heating and cooling networks is not made as this will result in a significant change to the energy strategy, resulting CO2 emissions and CO2 offset levy. Conditions have been recommended to address this issue.
- 5.18 Sustainability officer – Support has been expressed towards the BREEAM and Code for Sustainable Homes (CfSH) targets, however they have concerns with regard to the lack of provision made for green roofs, SuDS and rainwater harvesting.
- 5.19 Access Officer – There is no policy requirement that the development should deliver a wheelchair accessible unit (less than 10 units are proposed). All will be Islington's flexible homes and each need only be served by one lift. Winding treads should be avoided as a matter of good practice, it is not a point upon which refusal would be possible or appropriate, so long as the stair will facilitate the installation of a stairlift. The through the floor lift positions are welcome, however in Unit 1 the lift appears to run in front of a window, this possible but not desirable. In the other units the lifts would take up a lot of floorspace.

Members' Pre-application Forum

- 5.20 The application, incorporating some of the proposed amendments (namely the reduction in height of the Benjamin Street building) was presented to the Members' Pre-application Forum on 01/12/2014.

Design Review Panel

- 5.21 Islington's Design Review Panel considered the proposed development at application stage on 09/12/2014. The panel's written comments (issued on 12/01/2015) are summarised below:

'The Panel was generally supportive of the concept of replacement of the existing building and proposed heights and distribution of massing. Some areas were identified where further design/detailing development was required such as the resolution of the stair bay, the corner/junction with the adjacent building on Benjamin Street, and the materiality of the rooftop. They stressed the importance of carrying the quality of the Benjamin Street frontage to the Turnmill Street elevation. Panel members welcomed the improvements to Faulkner's alley but felt that further work would be desirable in terms of public realm improvements in the immediate vicinity of the site.'

6. RELEVANT POLICIES

- 6.1 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 Policy and Guidance

- 6.2 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.
- 6.3 Since March 2014 planning practice guidance for England has been published online.
- 6.4 On the 28th November 2014, a Ministerial Statement and revision to the Planning Practice Guidance (PPG) were published, which seek to remove s106 contributions on small sites including contributions towards affordable housing.
- 6.5 In considering the relevance of the changes to the PPG in light of the NPPF requirement to meet the full objectively assessed needs for market and affordable housing, the Council is mindful that the NPPF sets out the government's national planning policy.
- 6.6 Furthermore, planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.7 Legislation puts far greater weight on adopted policy, both at the national, London and borough level. The Council considers that the material consideration of the PPG should not outweigh the development plan, given the specific circumstances in Islington.

Development Plan

- 6.8 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 (ICS), Development Management Policies 2013 (IDMP), Site Allocations Development Plan Document 2013 and the Finsbury Local Plan 2013 (FLP). The policies of the Development Plan are considered relevant to this application and are

listed at Appendix 2 to this report. Islington's Site Allocations DPD does not include site allocations for Bunhill and Clerkenwell (these are provided in the FLP instead), therefore this document is not considered further in this report.

- 6.9 Revised Early Minor Alterations to the London Plan were published in 2013, and these have been taken into account as part of the assessment of these proposals. Draft Further Alterations to the London Plan were published in January 2014, and a schedule of suggested changes was published in July 2014, and these have also been considered.

Designations

- 6.10 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 London Zone (CAZ) | - Protected Vistas (Kenwood to St. Pauls Cathedral) |
| - Archaeological Priority Area | - Local Views: LV1 & LV6 |
| - Clerkenwell Green Conservation Area | - Employment Priority Area (General) |
| - Crossrail 1 safeguarding area | - Bunhill & Clerkenwell Core Strategy Key Area |

Supplementary Planning Guidance (SPG) / Document (SPD)

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

7. ASSESSMENT

- 7.1 The main planning issues arising from this proposal relate to:

- Land use;
- Design, Conservation and Heritage Considerations
- Neighbour amenity;
- Quality of residential accommodation
- Dwelling mix and affordable housing;
- Highways, transportation and pedestrian access;
- Sustainability and energy;
- Other planning considerations (landscaping, archaeology, etc);
- Planning obligations.

Land use

- 7.2 The site falls within an Employment Priority Area (General). Policy BC8, part A of the Finsbury Local Plan (FLP) requires that in addition to protecting existing business floorspace, proposals should incorporate the maximum amount of business floorspace reasonably possible. The principle of an increase in office floorspace is therefore supported. The proposals would deliver an additional 178sqm of B1a office floorspace at first to third floor levels. The three office floors have ceiling heights of 2.8m, between 500sqm and 600sqm and all are capable of being let individually, or in combination. As

there is a second core it is entirely feasible to sub-divide the floors which would allow them to be let as demand dictates, or permit an occupier to acquire more space than it needs in the short term and sub-let accommodation to facilitate expansion.

- 7.3 Policy BC8, part B states that the employment floorspace component of a development should not be unfettered commercial office uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and / or*
 - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and / or*
 - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*
- 7.4 The existing retail units on the ground floor of No.1 Benjamin Street (94-98 Turnmill Street) are protected by the dispersed shops policy DM4.7 of IDMP and are being re-provided with an uplift of 345sqm (additional ancillary space is also proposed at basement level) which is supported. The proposal would involve the provision of an additional retail unit taking up part of the ground floor on the Benjamin Street frontage. This unit falls below the threshold defined in policy DM4.4 part A of 80m² above which retail units should be located in Town Centres, Local Shopping Areas or edge-of-centre site. It also complies with policy BC8 part B which seeks ground floor retail units where appropriate in General Employment Priority Areas to contribute to generating employment for small and micro enterprises (SMEs), the latter defined in the glossary of the FLP as businesses with no more than 10 employees, with small enterprises employing up to 50 people. The delivery of this retail unit for SMEs is welcome and would be secured through a planning condition (**condition 9**).
- 7.5 Turning to housing, policy BC8 part D states that where there is a net increase in office floorspace, proposals should incorporate housing consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for provision of off-site housing. The development would deliver 977sqm of new residential floorspace (4 units). Although the scheme was revised to remove a storey from the Benjamin Street building, the residential floorspace is still more than 20% of the total net increase in office floorspace, so represents a policy compliant position. The mix of housing units and quality of this accommodation is discussed below.
- 7.6 In summary, the land-use element of proposals is considered to be acceptable through delivering thoroughly mixed-use development that would increase and improve the existing office (B1a) floorspace on the site, increase the amount of retail floorspace, provide for SMEs and contribute to the borough's housing stock.

Design, Conservation and Heritage Considerations

- 7.7 The application site is located within the Clerkenwell Green Conservation Area and it is necessary to emphasise that the site and its context are sensitive in terms of heritage assets, strategic and local views and in terms of development pressures. Clerkenwell has been facing significant development pressure in recent years and as a result of its heritage significance it is vital that this is taken into account and respected when considering any new development proposals.

7.8 The development proposals have been formulated through pre-application discussions dating back to June 2013.

7.9 In terms of No.1 Benjamin Street (94-98 Turnmill Street), the building offers a limited positive contribution to the streetscape and conservation area by virtue of its sensitive scale and references to adjacent buildings. The council has no objection in principle to its demolition, subject to a satisfactory building of sensitive scale and design being put forward. During the application process changes were made to the detailed design of the Turnmill Street frontage (namely, the building's relationship to the adjoining 99-100 Turnmill Street) and the upper level return on to Benjamin Street at the setback level. The replacement building is considered to respond relatively well to the frontage by reason of its height and scale – the two storey roof structure would be set back sufficiently to ensure that it does not dominate the streetscene and sits subordinately behind the principal façade fronting Turnmill Street.

7.10 The site falls within several local views and protected vistas. The height of the proposed development must therefore take account of the viewing plane threshold heights for the local and strategic views (protected vistas) of St Paul's Cathedral. These are the heights of the view across the site and thus a development must not breach these heights. Even if the proposal does not breach a view there may be other design reasons for restricting its height.

- Protected vista from Kenwood = 58.3m AOD
- LV1 Local view from Farringdon Rd / Clerkenwell = 23m AOD
- LV 4 Local view from Archway Rd = 53.7m AOD
- LV5 Local view from Archway Bridge = 57.6m AOD
- LV6 Local view from Anwell Street = 46.0 AOD
- LV7 Local view from Dartmouth Park Hill = 53.7 AOD

7.11 LV1 is very restrictive in this area because it starts at Clerkenwell Road bridge. The design of the façades and roofscape of buildings which frame the view are also important in enhancing the visual quality of the view (see Policy BC5 part G). The application is accompanied by verified views of the site which show both the existing situation and the new Turnmill Street in this context. The height of the building does not exceed the upper limit and is considered to respond well to the protected view.

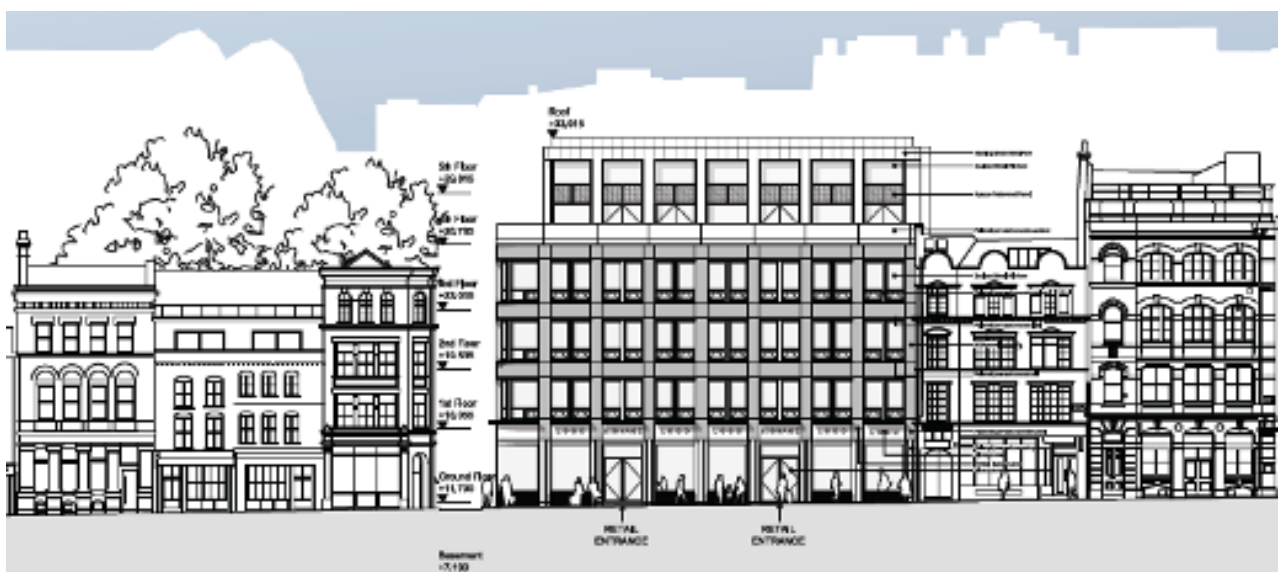


Figure 1: Turnmill Street elevation

- 7.12 No.2-4 Benjamin Street, together with Faulkner's Alley, are considered to make a positive contribution to the significance of the conservation area, in particular the pocket within Benjamin Street/Britton Street area. It has some historic interest and its evidential value is particularly important in serving as a reminder of the historical development of Clerkenwell. For these reasons it is considered to be a non designated heritage asset. IDMP policy DM2.3 seeks to ensure the retention of all buildings and structures which make a positive contribution to the significance of a conservation area and states that the appropriate repair and re-use of such buildings will be encouraged. It is however accepted that the building has suffered some unsympathetic alterations and it is very utilitarian in its appearance. Nevertheless its main form and general character remains. There is some limitation in terms of its contribution to the wider conservation area, therefore, the loss of this particular building to make less than substantial harm to the significance of the Clerkenwell area as a whole. Nevertheless, the public benefits of a replacement scheme would need to outweigh this harm in line with the NPPF (para. 134).
- 7.13 The scheme has evolved significantly since its first incarnations and even during the determination of this application the development has been amended further, this required the removal of a storey from the Benjamin Street building. There are now no objections to the overall proposed height and massing as it would have regard to its historical setting and scale of adjoining buildings.

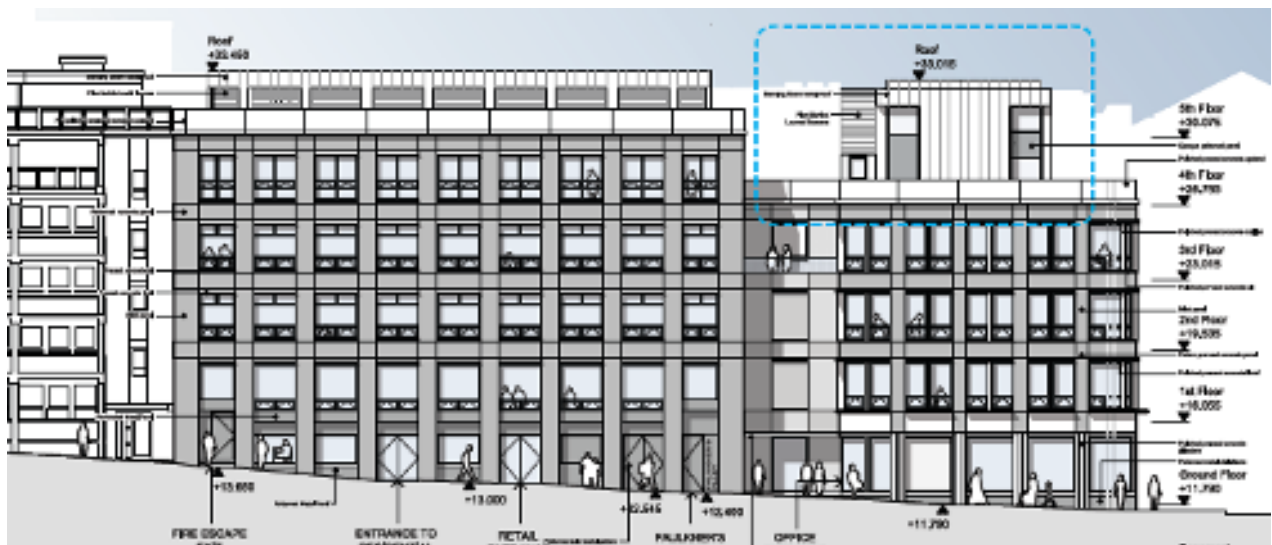


Figure 2: Benjamin Street elevation

- 7.14 In terms of the elevations of both buildings, these have been well articulated and the proportions of levels have been carefully considered to positively relate to its context. The proposed palette of materials are welcomed subject to samples and details being submitted at a later stage to ensure the quality reflected in the design will be carried through to implementation. DRP raised some concerns about the projecting corner adjacent to the neighbouring building on Benjamin Street - it is quite prominent and could be made more interesting in order to make a better contribution to the streetscape. However, it is considered that the detailing of this corner could be improved by the use of high quality materials.

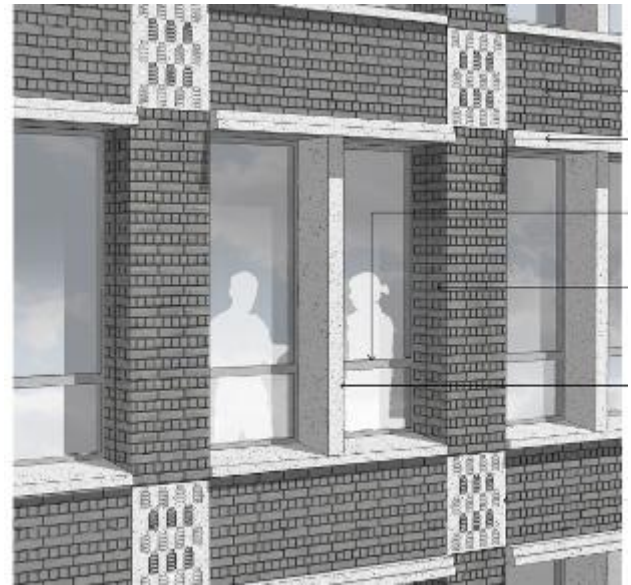


Figure 3: Benjamin Street projecting corner and proposed Elevational treatment

- 7.15 The proposed upgrade of Faulkner’s alley is welcomed and is a public benefit of the scheme. Also, the public realm improvements on Benjamin Street which have been agreed between the council’s highway department and developers should be taken into account.
- 7.16 In summary, the buildings on site are considered to make a (limited) positive contribution to the conservation area, therefore their demolition would cause some degree of harm to the significance of the conservation area which needs to be weighed against the public benefits of the scheme. The proposed buildings, although on the limit of what could be considered acceptable on site, have, in terms of height and massing, been elegantly designed and articulated and borrowed some of the language and character of local context albeit as contemporary interpretation. The key of the scheme’s success would depend quite strongly on the quality of the materials and detailing and the resolution of some elements such as the rooftop, the ground floor frontage and the projecting corner on Benjamin Street. Consequently adequate conditions and the retention of the architects (to avoid a design and build exercise) are crucial. **(conditions 3 & 27)**

Neighbouring amenity

- 7.17 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. IDMP policy DM2.1 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook. These matters are given careful consideration below.
- 7.18 Overlooking / Privacy – 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 habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference

between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.

- 7.19 The layout and treatment of the development is acknowledged as having been carefully considered to prevent overlooking and protect the privacy of residents of nearby properties and occupants of the development.
- 7.20 The Benjamin Street elevation of the development faces onto the highway opposite and St John's Gardens open space. There would be no overlooking from windows serving habitable rooms from this elevation. The rear elevation of the Benjamin Street building faces Cowcross Studios and City Pavilion. On this elevation windows and balconies serving the office floorspace are located first to third floors. There would be distance of 10m-13m between these windows and balconies and the windows serving habitable rooms on the rear of City Pavilion. Whilst this distance is under the prescribed 18m, any potential for overlooking would be between two different land uses and at different times of the day. This is not considered to compromise the privacy of residents to an unacceptable level. At fourth floor level there are two balconies providing outdoor amenity space for Unit 4. To ensure there is no direct looking into flats at City Pavilion, privacy screening of these balconies should be required through a planning condition (***condition 30***).
- 7.21 Turning to the Turnmill Street Building, all of the windows serving the offices and flats and residential balconies would look directly onto the public highway and Farringdon Road station. Along the rear elevation of the building, the majority of windows serve either bathrooms or the residential corridor and therefore should be obscurely glazed to remove any undue loss of privacy. There is a bedroom window on the fifth floor on the rear of the building but this would not cause any direct overlooking.
- 7.22 Daylight and Sunlight – The application has been submitted with a daylight/sunlight assessment prepared by Delva Patman Redler, which has been carried out with reference to the 2011 Building Research Establishment (BRE) guidelines. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 7.23 The submitted assessment was amended to reflect the changes which have been made to the development, namely the reduction in height of the Benjamin Street building.
- 7.24 A number of the representations received raised concerns and objections to the scheme in relation to the impact of the proposed development on sunlight and daylight provision to neighbouring residential units and the level of overshadowing to St John's Gardens.
- 7.25 Daylight the BRE Guidelines stipulate that there should be no real noticeable loss of daylight 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 greater than 20% of its original value. (Skylight); or

The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).

7.26 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to *proposed* residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.

7.27 Sunlight the BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight 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 Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

7.28 The BRE guidelines also advise that the spaces such as gardens, parks and playing fields, children's playgrounds should be tested for the availability of sunlight. For gardens and open spaces at least half of the amenity area should receive at least two hours of sunlight on 21 March (Spring Equinox).

7.29 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

7.30 The application site is located within an extremely accessible central London location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

7.31 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

Daylight and sunlight Losses for Affected Properties Analysis

7.32 Residential dwellings within the following properties have been considered for the purposes of daylight and sunlight impacts as a result of the proposed development.

- 93 Turnmill Street
- Albion House, 6-7 Benjamin Street
- 3-4 Faulkner's Alley
- City Pavilion, 33 Britton Street

7.33 In addition, the report provides shadow diagrams of St John's Gardens as this is located directly opposite the application site.

7.34 The following paragraphs summarise and comment on the results from the submitted daylight/sunlight report and subsequent addendum.

93 Turnmill Street

7.35 In terms of VSC, 11 out of 15 windows which have been tested meet BRE guidelines. Three of the windows which fail the test (losses of -20.91% and -36.42%) are identified as serving bedrooms which have another window that passes the VSC test. The third floor bedroom which is served by a single window (W3) that fails the VSC test will experience a marginal loss of -20.91%. However, all of the rooms pass the No Sky Line test and ADF test.

7.36 Due to the orientation of the application site, 93 Turnmill Street is the only property that requires for a sunlight assessment to be carried out. The results of the APSH test show that all rooms would experience a negligible impact on sunlight with losses under -20%.

Albion House, 6-7 Benjamin Street

7.37 The twelve windows tested for this property on ground to fourth floor that face directly on to St John's Gardens (W1 – W3) serve as a primary windows to living rooms. These all comfortably pass the VSC test, only losing between -0.26% and -1%. The four windows on the side return (W4) of these rooms will experience heavy VSC losses of between -35.82% and 53.17%. However, they are not considered to offer any additional luminancy due to the other windows providing very high levels of light. All of the rooms comfortably pass the No Sky Line and ADF tests.

3-4 Faulkner's Alley

7.38 The siting of properties along Faulkner's Alley is such that windows and rooms on ground – second floors all have existing low levels of light. In terms of VSC, 4 of 10 windows would experience losses of -22.46% to -26.42% and all of these windows are over ground and first floor. In order to properly assess the impact on the rooms they serve it is therefore necessary review the No Sky Line and ADF results, all of which show that all of the rooms comfortably pass the BRE tests.

City Pavilion, 33 Britton Street

7.39 An objection letter was submitted by Harris Associates on behalf of the residents of City Pavilion which raises concerns with regard to the loss of daylight to windows

serving habitable rooms. Furthermore, the comments call into question the modelling used to generate the results. Officers have considered the information which has been presented by Delva Patman Redler and are satisfied that a thorough and accurate assessment has been made in relation to impact of the proposed building on the daylight/sunlight reaching City Pavilion.

- 7.40 Therefore firstly considering VSC, the addendums to the daylight/sunlight report demonstrate the revisions to the height of the Benjamin Street building result in all of the windows tested between ground to third floor passing the BRE test by experiencing losses between -5.10% & -17.25% (averaging -10.96%).
- 7.41 Turning to the No Sky Line assessment, 4 out of 8 of the habitable rooms (serving living rooms and bedrooms), fail to pass BRE guidelines (figures of between -26.69% and -35.58%). However, all of the rooms would receive good levels of light which is indicated by passing the ADF assessment with figures for each room ranging between 1.55% and 6.12% (averaging 4%)

St John's Gardens

- 7.42 The assessment provides shadow diagrams of St John's Gardens on the 21st March between 7am and 5pm, which have been updated following a reduction in the height of the Benjamin Street building. The diagrams show that there would be a small section in the southern corner of the gardens that would experience some additional overshadowing over and above the existing situation. This would be noticeable between the hours of 11am and 1pm. However, 14.6% of the total area of the gardens will have 2 hours or more in shade during the Spring Equinox, which comfortably passes the BRE guidelines of 50%. The proposed buildings are therefore not considered to have a detrimental impact upon the enjoyment of this important area of public open space.

Daylight/sunlight test summary

- 7.43 Whilst the proposed development would result in some loss of daylight to some windows serving habitable rooms it is considered to respond well to its urban context and any impacts are within BRE guidelines.
- 7.44 Outlook/Loss of View – Concerns have been raised by residents regarding the potential loss of existing views from properties to the rear over the application site. The enjoyment of a view (unless that view is protected such as St Paul's or a local landmark and nearly always from public as opposed to private locations) is not a ground on which planning permission can be refused.
- 7.45 However, the impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 7.46 On visiting the site it was felt that the originally proposed Benjamin Street building would have an adverse impact on the outlook of the living rooms serving flats within City Pavilion. The reason being is that its height would have appeared overbearing and combined with a loss of daylight was considered to be unacceptable. However,

the reduction in height of the building by a storey ensures that, as stated above, the loss of daylight is within BRE guidelines, but also any overbearing impact has been considerably reduced. Having regard to the site's urban setting the proposed development is not considered to harm the outlook of neighbouring properties.

7.47 Noise / disturbance – The application proposes a significant area of new plant on the roof of the buildings for the commercial and residential uses. It is considered appropriate that the plant shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg) measured or predicted at 1m from the facade of the nearest noise sensitive premises, in accordance with Appendix 10 of the IDMP. This requirement would be secured through an appropriately worded condition. **(condition 21)**

7.48 Over basement and ground floor the application proposes the creation of three, (potentially five if you include the basement level), retail (Class A1) units. Local residents have raised concerns that these units could be converted into bars or clubs (Class A4 / Sui Generis) which in turn could result in late night noise disturbance within the area. It should however be recognised that this application relates to the creation of Class A1 retail units and planning permission would be required for these to be converted into uses falling outside of Class A1.

7.49 Construction Impacts – In the interest of protecting neighbouring residential amenity during the construction phase of the development; (having regard to impacts such as noise and dust) the applicant has agreed to comply with the Council's Code of Construction Practice. Compliance has been secured as part of a S106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. This clause also requires the submission of a method statement for the construction phase and a construction logistics plan.

7.50 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition **(condition 16)** is recommended which requires that applicant to submit a Construction Environmental Management Plan (CEMP). The CEMP is required to assess the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception).

Quality of the residential accommodation

7.51 ICS policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. IDMP policy DM3.4 sets out the detail of these housing standards.

7.52 Unit Sizes All of the proposed residential units comfortably exceed the minimum unit sizes as expressed in Table 3.2 of policy DM3.4. The submitted sections of the units show attainment of the minimum floor to ceiling height of 2.6 metres.

7.53 Aspect/Daylight Provision Policy DM3.4 part D states that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. The application proposes four residential units, 3 out of the 4 units would be dual aspect. The 1-bed unit within the Turnmill Street building is the only single aspect flat. This property however is a south west facing maisonette with a

large roof terrace and the occupiers would benefit from a very good level of outlook. All properties would receive high levels of daylight provision throughout habitable rooms.

- 7.54 Amenity Space Policy DM3.5, part A identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The policy in part C states that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. A minimum amount of 30sqm is required for family housing which is three bedroom residential units and above. The amenity space provision provided as balconies or terraces comfortably exceeds the minimum provision standards for all of the proposed units.
- 7.55 Overlooking/Privacy The layout of residential units and window placement effectively ensures that there would not be undue overlooking between proposed residential units within the Turnmill Street and Benjamin Street buildings. As commented above the windows serving the residential corridor on the rear of the Turnmill Street building should be obscurely glazed. **(condition 22)**
- 7.56 Noise disturbance The new residential units are all sited above office floorspace and to ensure that these meet the council’s noise targets sound insulation should be installed prior to their occupation. **(condition 15)**
- 7.57 Access As the development proposes less than ten units requirement there is no requirement for the provision of wheelchair accessible units. However, Unit 4 is identified as being fully wheelchair accessible which is welcomed. The development has also given careful consideration to Islington’s Inclusive Design SPD and the proposed measures shown submitted drawings should be undertaken, as well as step free access to all commercial and residential accommodation. These measures would be required through a planning condition. **(condition’s 11 & 12)**
- 7.58 Refuse – The development provides dedicated refuse and recycling facilities/chamber for the residential uses. The location and capacity, and management of these facilities have been developed in consultation with the Council Street Environment department and appropriate. **(condition 8)**

Dwelling mix and affordable housing

- 7.59 Dwelling mix - The scheme originally proposed 8 residential units of accommodation (3 x 1-beds, 4 x 2-beds and 1 x 3-bed). The reduction in height of the Benjamin Street by a storey has resulted four units being omitted and a subsequent dwelling mix of 1 x 1-bed, 2 x 2-beds and 1 x 4-bed. Policy CS12 of the Core Strategy states that residential developments will provide a range of unit types, sizes and affordable housing to help meet Islington’s housing needs and creating communities. IDMP policy DM3.1 further seeks market tenure housing to comprise 10% x 1 bed, 75% x 2 bed and 15% x 3 bed units.
- 7.60 In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development. The proposal includes 50% 2-beds which falls short of the council’s policy for private units. However the

development would deliver a range of unit types so could be seen to contribute toward addressing some of Islington's housing needs.

- 7.61 The revisions to the scheme have resulted in the creation of a large 4-bed penthouse unit (measuring 230sqm) within the Benjamin Street building, which would be serviced by its own ground floor entrance and lift. The applicants have argued that the inclusion of this unit is a product of site constraints and the removal of a storey from the Benjamin Street building and the subdivision of the floorspace to two or three additional units would result in lower quality units being created – a north facing unit, compromised internal arrangements and a lack of amenity space. The council contest the arguments put forward, however whilst the inclusion of this unit would not be maximising the provision of housing on the site it would offer a family accommodation in the south of the borough. This shortcoming should be considered in the context of the wider scheme.
- 7.62 Affordable housing - The London Plan, under policy 3.11 identifies that boroughs within their LDF preparation should set an overall target for the amount of affordable housing provision needed over the plan period in their area when considering applications on individual private schemes and mixed use proposals. Policy CS12 of the Core Strategy requires that 50% of additional housing to be built in the borough over the plan period should be affordable. The policy expects for many sites to deliver at least 50% of affordable housing units, subject to financial viability, the availability of public subsidy etc.
- 7.63 Policy CS12 also requires for developments delivering under the 10 unit threshold to provide a financial contribution towards affordable housing provision elsewhere with the borough. As the development provides a total of 4 units, the optimised number of units within the scheme (as required by policy 3.4 of the London Plan) it is under the threshold.
- 7.64 The council's Affordable Housing Small Sites Contribution SPD requires for a minor residential developments resulting in the creation of one or more additional units to provide a commuted sum of £60,000 when located south of Pentonville Road/City Road. The development therefore is required to make a contribution of £240,000 towards affordable housing, which the applicant has agreed to.

Highways, transport and pedestrian access

- 7.65 The site has an 'excellent' Public Transport Accessibility Level (PTAL = 6b), and is located within a Controlled Parking Zone (CPZ). The site is located opposite Farringdon Station and within close proximity to a number of bus stops.
- 7.66 Public Transport Implications – The site currently provides commercial uses associated with its central London location and through being highly accessible. The infrastructure provision in the area, both existing and under construction (Crossrail) naturally encourages the use of public transport modes of transport. The development through the creation of an additional 523sqm of commercial floorspace and 4 residential units is unlikely to give rise to additional demands on transport infrastructure in terms of an increased number of occupants and visitors relative to the existing situation.

- 7.67 Vehicle Parking – The site is within a CPZ which suffers from significant parking pressures. The future residential occupiers therefore would not be eligible to attain on-street car parking spaces, a restriction which would be enforced through a clause in the s106 agreement.
- 7.68 Cycle Parking – The provision of secure, sheltered and appropriately located cycle parking facilities (for staff, residents and visitors) will be expected in accordance with Policy DM8.4 (Walking and cycling). The requirements are set out at Appendix 6 of the IDMP. This includes one cycle parking space per 60sqm for A1 retail, one space per 80sqm for offices and one space per residential bedroom.
- 7.69 The scheme would deliver three secure cycle parking areas within the proposed buildings. 28 cycle parking spaces would be provided in connection with the office floorspace and these are accessed directly off Faulkner’s Alley. In terms of the residential units, the Benjamin Street building has a cycle store. This is also accessed off the alleyway and would provide for 14 spaces. In connection with the retail use, 10 cycle parking spaces are proposed and these would be accessed directly off Benjamin Street. This level of provision is considered to meet the council’s policy requirements and therefore should be secured through a condition (**condition 10**)
- 7.70 Servicing – The site has an existing service yard at the rear of the Turnmill Street which is accessed off Benjamin Street. This area is proposed to be redeveloped to accommodate the new Turnmill Street building and therefore servicing of the commercial floorspace and residential units would have to take place on-street either along Benjamin Street or Turnmill Street. Policy DM8.6 requires that delivery and servicing for new developments of over 200sqm needs to be carried out off-street unless this is not practical,
- 7.71 A Servicing and Waste Management Plan has been submitted with the application, which reviews the existing and proposed servicing arrangements, and confirms that overall servicing movements will not be significantly different to current operations. Officers are therefore of the view that whilst servicing on-street is contrary to policy, the proposed development offers no practical means where this can be accommodated on site. This shortcoming of the proposal therefore needs to be given consideration in balancing the other benefits of the scheme.
- 7.72 Waste/Refuse – The proposal includes the provision of two individual refuse stores at ground floor level within the development. The retail refuse store is accessed directly off Benjamin Street. The office and residential refuse stores are accessed from Faulkner’s Alley. The Council Street Environment department have been consulted on the proposal and are satisfied that the refuse storage would be acceptable and integrate with existing vehicle collection strategies in this area. A condition (**condition 8**) is proposed which requires the facilities to be provided prior to first occupation of the development.
- 7.73 Pedestrian access – As commented above, the site has a historic pedestrian route (Faulkner’s Alley) through the middle which links Cowcross Street and Benjamin Street. Such routes are recognised by FLP policy BC7, part F which requires the protection of existing alleyways, pedestrian routes and yards. Furthermore, the Clerkenwell Gardens conservation area statement identifies the alleyway as a feature of the area which should be retained.

7.74 In this regard, the scheme proposes to maintain and upgrade the existing walkway which is supported by the council. It is felt that the proposed landscaping and new lighting and the increase in public surveillance would improve pedestrian safety. The proposals also include a gate on the Benjamin Street end of the alleyway, which reflects the existing situation. There is currently an informal arrangement for locking up the alleyway after dusk and this is not proposed change. However a suitably worded condition (**condition 31**) is recommended to be imposed to ensure the alley remains open during daytime hours and pedestrian access is not compromised by the development.

Sustainability and Energy Efficiency and Renewable Energy

7.75 Sustainability – Core Strategy policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would reach BREEAM ‘Excellent for the commercial elements (scoring 74.13% for the retail units and 74.14% for the offices) and Code for Sustainable Homes level 4 (scoring 71.61%) for the residential units in line with policy.

7.76 The scheme includes the provision of brown roofs on various levels throughout. The applicants have provided no reasons as to why the development cannot be biodiversity green roofs. It is also noted that Benjamin Street building contains a vacant roof space. IDMP policy DM6.5 requires the maximisation of provision of green roofs and requires major developments to use all available roof space for green roofs (subject to other planning considerations). Officers are of the view that the brown roofs should be replaced green roofs (where appropriate), and all available roof space should be scoped for provision of further green roofing.

7.77 A drainage strategy has not been submitted with the application, and no information has been presented to demonstrate how the scheme will meet the requirement of DM6.6 and London Plan 5.13, including pre and post development run off rates, and a proposed SuDS management train (see Environmental Design SPD for further detail). The Sustainability Statement states that due to the built-to-boundary nature of the site, other than attenuation from the brown roof, no attenuation is proposed and drainage will be connected directly to the combined sewer. This approach fails to satisfy both the drainage hierarchy as well as the requirements of DM6.6 which require run off to be reduced to ‘green field rate’, improve water quality, biodiversity and amenity benefit. Whilst there are constraints on the site which will influence the drainage strategy, officers are not satisfied the applicants have exhausted all reasonable options to meet policy compliance (use of SuDS planter, green/blue roof technology etc), and the measures they have stated have not been substantiated with any detail.

7.78 In accordance with policy DM7.4, part E the council requires 10% value of materials to be derived from recycled/reused content. The application does not provide any information on how this would be achieved and therefore the submission of a green procurement plan should be required.

7.79 In light of the above, conditions are recommended to ensure:

- residential units and commercial floorspace are constructed to achieve Code for Sustainable Homes Level 4 and BREEAM ‘excellent’ respectively (**condition 6**).
- provision of green roofs (**condition 7**)

- water use target is met (**condition 23**)
- provision of drainage strategy (**condition 29**)
- materials and construction – 10% from recycled and reuse content (**condition 3**)

- 7.80 Energy – In response to concerns which were raised by the council and to reflect the changes to the scheme an addendum to the Energy Statement undertaken by Scotch partners has been submitted. This report has been reviewed by the council's Energy officer and is discussed below.
- 7.81 The GLA's guidance on preparing energy assessments (April 2014) states, that the Mayor will apply a 35 per cent carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 40 per cent target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2013-2016. The updated energy report presents the revised carbon emissions for the development. Regulated emissions are targeted to be reduced by 30% based on 2013 Building Regulations. The majority of the improvement beyond building regulations is from the proposed connection to Citigen for the supply of low carbon heating and cooling. The council welcome the measures proposed, which almost meet the London Plan target, but it is recommended that the applicant considers additional improvements through detailed design which could allow a 35% reduction in regulated emissions to be achieved.
- 7.82 ICS policy CS10 (A) sets out onsite total CO2 reduction targets (regulated and unregulated) for major developments of 40%, and 50% where connection to a decentralised energy network is possible. The energy strategy presents of the revised carbon emissions (regulated and unregulated) for the development, with the total being targeted to be reduced by 41% based on 2013 Building Regulations. This is supported as it exceeds the council's policy target.
- 7.83 The energy strategy states that *'when considering unregulated emissions, an assumption has been made as to the fit out of commercial spaces with the expectation that tenants will install energy efficient small power equipment and appliances. The apartments will be fitted with efficient appliances as standard. The typical savings from efficient appliances are assumed to be approximately 50% and this figure has been used to estimate total unregulated emissions.'* This significant reduction in unregulated carbon emissions are supported, however it is considered appropriate to request evidence to justify the assumptions stated. Therefore, a condition should be included to require further details on the measures proposed to meet, and possibly exceed the local carbon target, including evidence to verify the anticipated reduction in unregulated emissions.
- 7.84 The development would offer significant targets for luminaire efficacy (100lm/W), and officers would like further information to verify how this level of performance will be delivered. Again, this is something which the applicants have failed to provide but could be secured through condition.
- 7.85 IDMP policy DM7.1 part E requires applications for major developments to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The applicant has provided a draft GPP, which is welcome, however a final GPP should be secured through a clause in a s106 agreement.

- 7.86 Energy efficiency measures and photovoltaic panels to the roof of the Turnmill Street building are also proposed by the applicant and details of these should be required through a condition.
- 7.87 ISC policy CS10 states that “*all major development should achieve an on-site reduction in total (regulated and unregulated) CO2 emissions*” and “*requiring development to offset all remaining CO2 emissions associated with the building*”. The total (regulated and unregulated) CO2 emissions set out in the energy strategy come to 109.6 tCO2/an based on 2013 Building Regulations. The financial contribution this application would currently be liable to offset these carbon emissions are £100,832 which would be secured through a s106 agreement. It should be noted that this figure is provisional and subject to change, especially if the residual carbon emissions increase due to connection to Citigen heating and cooling networks are not being made, or insufficient verification is provided regarding the reduction in unregulated carbon emissions.

Other planning considerations

- 7.88 Landscaping and trees – The application site currently comprises buildings and an area of hard standing which is used for servicing the offices. Opposite the site is St John’s Gardens (designated open space and Site of Importance for Nature Conservation) and to the rear is landscaped courtyard which provides visual amenity for the residential occupiers of City Pavilion and Albion House. Both these areas provide a very valuable open space in an area which suffers from a significant level of deficiency. Through discussions with the applicants it has been established that construction of the development would not utilise the courtyard to the rear of the site for either the storage of materials or access. Officers are therefore satisfied that the development would not have an adverse impact on the health, or result in the loss, of trees within this courtyard.
- 7.89 The application proposes an element of landscaping along Faulkner’s Alley in the form of a new residential courtyard. The courtyard includes the planting of a small tree alongside an area of high quality hardstanding. Although these works are minor in nature they affect an existing public right of way and further details are recommended to be secured through a condition. (**condition 18**). Whilst a slight loss of natural daylight within the alley as result of the new buildings cannot be avoided, new artificial lighting is proposed which would create an improved sense of security for pedestrians. (**condition 5**)
- 7.90 As the site is opposite an SINC, the development should contribute towards improving the area’s biodiversity by incorporating a minimum of four nesting boxes / bricks for birds or bats. These are proposed to be secured through a condition. (**condition 13**)
- 7.91 Air quality – The development proposes to be supplied by heating from Citigen, with no boilers on the site. The only issue is with the location air which should be drawn in from the cleaner façade or from higher up for any whole house ventilation system, which would form part of an approval of details.
- 7.92 As noted earlier in this report, for the development’s demolition and construction phases, a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including air quality, dust, smoke and odour) would need to be secured by condition.

- 7.93 Land contamination and structural stability – The site has historically been used for commercial purposes, both manufacturing and storage and it is possible that some contaminants are present within the near-surface soils. Whilst the submitted desk-based study of existing ground conditions identifies that the risk of land contamination is low, the development proposes the construction of a basement and there will need to be further site investigation to assess this and advise any remediation strategy. Further information is therefore required through a condition. (**condition 17**).
- 7.94 Archaeology – The site is situated within an Archaeological Priority Area and has the potential for remains of the medieval and post-medieval periods. It also lies within the established boundary of the twelfth century priory of St Johns of Jerusalem, probably in an area of open ground away from known structures. The application is accompanied by a desk based archaeological assessment which was undertaken by CgMs consulting. This study concludes that as development requires the demolition of existing buildings and the construction of a new basement level and considered likely to have an archaeological impact. It is therefore appropriate to condition that a programme of archaeological work is undertaken in accordance with a written scheme for investigation which should be submitted to and approved by the council prior to development commencing. (**condition 28**)

Planning Obligations

- 7.95 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 (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.
- 7.96 The agreement will include the following agreed heads of terms:
- Small sites affordable housing contribution of £240,000.
 - Repair and re-instatement of footways and highways (subject to conditions surveys) following redevelopment of the site;
 - Contribution towards transport and public realm improvements along Benjamin Street is proposed by the developers. The council's highways department is identifying the scope of the works and associated costing, which will be reported at planning committee.
 - Compliance with Code of Employment and Training including delivery of 3 work placements during the construction phase of the development, lasting a minimum of 13 weeks;
 - Contribution of £100,832 towards offsetting any projected residual CO2 emissions from the development, but this could be subject to change;
 - Compliance with the Code of Local Procurement;
 - Compliance with the Code of Construction Practice, plus monitoring fee (£3,800);
 - Removal of Car Parking Permits
 - Green Performance Plan
 - Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

- 7.97 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) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule, 2012. CIL will be payable to the London Borough of Islington after the planning consent has been implemented and will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).

National Planning Policy Framework

- 7.98 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, and encouraging walking. Subject to conditions and the necessary S106 agreement, the proposed development is also largely in compliance with the principles relating to climate change, and the conservation and enhancement of the natural environment.
- 7.99 In the final balance of planning considerations officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

8. SUMMARY AND CONCLUSION

Summary

- 8.1 The proposal reacts positively to a number of planning considerations. In relation to land use policy the development complies with FLP policy BC8 through delivering an increase of office accommodation which meets the standards required by modern business. The layout of the office floorspace also offers the potential to sub-divide the floors which would allow it to be let as demand dictates. Furthermore, the delivery of an increase of retail floorspace, including a ground floor retail unit for SMEs is also supported. The buildings would deliver four new residential units, which contribute towards the delivery of housing in the borough as part of a truly mixed-use development.
- 8.2 In urban design terms the height, scale, massing and façade treatment of the proposed buildings have been commended by DRP and are considered to respond well to their context within a designated conservation area. This has been achieved through extensive negotiations between the applicants and officers at both pre-application and application submission stages in the process. However, the main shortcomings of the scheme relate to the demolition of No.2-4 Benjamin Street, which despite unsympathetic recent alterations, is identified as making a positive contribution to the character and appearance of this part of the conservation area. Its loss is therefore identified as causing substantial harm to this part of the conservation area, which as set out in the NPPF (para. 134) has to be balanced against the wider public benefits of the scheme. In this case, the quality of the resulting development (as amended) and benefits including the landscaping of Faulkner's Alley and highway improvements to Benjamin Street have been given due consideration and are considered to outweigh the harm caused to the conservation area in respect of the

loss of the Benjamin Street building (as mitigated by the facts of the case and the provisions of the recommended conditions and Section 106 Heads of Terms)

- 8.3 As addressed above, the proposals are also considered acceptable in terms of neighbour amenity, the quality of the proposed residential accommodation, dwelling mix, affordable housing, transportation and servicing, landscaping and trees, sustainability and energy, subject to conditions and to an appropriate Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.
- 8.4 The comments made by residents have been considered, as have responses from consultee bodies.
- 8.5 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant development plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise.
- 8.6 In conclusion, given the proposed development's level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

Conclusion

- 8.7 It is recommended that planning permission be granted subject to conditions and director level agreement securing the 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.

RECOMMENDATION B

That planning permission be granted subject to an agreement between the Director of Housing and the Service Director, Planning and Development 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. Small sites affordable housing contribution of £240,000.
2. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
3. Contribution towards transport and public realm improvements along Benjamin Street.
4. Compliance with the Code of Employment and Training.
5. Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £15,000 (£5,000 per placement not provided) 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.
6. Compliance with the Code of Local Procurement.
7. Compliance with the Code of Construction Practice, including a monitoring fee of £2,922 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site. The response document is required to consider cumulative impacts of any other developments occurring in the area at the same time and also include a post construction photographic survey of adjoining buildings.
8. Removal of eligibility for residents' parking permits. Exceptions in accordance with the Council's parking policy statement.
9. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920); Contribution to be dependent on (in part) whether connection to local energy network is achieved which will reduce the CO2 emissions requiring offsetting. £100,832 contribution is based on 35% onsite reduction in CO2 emissions.
10. Submission of a Green Performance Plan

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

That, should the **Section 106** Deed of Planning Obligation not be completed within the agreed timeframe set out 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:

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>Existing: 12018_(01)_010 P1; 12018_(01)_100 P1; 12018_(01)_101 P1; 12018_(01)_102 P1; 12018_(01)_103 P1; 12018_(01)_104 P1; 12018_(01)_105 P1; 12018_(01)_201 P1; 12018_(01)_202 P1; 12018_(01)_203 P1;</p> <p>Demolition: 12018_(12)_100 P1; 12018_(12)_101 P1; 12018_(12)_102 P1; 12018_(12)_103 P1; 12018_(12)_104 P1; 12018_(12)_105 P1; 12018_(12)_201 P1; 12018_(12)_202 P1; 12018_(12)_203 P1;</p> <p>Proposed: 12018_(00)_017 P3; 12018_(00)_099 P3; 12018_(00)_100 P3; 12018_(00)_101 P3; 12018_(00)_102 P3; 12018_(00)_103 P3; 12018_(00)_104 P3; 12018_(00)_105 P3; 12018_(00)_107 P3; 12018_(00)_201 P3; 12018_(00)_202 P3; 12018_(00)_203 P3; 12018_(00)_204 P3; 12018_(00)_206 P3; 12018_(00)_207 P3; 12018_(00)_301 P3; 12018_(00)_302 P3;</p>

	<p>Transport Statement by TPP (July 2014); Noise Assessment by The EQUUS Partnership (Ref: EPL 4243); Archaeological Desk Based Assessment by CgMS (August 2014); Letter dated 10/09/2014 to GLAAS from CgMS (Ref: ARCH/MS/16519); Draft Green Performance Plan by Norman, Disney & Young (15/07/2014); Air quality Assessment by ENVIRON (July 2014); Sustainable Design and Construction Statement by Norman, Disney & Young (15/07/2014); Addendum to Energy Statement by Scotch Partners (12/01/2015); Daylight, Sunlight & Overshadowing Report by Delva Patman Redler (July 2014); Daylight Addendum letter from Delva Patman Redler (Ref: SJP/sev/12185); Desk Based Ground Conditions Report by GEA (July 2014); Design and Access Statement by AHMM (dated 21/07/2014) and Design and Access Statement Addendum by AHMM (dated 14/01/2015)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Details)
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses; b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling); c) windows and doors; d) entrance gate to Faulkner's Alley; e) roofing materials; f) any other materials to be used on the exterior of the development; and g) a Green Procurement Plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples 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: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	External pipes, cables and CCTV (Compliance/Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these</p>

	<p>shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
5	Lighting (Details)
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) for Faulkner's Alley and wider development shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and 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 interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
6	BREEAM and Code for Sustainable Homes (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent' and Code of 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>
7	Green/Brown Biodiversity Roofs (Compliance/Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green/living roofs to the development hereby approved (illustrating increased coverage and potential for run-off attenuation or including details and justification of the maximum extent of green/living roofs) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The green/living roofs shall:</p> <p>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</p> <p>b) cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</p> <p>c) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. An explanation as to why any areas of roof would not be covered with green/living roofs shall be included with the above details. Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level. The green/living roofs 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. 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</p>

	<p>Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
8	Refuse/Recycling Provided (Compliance)
	<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>The refuse and recycling enclosures and waste shall be managed and carried out at all times in accordance with the details of the approved 'servicing and waste management plan'.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	Provision of small retail unit (Compliance)
	<p>CONDITION: The basement / ground floor retail units hereby approved shall be laid out in such a way that at least one unit shall be no greater than 80sqm in floor area.</p> <p>REASON: To provide units of a size more affordable to small and independent shops.</p>
10	Cycle Parking (Compliance)
	<p>CONDITION: The three bicycle storage areas hereby approved shall be covered, secure and provide for no less than:</p> <ul style="list-style-type: none"> - 28 cycle spaces for the offices - 14 cycle spaces for the residential units - 10 cycle spaces for the retail units <p>These spaces shall be provided prior to the first occupation of the relevant part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
11	Accessible Homes Standard (Compliance)
	<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>
12	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall provide the following in accordance with the approved drawings and ensure the delivery</p>

	<p>of the following provisions:</p> <ul style="list-style-type: none"> - For each access core the passenger lift serving the dwellings shall be installed and operational prior to the first occupation of residential dwellings accessible from that access core. - step free access to all commercial and residential accommodation <p>The development shall be constructed carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
13	Nesting Boxes (Compliance)
	<p>CONDITION: At least four nesting boxes / bricks for birds or bats shall be provided within the development, installed prior to the first occupation of the building to which they form part and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
14	Energy Efficiency – CO2 Reduction (Compliance/Details)
	<p>The energy measures as outlined within the approved Energy Strategy (including but not limited to energy efficient fabric and connection to Citigen District Heat Network) shall together provide for no less than a 35% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2010.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised energy strategy shall provide for no less than a 35% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2010.</p> <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 sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
15	Noise Levels (Compliance)
	<p>CONDITION : For all the approved residential units sound insulation and noise control measures shall be used to achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 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 carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby 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 an appropriate standard of residential accommodation is provided.</p>
16	Construction Management (Compliance / details)
	<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 construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
17	Contaminated land (Compliance / details)
	<p>*CONDITION: Prior to the commencement of development the following assessment shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); 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>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in</p>

	<p>writing of the Local Planning Authority in accordance with part b).”</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment</p>
18	Landscaping (Compliance / details)
	<p>Details of treatment of all parts on the site not covered by buildings shall be submitted and approved in writing by the Local Planning Authority prior to the relevant part works. The site shall be landscaped strictly in accordance with the approved details the first planting season after completion or first occupation of the development whichever is the sooner. Details shall include:</p> <p>a) a scaled plan showing vegetation to be retained and trees and plants to be planted</p> <p>b) proposed hardstanding and boundary treatment:</p> <p>c) a schedule detailing sizes and numbers of all new trees/plants</p> <p>d) sufficient specification to ensure successful establishment and survival of planting.</p> <p>Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed or becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).</p> <p>Reason: To provide a satisfactory appearance to the development so as to safeguard and in the interest of biodiversity, sustainability, and to ensure a satisfactory standard of visual amenity.</p>
19	Roof-level structures (Compliance / details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
20	Loading / unloading hours (Compliance)
	<p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p>

	<p>Monday to Saturday - 08:00 - 20:00 Sundays/Bank Holidays - not at all</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
21	Plant noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations</p>
22	Obscure Glazing (Compliance)
	<p>CONDITION: Windows serving the residential lobby on the fourth floor of the Turnmill Street shall be obscurely glazed and installed prior to the residential occupation of the dwellings they relate to and maintained at all times thereafter.</p> <p>REASON: To protect the residential amenities of neighbouring occupiers.</p>
23	Water Use (Compliance)
	<p>The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
24	Piling Method Statement (Compliance / details)
	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: To ensure that works do not impact upon local underground water utility infrastructure, and to ensure that deformation of the ground by piling does not result in an increase in the risk of near-surface pollutants migrating to underlying aquifers. Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying</p>

	groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment.
25	Shop fronts (Compliance / details)
	<p>CONDITION: Typical elevations of the shopfronts hereby approved at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations 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 the resulting appearance and construction of the development is of a high standard.</p>
26	Small shops (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>
27	Retention of architects (Compliance)
	<p>CONDITION: The current architect shall be retained for the design development phase of the project unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure continuity in the design approach and the standard of the appearance and construction of the development.</p>
28	Archaeological report (Compliance / details)
	<p>*CONDITION: No development shall take place unless and 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 to and approved by the Local Planning Authority (in consultation with English Heritage).</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>
29	Drainage Strategy (Compliance / details)
	Details of a drainage strategy for a sustainable urban drainage system 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

	<p>assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. 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 minimum achieve a post development run off rate of 50L/ha/sec.</p> <p>The drainage system shall be installed/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: To ensure the development achieves appropriate surface water run-off rates and rainwater recycling.</p>
30	Privacy Screening (Compliance / details)
	<p>CONDITION: Details of screening or other design solution to prevent overlooking of neighbouring properties at City Pavilion, 33 Britton Street from the balconies on the rear elevation of Unit 4 on the fourth floor of the Benjamin Street building shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the balconies commencing.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard.</p>
31	Maintain public access through the site (Compliance)
	<p>CONDITION: The new gate providing access into Faulkner's Alley hereby approved shall remain open between the following times:</p> <ul style="list-style-type: none"> - 0600-1800 on Monday to Sunday (including bank holidays) from 1 October to 31 March each year; - 0600-2000 on Monday to Sunday (including bank holidays) from 1 April to 30 September each year. <p>REASON: To ensure the development does not compromise pedestrian movement through the site.</p>

List of Informatives:

1	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.

2	<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	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>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> <p>Pre-Commencement Conditions: These conditions are identified with an ‘asterix’ * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these identified pre-commencement conditions have been discharged/complied with.</p>
4	<p>Car-Free Development</p> <p>(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	<p>Water Infrastructure</p> <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	<p>Working in a Positive and Proactive Way</p> <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>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>

7	Materials
	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.
8	Groundwater
	Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality . Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991
9	Water main
	There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
10	Rollershutters
	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.
11	Crossrail
	<p>The developer is requested to liaise with Crossrail's Farringdon Station construction team to understand and consider in its logistics planning, Crossrail's lorry routes and any streetworks in the vicinity (e.g. utilities diversions) all of which are of significance to current Crossrail operations in this area.</p> <p>It is recommended that the developer contact the Farringdon Project Construction Manager before commencement of any works:</p> <p>Patrick Barry, e: PatrickBarry@crossrail.co.uk, t: 020 7236 0680</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

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 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 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

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 5.5 Decentralised energy networks

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 5.13 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 5.20 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 6.7 Better streets and surface transport

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 7.1 Building London's neighbourhoods and communities

Policy 3.18 Education 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 4.7 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 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 7.11 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 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

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 CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1** Design
- DM2.2** Inclusive Design
- DM2.3** Heritage
- DM2.5** Landmarks
- DM2.6** Advertisements

Housing

- DM3.1** Mix of housing sizes
- DM3.2** Existing housing
- DM3.3** Residential conversions and extensions
- 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

Location and concentration of uses

- DM4.7** Dispersed shops
- DM4.8** Shopfronts

Employment

- DM5.1** New business floorspace
- DM5.2** Loss of existing business floorspace
- DM5.4** Size and affordability of workspace

Health and open space

- DM6.1** Healthy development
- DM6.3** Protecting open space
- DM6.4** Sport and recreation
- DM6.5** Landscaping, trees and biodiversity

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) Finsbury Local Plan June 2013

- BC5** Farringdon Station
- BC7** Historic Clerkenwell
- BC8** Achieving a balanced mix of uses
- BC9** Tall buildings and contextual considerations for building heights
- BC10** Implementation

5. 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 London Zone (CAZ)
- Archaeological Priority Area
- Clerkenwell Green Conservation Area
- Crossrail 1 safeguarding area
- Protected Vistas (Kenwood to St. Pauls Cathedral)
- Local Views: LV1 & LV6
- Employment Priority Area (General)
- Bunhill & Clerkenwell Core Strategy Key Area

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

The following SPGs and/or SPDs are relevant:

- | Islington Local Development Plan | London Plan |
|---|--|
| - Environmental Design | - Accessible London: Achieving and Inclusive Environment |
| - Small Sites Contribution | - Housing |
| - Accessible Housing in Islington | - Sustainable Design & Construction |
| - Conservation Area Design Guidelines | - Planning for Equality and Diversity in London |
| - Inclusive Landscape Design | |
| - Planning Obligations and S106 | |
| - Urban Design Guide | |

APPENDIX 3: Design Review Panel Comments



Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA

T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: DRP/47

Date: 12 January 2015

ATT: Chris Beard
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Dear Chris Beard,

ISLINGTON DESIGN REVIEW PANEL

RE: 1 & 2-5 Benjamin Street & 94-98 Turnmill Street, EC1 (application ref: P2014/2950/FUL)

Thank you for coming to Islington's Design Review Panel meeting on 9 December 2014 for review of a proposed development scheme at the above address. The proposed scheme under consideration was for erection of two 6-storey (plus basement) buildings, comprising retail [Class A1] and office [Class B1a] uses and 8 residential units (3 x 1-beds, 4 x 2-beds, 1 x 3-bed), cycle parking, refuse storage, rooftop plant and landscaping works to Faulkner's Alley, following the demolition of nos. 1 & 2-5 Benjamin Street and 94-98 Turnmill Street. (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Paul Reynolds, Stephen Archer, Charles Thomson, Stafford Critchlow on Tuesday 9 December 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Municipal Offices 222 Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

Height and massing

The Panel welcomed the general design concept of the scheme and raised no objections to the proposed heights and massing. In fact panel members supported the reduction in height from the initial submission subject to further detailing of the roof top. They were positive about the long term sustainability of the proposed scheme.

Elevations & materiality

The Panel were of the opinion that the same level of design development, presentation material and refinement employed on the Benjamin Street elevation should be applied to the treatment of

the Turnmill Street elevation. They generally felt that materials were suitable and praised the self-evident design quality of the brick detailing (subject to sample approvals through the planning conditions). Panel members were of the opinion that the projecting corner adjacent to the neighbouring building on Benjamin Street needed further resolution due to its prominence. They felt there was an opportunity to make it a more significant and attractive element on the streetscape. They also recommended that the stair bay should be better resolved and stressed the importance of conditions to ensure high quality materials and detailing. The Panel also felt that it may be beneficial to increase the setback distance from the parapet to the roof top extension and should be explored

Public realm and landscaping

Panel members welcomed the proposed upgrade of Faulkner's alley and encouraged the design team to explore with the local authority the possibility of extending the improvements to Benjamin Street in particular to the Gardens opposite.

Summary

The Panel was generally supportive of the concept of replacement of the existing building and proposed heights and distribution of massing. Some areas were identified where further design/detailing development was required such as the resolution of the stair bay, the corner/junction with the adjacent building on Benjamin Street, and the materiality of the rooftop. They stressed the importance of carrying the quality of the Benjamin Street frontage to the Turnmill Street elevation. Panel members welcomed the improvements to Faulkner's alley but felt that further work would be desirable in terms of public realm improvements in the immediate vicinity of the site.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that as the scheme under review is currently the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

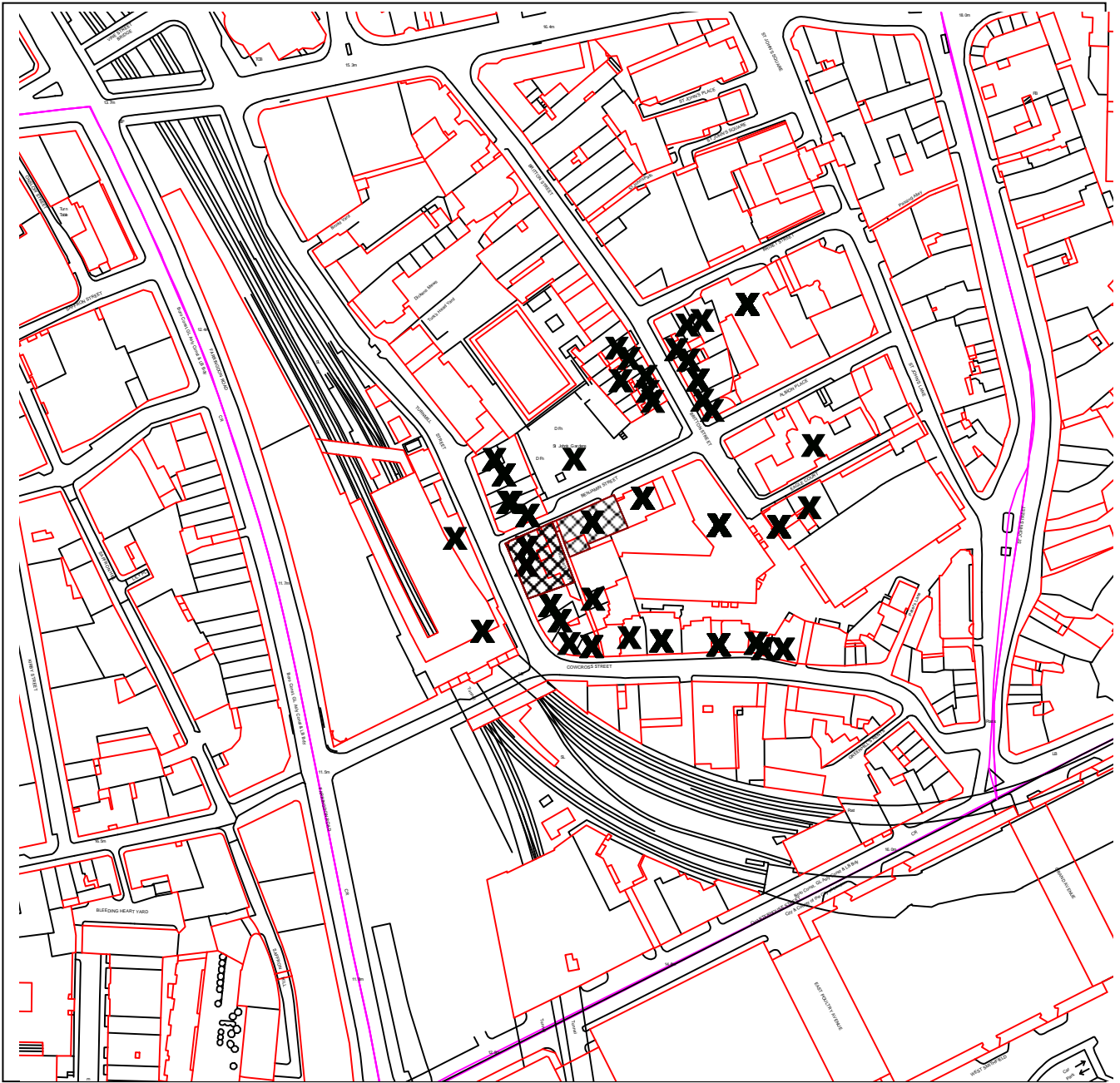


Luciana Grave
Design Review Panel Coordinator/
Design & Conservation Team Manager

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/2950/FUL

LOCATION: 1 & 2-5 BENJAMIN STREET & 94-98 TURNMILL STREET, LONDON EC1

SCALE: 1:2500

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		
Date:	24 th February 2015	NON-EXEMPT

Application number	P2014/1792/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	None
Conservation area	None
Development Plan Context	Adjacent to the Mercers Road/ Tavistock Terrace Conservation Area Nags Head and Upper Holloway Key Area TRLN road Upper Holloway Local Shopping Area
Licensing Implications	None
Site Address	602A Holloway Road, N19 3PN
Proposal	Reconfiguration of the existing building to provide 12 no. self-contained flats, alterations to the building to provide cycle storage.

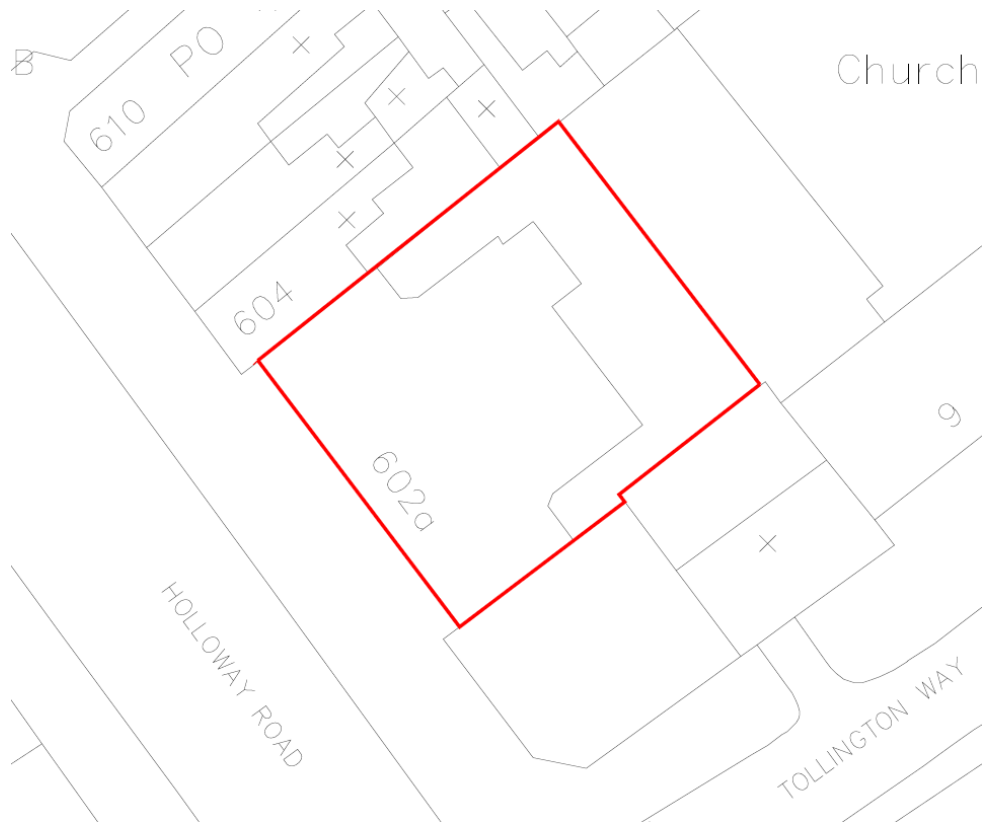
Case Officer	Sally Fraser
Applicant	Zeus Estates Ltd
Agent	Robinson Escott Planning

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
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



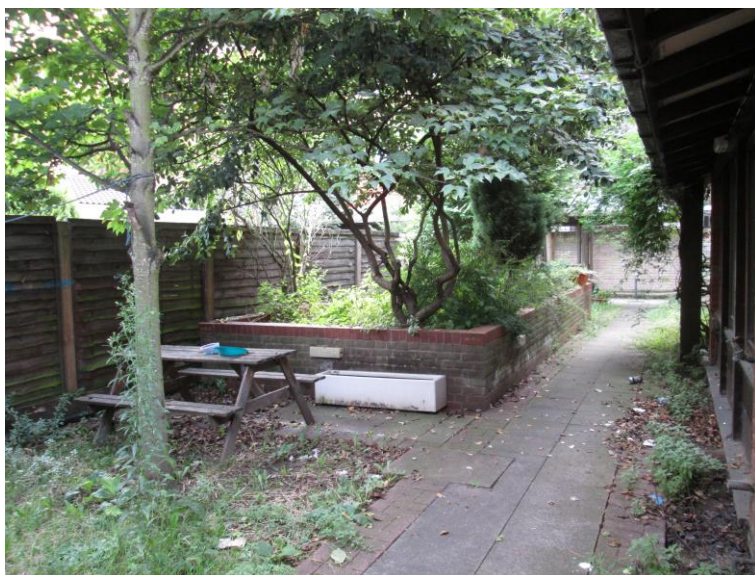
Photograph 1: Aerial view of the site



Photograph 2: Front of the building



Photograph 3: View from Holloway Road



Photograph 4: Rear of the site

4. SUMMARY

- 4.1 602A Holloway Road is an existing 4 storey mid terrace building. It is now vacant, was last used (unlawfully) as 30 self contained flats and has a lawful use of a residential care home (use class C2).
- 4.2 The application is for the change of use of the building from a care home into 12 self contained flats. No affordable housing is proposed.
- 4.3 The main issues arising from the development are the principle of the change of use, the lack of affordable housing, the housing mix and the standard of the residential accommodation. The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 4.4 The principle of the proposed change of use, given the state of repair of the existing building and the planning benefits of the scheme, including its contribution towards the delivery of housing in the borough, is acceptable and in compliance with policy DM3.8B of the Development Management Policies.
- 4.5 The proposal is also acceptable in terms of the quality of the proposed accommodation, dwelling mix, transport, sustainability, energy and trees and landscaping, subject to conditions and to an appropriate Section 106 agreement, the Heads of Terms of which have been agreed with the applicant.
- 4.6 Justification for the lack of onsite affordable housing has been evidenced through the applicant's financial viability appraisal. This has been independently assessed and the conclusion of the evidence, that the development is financially unable to support affordable housing, is accepted in compliance with policy CS12 of the Core Strategy. A financial contribution of £25, 295 towards affordable housing in the borough is included as a head of term attached to this report.
- 4.7 The constraints of the existing building have dictated some areas of non compliance, which in each case have been justified.
- 4.8 It is recommended that planning permission be granted.

5. SITE AND SURROUNDING

- 5.1 The site contains a 4 storey, 1980's brick built building fronting Holloway Road with a strip of external amenity space to the rear. The site area is 0.048 hectares and there is 1062 sqm of internal floor space.
- 5.2 The building is currently vacant. The last use of the building was as 30 self contained flats, which ceased in 2014. This was an unlawful use which had operated since 2009 (an enforcement case is ongoing in relation to that unauthorised use).
- 5.3 The lawful use of the site is C2 (residential care home).

- 5.4 Immediately to the west and north of the site are three-storey residential terraced properties with commercial uses on the ground floor as well as the Victorian and Georgian terraces which make up Alexander Road. Adjoining the site to the south is a grey five-storey corner building with a pizza take-away business at ground floor level and residential above. To the east of the site is the Upper Holloway Baptist Church, which contains a mixture of community and residential uses, while to the west of the site on the opposite side of Holloway Road lie mainly three- and four-storey residential terraced properties. The surrounding area is characterised by mainly residential properties, with Victorian and Georgian terraced housing the predominant building typology.
- 5.5 The main entrance to the application building is from Holloway Road and there is a secondary entrance to the rear of the building. The front elevation contains a ramp up to the main entrance, a bin store and a side entrance door that leads to the rear yard.
- 5.6 There is approximately 90sqm of external amenity space to the rear, which consists of hardstanding, a small number of mature trees and a raised planter bed. There is a covered walkway leading from the rear entrance along the back of the building and to the rear boundary of the site.
- 5.7 The site lies adjacent to the Mercers Road/ Tavistock Terrace conservation area. There are no statutorily listed or locally listed buildings within or adjoining the site.
- 5.8 The site lies within the Nags Head/ Holloway Road key area and the Upper Holloway local shopping area.

6. PROPOSAL (IN DETAIL)

- 6.1 The applicant proposes the change of use of the building from its lawful C2 (residential care facility) use into 12 self contained residential units, comprising a 1x 3 bedroom unit, 8x 2 bedroom units and 3x 1 person units. No affordable housing units are proposed.
- 6.2 No external alterations to the building are proposed, with the exception of the addition of timber doors to the existing rear plant room to accommodate the proposed cycle parking.
- 6.3 All flats would have access to the rear outside space, which would be landscaped with furniture and hard and soft landscaping. The four largest trees would be retained.
- 6.4 A lift adjacent to the main entrance would provide disabled access into the building. Flat 2 on the ground floor would be a wheelchair accessible unit.
- 6.5 The development would be car free, however one accessible, on street parking bay is proposed. The bin store would remain in the existing location and covered cycle storage provided at the rear for 22 cycles and one accessible cycle parking space.

6.6 The proposed development has been designed to meet BREEAM Excellent. The energy strategy would achieve a total CO2 emissions saving of 20.7% (compared with a building that complies with Building Regulations 2010).

7. RELEVANT HISTORY:

Planning Applications

7.1 **862016:** Redevelopment to provide non-self contained accommodation for 24 frail elderly persons together with communal facilities and parking provision. Approved 14/10/1987.

7.2 **P112454-** Retention of the change of use of the premises from a care home to 30 self contained flats. Refused 8/2/12 and Dismissed on Appeal 26/9/12.

7.3 **P2013/0074/FUL** – Conversion of the building into 16 flats (8 studios, 5x 1 beds and 3x 2 beds). Refused 16/5/13 and Dismissed on Appeal 26/2/2014:

The planning application was refused on the following grounds:

- Housing mix- specifically an overprovision of studio and 1 bed units
- Standard of residential accommodation- inadequate size of units and single aspect
- Failure to meet lifetime homes standards and provide wheelchair accessible housing.

All reasons were upheld on appeal. See Appendix 3 for the Appeal decision.

Enforcement

7.4 **E11/05588-** Without the necessary planning permission change of use from residential care home to 30 self contained flats. Appeal dismissed and the enforcement notice was upheld 26/2/2014. The use ceased November 2014.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 150 adjoining and nearby properties on Holloway Road, Tollington Way and Alexandra Road 16/05/2014. A site notice and press advert were displayed on 22/05/2014.

8.2 The public consultation therefore expired on 12/06/2014, however it is the council's practice to continue to consider representations made up until the date of a decision.

8.3 At the time of the writing of this report, 1 objection had been received from the public with regard to the application. The issues raised can be summarised as follows (paragraph numbers indicate where these issues have been addressed in the report):

- Not enough space at the rear for cycle storage (10.66)
- Noise and disturbance by residents during the last use of the property as 30 self contained flats (10.41)

External Consultees

- 8.4 Transport for London (TfL) advised that the development would not hinder pedestrian or traffic flow on Holloway Road. They advised that the cycle parking arrangements were sufficient and that a condition requiring the submission of a servicing strategy would be required.

Internal Consultees

- 8.5 Energy Conservation Officer advised that the CO2 emissions reductions are based on a strategy with no connection to a Decentralised Energy network, which would trigger the 30% reduction policy target vs. 2010 Building Regulations. The development would achieve a reduction of 20.7% on this baseline. Based on this figure the applicant would need to pay a carbon offset contribution of £25, 295. The draft Green Performance Plan is acceptable.
- 8.6 Inclusive Design Officer initially raised concerns relating to a lack of inclusivity of the proposed environment, including the gradient of the existing ramp to the front entrance, which is too steep, the lack of storage for mobility scooter and the inaccessibility of the proposed ground floor gym. These issues have been successfully addressed and are outlined in the main report.
- 8.7 Planning Policy Officer stated that the applicant had not adequately addressed the loss of the C2 (residential care home) use, as is required by policy DM3.8B. Concern was expressed with regards to the overprovision of 1 bedroom units and some policy noncompliance with regards to the internal arrangements.
- 8.8 Additional evidence with regards to the change of use from C2 was submitted by the applicant during the course of the application, to the acceptance of officers.
- 8.9 Spatial Planning and Transport (Transport Officer) welcomed the number of cycle parking spaces. They noted that servicing, delivery and refuse arrangements would be as per the previous C2 use and that this arrangement remained acceptable.
- 8.10 Sustainability Officer advised that commitment to achieve BREEAM Ecohomes excellent and a water consumption rate of 95L/p/d is supported and should be conditioned.
- 8.11 Tree Protection Officer welcomed the retention of the existing trees and the attempt to maximise the biodiversity of the rear garden area.

9. RELEVANT POLICIES

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

National Guidance

- 9.2 The National Planning Policy Framework (NPPF) 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.
- 9.3 Since March 2014 the National Planning Policy Guidance (NPPG) has been published online and that guidance has been considered as part of the assessment of this proposal. This includes changes made as a result of the 28th November 2014 Ministerial Statement.

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2011 (including the Further Alterations to the London Plan [FALP] 2013), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2.

Designations

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

- Nags Head and Upper Holloway Key Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 The SPGs and SPDs which are considered relevant to this application are listed in Appendix 2.

10. ASSESSMENT

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

- Principle (Land Use)
- Design & Conservation
- Affordable Housing & Financial Viability
- Housing Mix
- Standard of Residential Accommodation
- Impact on Neighbouring Amenity
- Inclusive Design
- Energy Efficiency & Sustainability
- Trees and Landscaping
- Highways & Transport

- S106 and mitigation

Land-use

- 10.2 The lawful use of the building is a C2 residential carehome (see 1987 permission). An appeal relating to enforcement notice E11/05588 requiring the owner to cease the use as 30 self contained flats was dismissed on 26/2/14, on the grounds that there was insufficient evidence to conclude that the property had been occupied continuously as 30 self contained flats for 4 years.
- 10.3 Policy DM3.8B states that the council will resist the loss of carehomes unless... it can be demonstrated that the existing accommodation is unsatisfactory for modern standards and/ or not fit for purpose **and** the proposed development would provide accommodation to meet an identified acute need, which *may* include social rented housing'
- 10.4 The proposal involves the total loss of the carehome. During the course of the application, a statement was submitted to evidence the unsuitability of the building for modern carehome standards, to address the first part of policy DM3.8B.
- 10.5 This statement explained that the care home operated until 2007. The existing site and building has limited internal and external space to provide the necessary facilities associated with a care home. The units are small, with inadequate natural light, and none are wheelchair accessible. The building as a whole does not provide an accessible environment for all and, additionally, there is no adequate step free access into the (main) entrance to the building.
- 10.6 In terms of the second part of policy DM3.8B, the council's Core Strategy and Development Management policies outline the acute need for housing and the development would help to deliver the borough's housing target, which estimates that delivery will be greatest in the Nags Head and Holloway Road key area.
- 10.7 In addition, the Planning Inspector who determined the appeal in relation to P2013/0074/FUL did not raise concerns with regards to the change of use of the building from C2 (carehome) to C3 (residential), which was decided after adoption of the Development Management Policies Document 2013.
- 10.8 Having regard to the above, the proposal is considered to align with policy DM3.8B. Additionally, in terms of consistency of approach to decision making, no objection is raised with regards to the loss of the carehome facility in this recommendation.
- 10.9 Finally, it is considered appropriate, given the enforcement history at this site, to recommend a 2 year time- frame to implement the scheme should it be supported rather than the standard 3 years. This would also help prevent CIL avoidance also.

Design & Conservation

- 10.10 Policy CS3 (Nags Head and Upper Holloway Road) states that high quality design will be encouraged along Holloway Road. Policy DM2.3 states that the council will ensure that the borough's heritage assets are conserved and enhanced and that development should make a positive contribution to Islington's local character.
- 10.11 There would be no change to the appearance of the front of the building, with the exception of the inclusion of a lift to provide step free access into the building. This would be discretely sited adjacent to an existing wall and would not cause undue harm to the character or appearance of the adjacent Mercers Road/ Tavistock Terrace conservation area.
- 10.12 The addition of the proposed doors to a rear wall to facilitate access to the cycle store would not be visible from public views and would be acceptable in appearance terms. No conditions are considered necessary in that regard.
- 10.13 New soft and hard landscaping to the rear of the site would be introduced and would improve the quality of the space and positively contribute to the character of the environment.
- 10.14 The proposal is for very minor external works, which are considered acceptable in design and conservation terms and to accord with policies CS3, DM2.1 and DM2.3.

Affordable Housing and Financial Viability

- 10.15 This application proposes 12 housing units and does not provide for any onsite affordable housing. An offsite contribution of £25,295 has been agreed and forms part of the heads of terms relating to this report, agreed by the applicant.
- 10.16 Core Strategy policy CS12G requires major housing developments to provide the maximum reasonable level of affordable housing, taking into account the target of 50%. The level of affordable housing that can be provided is influenced by the viability of the development.
- 10.17 Viability testing is concerned with determining the potential amount of planning obligations that can be sought. Firstly, the Residual Land Value is calculated, which is the total value of the completed development minus the costs incurred in developing the scheme. This represents what can be paid for the land. The Existing Use value (EUV) is also calculated, which is the value of the existing land and is the measure against which the RLV is compared to determine whether the scheme is viable.
- 10.18 The applicant submitted a series of financial viability appraisals (FVA's) to support their application, which stated that the EUV of the building (in lawful care home use, taking into account the cost required to bring it up to modern standards) was greater than the RLV and therefore that the development would produce a deficit. The FVA's were independently assessed by BPS on

behalf of the council. BPS's assessment is appended to the report in Appendix 4.

- 10.19 BPS acknowledged acceptance of the applicants EUV and acceptance that this figure, when used to benchmark the FVA, showed a deficit of £30, 000. Based on the findings of their analysis, they accept that the scheme is not viable and therefore unable to deliver any affordable housing.
- 10.20 This conclusion aligns with the conclusions of the analysis of the applicants FVA within the previous scheme refused in 2013 and dismissed at appeal. Viability was therefore not raised as a concern by the council as part of P2013/0074/FUL or included as a reason for refusal in that application.
- 10.20 The financial contribution for off- site affordable housing has been agreed with the applicant. It was originally calculated in relation to CO2 offsetting, however given that this is a change of use application with virtually no external changes to the building, it is considered unreasonable to secure. The strategic priority is affordable housing and therefore the contribution is allocated towards the provision of affordable housing.
- 10.21 The council has secured in the S106 Agreement, a pre-implementation review of the scheme's financial viability, if the scheme is not implemented within 12 months of the grant of planning consent.
- 10.22 The Islington residential market has experienced significant changes in recent years. An updated assessment will enable the viability of the scheme to be reconsidered in the event that the scheme is delayed to ensure that the proposals are based on an assessment of viability that is accurate at the point of delivery. The review will also help to ensure that the scheme provides the maximum reasonable level of affordable housing in line with Development Plan policy.

Housing Mix

- 10.23 Policy 3.8 of the London Plan states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings, taking account of housing requirements identified at regional, sub-regional and local levels.
- 10.24 Islington Core Strategy policy CS12 (Meeting the housing challenge) requires the provision of a range of unit sizes within individual schemes in order to meet the needs within the borough. The mix of dwellings should respond to the identified need as highlighted by the Islington Housing Needs Survey 2008 and illustrated in table 3.1 of the Development Management Policies document.
- 10.25 The expected and proposed dwelling mix is shown in the table below, both in percentage terms and in overall numbers in relation to this scheme. It also gives the mix that was previously refused and considered unacceptable by the Planning Inspector in his dismissal of the appeal.

Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total
Policy	0% (0)	10% (1)	75% (9)	15% (3)	0% (0)	100% (12)
Proposed	0% (0)	25% (3)	67% (8)	8% (1)	0% (0)	100% (12)
Appeal	50% (8)	31% (5)	19% (3)	0% (0)	0% (0)	100% (16)

10.26 The proposed mix does deviate from the expected mix to an extent. There is an overprovision of 1 bed units and an under provision of family sized dwellings. However, there are a number of points to consider here.

10.27 The appeal decision for previously refused application P2013/0074/FUL stated that ‘some flexibility in the required mix was appropriate in this case given the constraints of working within the building’. Whilst the Inspector considered some flexibility would be needed, she had particular objection to the very low number of 2 bedroom units within the previous (appeal) scheme.

10.28 The applicant has, since application P2013/0074/FUL substantially reconfigured the internal layout to redress the balance of unit sizes. The scheme proposes a mix which broadly complies with policy DM3.1, especially in relation to the number of 2 bed units, and as such provides for family sized accommodation (as defined in the London Housing Design Guide).

10.29 The post script to policy DM3.1 states that, in addition to taking account of table 3.1, dwelling mix should be considered in relation to the character of the development, the site and the area.

10.30 Given the extent of the compliance with table 3.1 and having regard to the constraints of the existing building in achieving units of good internal amenity, the mix is now considered to be more in line with policy and acceptable. The development would contribute towards addressing the imbalance in the mix of accommodation in the borough.

Standard of Residential Accommodation

10.31 Islington Development Management Policy DM3.4 (Housing standards) provides detailed guidance and criteria for assessing the standard of proposed residential units. Again, the Inspector in her decision on the previous application acknowledged the constraints of the existing building and stated that some compromise on standards, where justified, may be necessary.

10.32 All of the proposed units meet or exceed minimum unit sizes expressed within policy DM3.4. All habitable rooms within each dwelling would exceed the required minimum size and the internal arrangement allows for functional use.

10.33 Policy DM3.4D states that new residential units are required to provide dual aspect accommodation, except where impossible or unfavourable, in which case the design must demonstrate how a good level of natural ventilation, daylight and protection from noise will be provided.

- 10.34 Nine of the twelve units would be dual aspect. Of the three units that are single aspect, all have three large windows and none face north. Two of the units face the rear and would not as such be subject to the noise and activity of Holloway Road. The third faces Holloway Road but is located on the top floor and would as such be distanced from street level. It is considered that all would receive sufficient daylight and ventilation. None of the single aspect units have 3 bedrooms, as is dictated by paragraph 3.47 of the Development Management Policies Document.
- 10.35 The ceiling heights of 2.5m would also aid the quality and amount of light and ventilation within the rooms. Whilst not strictly in compliance with the 2.6m standard, a more flexible approach is adopted with residential conversions.
- 10.36 A condition would be attached to the consent, in compliance with policy DM3.7, to ensure that any noise and vibration impacts of the development which are not eliminated through the careful design of the internal space, are understood and mitigated.
- 10.37 Whilst all units would have access to the outside space, the amount of provision falls below expected standards. Again, given the constraints of the existing building, the correct balance between dwelling mix, making best use of the site and future residential amenity has been reached.
- 10.38 The acceptability of the amount of amenity space provision, given the inability to provide more, was established during application P2013/0074/FUL. This scheme proposes fewer units and consequently a greater amount of outside space per occupant. Improvements have also been made within this application to the quality of the space, with the addition of hard and soft landscaping which would provide a small, but pleasant space away from the activity of Holloway Road (details to be secured by condition).

Impact on Neighbouring Amenity

- 10.39 The Development Plan contains policies which seek to appropriately safeguard the amenities of existing residential occupiers when considering new development at neighbouring sites.
- 10.40 Islington Development Management Policy DM2.1 (Design) requires that consideration must be given to potential impacts of development 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).
- 10.41 The lawful use of the building is as a residential care home for 24 occupants. It is not considered that the level of noise generated by future occupants of this scheme is likely to exceed that of the lawful use, nor could it be expected to exceed normal domestic levels. This is a mixed use area with numerous flatted developments and high levels of activity along Holloway Road. It is a

suitable use and a suitable intensity of use in this context and would not give rise to undue noise and disturbance. The previous use of the premises as 30 self contained flats has ceased and as such will not cause any further noise and disturbance to the neighbouring occupiers.

- 10.42 No extensions are proposed and there would be no new windows proposed to be installed in the elevations of the building. There would be, as such, no impact on daylight or sunlight receipt to neighbouring dwellings and no loss of privacy or increased overlooking.
- 10.43 Overall, the proposal would have an acceptable impact on neighbouring residential amenity.

Inclusive Design

- 10.44 All new residential schemes should comply with the Lifetime Homes standards and the Flexible Homes standards outlined in the council Inclusive Design SPD. In short, this means that all units should be visitable by wheelchair users and adaptable.
- 10.45 A visitable home has a step free approach and living space and WC at entrance level. An adaptable home has the capacity to be altered internally should the needs of the occupants require it.
- 10.46 The Inspector within the previous appeal noted the shortcomings of the scheme in terms of inclusivity. This current scheme has addressed these failings.
- 10.47 The dwellings have been designed so that they meet Lifetime Homes standards. One of the ground floor units would be wheelchair accessible, in compliance with policy DM3.4A. The size and orientation of the wheelchair storage/ charging facility in this room has been amended since submission to comply with the design standard and to address Access officer concerns.
- 10.48 The existing ramp to the front entrance of the building is too steep to comply with modern standards. A platform lift is proposed here, to the south of the main steps, to provide step free access into the building. The communal gym lobby has been widened to ensure wheelchair accessibility and includes provision for the storage and charging of a mobility scooter.
- 10.49 Provision for an on street accessible parking space has been facilitated within the heads of terms to this report and one accessible cycle parking space is proposed, which complies with council standards. All corridors and the internal dimensions of the lift car are 1200mm wide.
- 10.50 Overall this proposal is considered to deliver a significantly improved scheme in accessibility and inclusivity terms compared to the appeal scheme.

Energy Efficiency & Sustainability

- 10.51 Islington Core Strategy policy CS10A 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 30% relative to total emissions from a building which complies with Building Regulations 2010, where connection to a decentralised energy network is not currently 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.

- 10.52 The London Heat Map confirms that there is no existing Decentralised Energy Network within 500m of the site. There is also no shared heating network to which the building could connect.
- 10.53 The applicant's energy statement assesses and rules out the possibility of site wide CHP on the grounds of insufficient heat demand. A communal heat network on site to enable future connection was also ruled out in favour of the existing individual boiler system currently operating. This is considered acceptable, given the constraints of the existing building and the size of the development (and subsequent low heat demand).
- 10.54 The energy strategy would achieve a to a total CO₂ emissions saving of 20.7% (compared with a building that complies with Building Regulations 2010). This energy efficiency would be largely achieved though the incorporation of good fabric efficiency standards. The air tightness is acceptable given that this is works to an existing building. 100% energy low energy lighting would be used. Given that this scheme is for a change of use with no external alterations to the building, it is not considered to be appropriate to seek an offset contribution for this scheme.
- 10.55 For all developments, it is required that the cooling hierarchy (as set out in Islington Development Management Policy DM7.5A) is followed, in order to reduce any risk of overheating and minimise the need for artificial cooling. Given the sites' location on busy Holloway Road, mechanical ventilation may be required to draw cleaner air from the rear of the site. This would be the only form of cooling acceptable, on air quality grounds.
- 10.56 The use of renewable energy has been maximised to enable achievement of the CO₂ reduction through the use of photovoltaic panels on the roofs. This would be secured by condition.
- 10.57 The pre-assessment reports that have been provided indicate that the development would achieve BREEAM Ecohomes (Excellent). This BREEAM level is secured by condition.
- 10.58 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 setting out the predicted outputs has been submitted with the application and is considered to be acceptable. A final post occupation GPP

setting out the actual measurable outputs shall be secured within the S106 legal agreement.

- 10.59 The scheme will achieve a water efficiency target of 95 litres /person /day or less, in compliance with policy CS10 and incorporate rainwater butts. The commitment to target 89% of materials credits under BREEAM is supported. This shall be secured by condition.

Trees and Landscaping

- 10.60 Islington Core Strategy Policy CS10 and Islington Development Management Policy DM6.5 (Landscaping, trees and biodiversity) promote urban greening and enhancing biodiversity. A landscaping plan has been submitted which would enhance the existing rear external space, through the introduction of soft landscaping and seating. A condition requiring the submission of details relating to plant and tree species, materials and ground cover is recommended.
- 10.61 Policy DM6.6 relates to flood prevention and the requirement in most instances to incorporate sustainable urban drainage systems. It is considered that, given this is a change of use with no new build elements and no intensification of use, there is not likely to be an intensification of water use. In this instance, the landscaping proposals and inclusion of rainwater butts are considered acceptable.

Highways and Transportation

- 10.62 In compliance with policy DM8.5 part A, the development would be 'car free'.
- 10.63 Residential occupiers would not be eligible to attain on street 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 are living in residential properties within Islington prior to moving into the development, have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. In this case, in the interests of reasonableness and not to deter movement within the borough of existing residents they will be able to transfer and attain a permit.
- 10.64 Transport for London have advised that, once in operation, given the intensity of use the development would not hinder pedestrian or traffic flow on Holloway Road.
- 10.65 Refuse collection would be carried out via loading provisions on Holloway Road, as is the existing arrangement. Full details of arrangements for collection, including locations for the collection vehicles would be required by condition. A Local Level Travel Plan for the development would be secured within the S106 legal agreement.
- 10.66 The development would provide a policy compliant 23 secure and covered cycle parking spaces for future residents (one space per bedroom).

10.67 The heads of terms attached to the report include provision for 1 accessible parking space, removal of eligibility for residents parking permits and submission of a travel plan. A condition requiring the submission of Construction Method Statement is also recommended.

Planning Obligations, Community Infrastructure Levy and local finance considerations

10.68 The following Heads of Terms are necessary in order to mitigate the impacts of the proposed development:

- Contribution of £25, 295 towards off site provision of Affordable Housing including viability review, should the development not be commenced within 1 year from the date of the permission.
- Compliance with the Code of Employment and Training.
- Facilitation of one work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5,000 to be paid to LBI (£5,000 per work placement not provided). Developer/ contractor to pay wages (must meet London Living Wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1, 200 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 1 accessible parking bays or a contribution of £2,000 towards bays or other accessible transport initiatives.
- Submission of a Green Performance Plan.
- Submission of a draft Local Level Travel Plan for council approval prior to occupation, and of a full Local Level Travel Plan for council approval six months from first occupation of the development.
- Removal of eligibility for residents' parking permits.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

10.69 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL) would be chargeable on the proposed development. This would be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging

Schedule 2012. The CIL charges would be payable to the London Borough of Islington after implementation. Based on the floorspace figures provided with the application, and an assumption that the existing buildings have been occupied for six months within the last three years, an Islington CIL of **£264, 750.00** and a Mayoral CIL of **£52, 950.00** would apply to the proposed development. This is an estimate at this stage and would require formal confirmation under the CIL Regulations.

National Planning Policy Framework

- 10.70 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The application is largely in compliance with these principles. It is strong in its contribution towards the delivery of good quality housing, utilising an existing building.
- 10.71 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the proposed change of use, given the state of repair of the existing building and the planning benefits of the scheme, including its contribution towards the delivery of housing in the borough, is acceptable and in compliance with policy DM3.8B of the Development Management Policies.
- 11.2 The proposal is also acceptable in terms of the quality of the proposed accommodation, dwelling mix, transport, sustainability, energy and trees and landscaping, subject to conditions and to an appropriate Section 106 agreement, the Heads of Terms of which have been agreed with the applicant.
- 11.3 Justification for the lack of onsite affordable housing has been evidenced through the applicant's financial viability appraisal. This has been independently assessed and the conclusion of the evidence, that the development is financially unable to support affordable housing, is accepted, in compliance with policy CS12 of the Core Strategy. A financial contribution of £25, 295 towards affordable housing in the borough is included as a head of term attached to this report.
- 11.4 The constraints of the existing building have dictated some areas of non compliance, which in each case have been justified.

Conclusion

- 11.15 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:

- Contribution of £25, 295 towards off site provision of Affordable Housing including a viability review, should the development not be commenced within 1 year from the date of the permission.
- Compliance with the Code of Employment and Training.
- Facilitation of one work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5,000 to be paid to LBI (£5,000 per work placement not provided). Developer/ contractor to pay wages (must meet London Living Wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1, 200 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 1 accessible parking bays or a contribution of £2,000 towards bays or other accessible transport initiatives.
- Submission of a Green Performance Plan.
- Submission of a draft Local Level Travel Plan for council approval prior to occupation, and of a full Local Level Travel Plan for council approval six months from first occupation of the development.
- Removal of eligibility for residents' parking permits.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within 10 weeks from the date when the application was presented at planning committee and a resolution secured, 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 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 the following conditions:

List of Conditions:

1	<p>Commencement (Compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of two 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	<p>Approved plans list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location plan, OS01, OS.02, E.01, E.02, E.03, E.04, E.05, E.08, E.09, E.06, E.07, P.01D, P.02, P.03, P.04, P.05, P. 08, P.09, P.06, P.07</p> <p>Planning Statement ref JE/ZE/11/119 dated 13th August 2014 Design and Access Statement ref DA.01 dated March 2014 Lifetime Home Criteria and Inclusive Design in Islington Checklist BREEAM Domestic Refurbishment Pre- Assessment Sustainable Design and Construction Statement dated 1st October 2014 Green Performance Plan Health Impact Screening Assessment Mix of Units Loss of C2 Floorspace</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>Construction Method Statement & Logistics Plan (Details)</p> <p>CONDITION: No development shall take place, including any works of demolition, unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p>

	<ul 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.</p>
4	<p>Sound Insulation and Noise Control (Details)</p>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor gym and plant rooms and the residential use of the building 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 and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby 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: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
5	<p>Sound Insulations (Details)</p>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby 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: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
6	<p>Mechanical Ventilation (Details)</p> <p>CONDITION: Details of any mechanical ventilation including suitable NOx filtration shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works. The development shall be completed in strict accordance with the approved details prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
7	<p>Roof-level structures (Details)</p> <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
8	<p>Inclusive Design (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>
9	<p>Wheelchair Housing (Details)</p> <p>CONDITION: The 1 wheelchair / wheelchair adaptable dwellings, in accordance with the Access Statement and plans hereby approved, shall be provided prior to the first occupation of the development.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families, in accordance with</p>

	policy 7.2 of the London Plan 2011 and policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2009.
10	Landscaping (Details)
	<p>CONDITION: Details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> • Proposed trees, including their location, species, size, and confirmation that existing and proposed underground services would not intrude into root protection areas; • Soft planting, including details of any grass and turf areas, shrub and herbaceous areas; • Vertical planting on elevations of buildings; • Planting on green / brown roofs; • Topographical survey, including details of any earthworks, ground finishes, any topsoiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; • Boundary treatments, enclosures, including types, dimensions and treatments of any walls, fences, screen walls, barriers, rails, retaining walls and hedges; • Hard landscaping, including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and synthetic surfaces; • Confirmation that all areas of hard landscaping, together with the communal amenity and playspace areas have been designed in accordance with Islington’s Inclusive Landscape Design SPD or Islington’s successor SPD or policy; • Details of how the landscaping scheme includes and integrates measures to enhance biodiversity and sustainable urban drainage solutions and has been designed in accordance with Development Management Policy DM6.6 and London Plan policy 5.13; • A Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation; • Rainwater butts • Any other landscaping feature(s) forming part of the scheme. <p>All landscaping so approved shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased shall be replaced with the same species or an approved alternative and to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details</p>

	<p>(including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to ensure the development is of an inclusive design, and to ensure that a satisfactory standard of visual amenity is provided.</p>
11	<p>Delivery and Servicing Management Plan (and Waste Management Plan)</p> <p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be occupied and operated strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
12	<p>BREEAM (compliance)</p> <p>CONDITION: The residential use and refurbishment of this building hereby approved shall achieve a BREEAM Ecohomes rating (2011) of no less than 'excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
13	<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>
14	<p>Water Consumption (Compliance)</p> <p>CONDITION: The residential use hereby approved shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p>

	REASON: To ensure the sustainable use of water
15	Energy Strategy (Compliance)
	<p>CONDITION: The energy efficiency measures/features and PV panels, which shall provide for no less than 20.7% on-site total CO₂ reduction as detailed within the ' Energy Strategy ' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site, The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met</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 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> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an ‘asterix’ * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Car-Free Development</p> <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	<p>Water Infrastructure</p> <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	<p>Working in a Positive and Proactive Way</p> <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. 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>

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 2.9 Inner London

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

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 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 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

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

6 London's transport

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

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 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

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

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

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

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

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)

Health and open space

- 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
- DM8.4** 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

4. 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:

- Nags Head and Upper Holloway Key Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Accessible Housing in Islington
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

APPENDIX 3: APPEAL DECISION FOR P2014/1792/FUL



Appeal Decisions

Hearing held on 11 February 2014

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2014

Appeal A : APP/V5570/C/12/2186699
602A Holloway Road, London N19 3PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Zeus Estates Limited against an enforcement notice issued by the Council of the London Borough of Islington.
 - The notice was issued on 10 October 2012.
 - The breach of planning control as alleged in the notice is without the necessary planning permission the change of use from a residential care home to 30 self-contained flats.
 - The requirements of the notice are to cease the use of the property as self-contained flats.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the deemed application for planning permission have lapsed.
-

Appeal B: APP/V5570/A/13/2198935
602A Holloway Road, London N19 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Zeus Estates Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref P2013/0074/FUL, dated 20 December 2012, was refused by notice dated 16 May 2013.
 - The development proposed is the reconfiguration of the existing building to provide 16 self-contained flats.
-

Decision

Appeal A : APP/V5570/C/12/2186699

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/V5570/A/13/2198935

2. The appeal is dismissed.

Appeal A, ground (d)

3. The ground of appeal is that at the time the notice was issued it was too late to take action. In this respect no action could be taken four years after the breach of control alleged began, that is use as 30 self contained flats (s171B(2))

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of the Act). The Council brings no evidence of its own but simply says that the Appellant's case is not made out and suggests that the property has been used as a hostel. The onus is on the Appellant to establish his case on the balance of probability.

4. The building was erected in the late 1980s as a care home and was initially used as such. In June 2007 a lease was granted to Arundel Square Developments Limited subject to a covenant not to use the premises for any purpose other than as residential flats and bedsits. A counterpart under lease to the Single Homeless Project in September 2007 contained the same restriction. The Appellant acquired the building in April 2008 and the Single Homeless Project ceased occupation on 20 July 2009. From July 2009 until the present date the building has been occupied as 30 self contained flats. On the basis of this information the Appellant claims that the building has been used as 30 self contained flats since September 2007 so that on the date the notice was issued the use would have been carried on for some five years.
5. The covenant in the superior lease is worded "Not to use the Premises for any other purpose than as residential flats and bedsits with communal living and dining facilities." The under lease indicates that all terms, conditions and provisos of the superior lease apply. A letter from the Chief Executive of the Single Homeless Project confirms that the appeal building was used to accommodate homeless people with mental health problems in compliance with the lease. It does not elaborate further on the way the property was used.
6. At the hearing Mr Theodoru (on behalf of the Appellant) said he first visited the premises in late 2007 or early 2008 but that he had not gone into any of the units as they were occupied. However, he said that since acquisition, only minor changes had been undertaken such as removing the laundry on the ground floor. His recollection was not completely clear but he thought Flat 1 might have comprised a communal area.
7. I find insufficient evidence from which to be able to conclude that it is more likely than not that the property was in use as 30 self contained flats when occupied by the Single Homeless Project. As no one inspected the units there can be no certainty that there were 30. Indeed it seems more likely than not that there were less than 30 since reference is made in both the lease and in the letter from the Chief Executive to communal living and dining facilities. There is no indication of where these facilities might have been and it seems likely that they would have occupied space now subsumed within the 30 flats.
8. Taking on board Mr Theodoru's oral evidence that only minor changes have been undertaken since acquisition one might assume that all units were already provided with the necessary facilities for day to day living but in reality that is an assumption with nothing to support it. If minor changes since acquisition include removing the ground floor laundry then they might equally have included, for example, the installation of the odd kitchenette where a unit might have been missing one.
9. Moving on from the uncertainty about the historic physical layout of the building, there is also no information available as to how it was in fact used by the Single Homeless Project. Communal living and dining facilities are referred to but no indication is given as to what use was made of them. It might be, for example, that all meals were taken together by residents in the communal

dining area and that residents were expected to mix and socialise in the living area for a portion of each day – there is simply no information.

10. I conclude that there is insufficient evidence to enable me to conclude on the balance of probability that the property was in use as 30 self contained flats during the period of September 2007 to July 2009. Whilst Mr Theodoru can confirm that it has been so used since that time, that does not amount to a continuous period of four years before the notice was issued. The Appellant's case has not been made out and the appeal on ground (d) fails.

Appeal B – the proposal for 16 self contained flats

11. The main issues are the effect of the mix of units proposed on the Council's housing strategy for the area; whether the development would provide a suitable living environment for future occupiers; and whether the development would be sufficiently accessible and inclusive.

Issue 1 – mix of units

12. The mix of flats proposed is 3 x 2 bedroom, 3 person flats, 5 x 1 bedroom, 2 person flats and 8 x studio flats. Only three of the 16 proposed would be suitable for families which would not accord with the policies of the Development Plan. Policy 3.9 of the London Plan requires a more balanced mix of tenures to be sought in all parts of London with the aim of achieving more mixed and balanced communities. Islington's Core Strategy policy CS 12 (criterion E) requires "a range of unit sizes within each housing proposal to meet needs in the Borough including maximising the proportion of family accommodation in both affordable and market housing" In particular Islington's Development Management policy DM3.1 says all sites should provide a good mix of housing sizes. The mix required is based on Islington's *Local Housing Needs Assessment* and, for market housing, table 3.1 included in the supporting text to the policy requires 75% of the units to be 2 bed, 15% 3 bed and 10% one bed to redress the shortage of family sized accommodation.
13. At the hearing, the Council agreed that some flexibility in the required mix was appropriate in this case given the nature of the existing building. Its view was that 3 bedroom units would not be insisted upon and, whilst the preference would be for no studio units, some might be accepted if need be given the constraints of working within an existing building. I agree that some flexibility would be appropriate but nonetheless the aim should be to accord with the policy requirement if the imbalance in the mix of accommodation within the Borough is to be addressed. To depart from the policy requirements without sufficient justification would be to undermine the policy objective. With only three out of 16 units proposed providing two bedrooms the scheme falls woefully short of the policy requirement.
14. At the hearing it was argued for the Appellant that if a larger number of 2 bed units were included then the scheme would not be viable. National guidance in the National Planning Policy Framework (NPPF) at paragraph 173 suggests development should not be subject to such policy burdens that viability is threatened. However, I do not believe that the assertion made about viability has been satisfactorily demonstrated. The viability assessment undertaken was to determine the capacity of the development to make a financial contribution towards affordable housing and not to assess the viability of schemes offering an alternative housing mix.

15. I do not accept that more small family sized units should not be provided in this location because it is on a busy road or because there are family houses along the side streets. The policy requirements are clear and there is no justification for departing from them to the degree proposed in this case. Without such justification, acceptance of the mix of units proposed would undermine the Council's housing strategy for the area making it difficult to resist other proposals which are in conflict with the Development Plan policies. The cumulative effect would be a failure to meet the housing mix required as identified in the needs assessment.

Issue 2 – living environment

16. The Council's concerns about the living environment for future occupiers address:
- the size of some of the proposed units, notably nos.4, 8, 12 and 16;
 - the single aspect of some units resulting in poor ventilation, lack of daylight and/or sunlight to units facing north east and to flat 4 on the ground floor, and no respite from traffic noise and pollution for those facing the Holloway Road;
17. The Appellant favourably compares what is proposed with the existing layout, but that does not seem to me to be an appropriate comparison given that the existing layout is not lawful and that an appeal against a refusal of planning permission for it has been dismissed. It is also pointed out by the Appellant that although issues of daylight and sunlight, noise and air pollution were argued in front of the previous appeal Inspector, his decision did not find those aspects unacceptable. It is true he did not, but neither did he find that they were acceptable. His decision does not address those matters at all.
18. Policy CS 12 (criterion A) seeks a good quality of life for residents by significantly increasing residential space and design standards from current levels. The detail is given in the Development Management Policies. Policy DM3.4 and DM3.7 in particular address those matters of concern to the Council set out above. The small size of some of the units and the single aspect of many with the identified drawbacks arising therefrom do not meet the requirements as set out in the policies.
19. Looking at Flat 4 as perhaps the worst example, this flat would not meet the minimum space standard. It would be narrow and deep, lit only by a single window facing Holloway Road and located beside the doors to the bin store serving the whole block. It would suffer noise and pollution from the road, intrusion and noise from people passing by close to the window on their way to and from the bin store. The living and kitchen area, set well back within the flat, would be dark and uninviting with only a distant outlook to the far side of the bedroom. There would also be potential for disturbance from the adjoining lift motor room and switch room. The flat would not provide a good quality of life that Development Plan policies are seeking to achieve.
20. Whilst ideally all the Council's concerns throughout the block should be addressed, it is clear that within the confines of an existing building there is a balance to be struck between making efficient use of the space available and achieving the highest living standards possible to drive up the quality of residential accommodation as is required by policy.

21. The appropriate balance is not struck in this development. Flat 4, in particular would not provide a suitable living environment for residents and the accumulation of other shortcomings throughout the building as identified by the Council indicates a layout where insufficient consideration has been given to the living conditions of future residents and to the requirements of the adopted policies of the Development Plan.
22. Given that my conclusion on the first main issue is that the mix of housing proposed is not acceptable, there is an opportunity to reconfigure the proposed layout to address both the mix of units and to achieve as high a standard of living environment as is feasible whilst working within the constraints of the existing building. In this respect there is still likely to be a need for some flexibility in the application of standards. Given the nature of the existing building it seems highly unlikely that a layout which is ideal in all respects can be achieved and this was accepted by the Council. Nonetheless in concluding on the second main issue I find that the proposed layout would not provide a sufficiently suitable living environment for many of its future occupiers.

Issue 3 - accessibility and inclusivity

23. Policy 3.8 of the London Plan requires all new housing to be built to Lifetime Homes Standards and for 10% to be wheelchair accessible or easily adapted for residents who are wheelchair users (criteria c and d). Policy 7.2 goes on to require all development to achieve the highest standards of accessible and inclusive design. Islington has developed this further and policy CS 12 H requires all new housing to comply with its "flexible homes" standards as set out in its Accessible Housing SPD with at least 10% suited to occupation by a wheelchair user. Policy DM3.4 provides further detailed requirements.
24. The proposed layout does not meet adopted policy requirements in a number of respects. For example the access ramp has too steep a gradient to be continuous and not broken by a level landing; the bathrooms in the wheelchair accessible flats do not comply with the minimum space requirements and the studio flats are, in the main, not visitable or adaptable for wheelchair users or the ambulant disabled.
25. As with concerns about the living environment, ideally the layout should comply with all the requirements as set out in the adopted planning policies of the Development Plan. Nonetheless, and once again, it is possible that a compromise might be necessary given the constraints of the existing building but that would need to be justified by a layout where the benefits of the scheme outweighed the identified shortcomings. That is not demonstrated here and on the third issue I conclude that the development would not provide inclusive and accessible development for all and that in failing to do so it would conflict with the relevant policies of the Development Plan.

Conclusion – Appeal B

26. Adopted housing policies seek to provide an appropriate mix of housing sizes to meet the identified need in the Borough and to drive up the quality of accommodation. The proposed layout does not provide such a mix and there are no clear benefits arising from that layout which warrant a different mix or which justify lower standards than those sought by the Development Plan in relation to the quality of the living environment and its accessibility for all. The design and layout of the accommodation should accord with the provisions of

the Development Plan. It does not do so. Whilst some flexibility might well be necessary in achieving a workable layout of flats within the constraints of the existing building, it has not been demonstrated that an alternative which would better comply with the relevant policies is not achievable. The site is in a highly sustainable location where the most efficient use of the existing building should be sought but not at the cost of compromising the Council's housing strategy nor in driving down the standard of development sought. There is nothing of sufficient weight to indicate that the development should be determined otherwise than in accordance with the Development Plan. Appeal B fails.

Appeal A, ground (f)

27. The ground of appeal is that the requirements of the notice are excessive. This ground of appeal was brought on the basis that if planning permission was granted for the scheme the subject of Appeal B then, rather than requiring the use as flats to cease, the steps could be varied to require alterations to bring the development into line with the permission granted. However, since Appeal B is to be dismissed this is not an option.
28. No other lesser steps have been suggested and indeed, in order to remedy the breach that has occurred, it is necessary to require the use to cease. The appeal on ground (f) fails.

Appeal A, ground (g)

29. The ground of appeal is that the time given to comply with the notice is too short. Six months has been given. The Appellant is asking for a year to enable time for the resubmission of an application for an alternative scheme and to give existing residents time to look for alternative accommodation.
30. I can see no reason why the continued occupation of the building should be necessary whilst an alternative layout is negotiated with the Council and indeed it is likely that the building would need to be vacated in order to implement any future scheme that might be approved. With regard to existing residents, I appreciate that they are going to lose their homes but I consider 6 months to be a sufficient period within which alternative accommodation might be sought and to be of sufficient length to strike the appropriate balance between the competing public and private interests. The appeal on ground (g) fails.

Bridget M Campbell

Inspector

APPENDIX 4: BPS APPRAISAL

602A Holloway Road, N19 3PH

P2014/1792

Independent Review of Viability

Further Correspondence

10 February 2015



Summary & Conclusions

- 1.1 BPS Chartered Surveyors has been appointed by the London Borough of Islington to review a viability submission provided by Adam Roberts Consultancy on behalf of Zeus Estates Ltd. The application is in respect of the reconfiguration of the existing building comprising 30 residential units to provide 12 self-contained flats, and alterations to the building to provide cycle storage. There will be 3 x one bed, 8 x two beds and 1 x three beds flats.
- 1.2 This document reports and comments on additional correspondence that has taken place since production of our report dated 20 August 2014 and our subsequent addendum report dated 20 October 2014.
- 1.3 Following our concerns regarding the valuation of the existing use a new valuation was commissioned by the applicant and prepared by Coping Joyce and set out in the report dated 17 December 2014.
- 1.4 In essence we now accept the conclusions and valuation of the EUV set out in the report at a figure of £[REDACTED]. This figure when used to benchmark the most recent appraisal shows a modest deficit of £30,000.
- 1.5 Our first report acknowledged acceptance of the proposed sales values, our addendum report confirmed our acceptance of the proposed construction costs and this document confirms our acceptance of the proposed benchmark land value.
- 1.6 Based on the findings of our reports and analysis to date we accept that this scheme cannot viability deliver affordable housing.
- 1.7 In considering the new valuation of the existing use we raised a number of questions. These questions, together with the responses received are set out in Appendix A below.

Appendix A - E-mail Correspondence

From: Adrian Judge [<mailto:AJudge@coppingjoyce.co.uk>]
Sent: 05 February 2015 12:09
To: Luke
Subject: RE: 602A HOLLOWAY ROAD - VIABILITY

Hello Luke.

My internal refurbishment cost was derived from BCIS. I selected current refurbishment costs for Islington Borough for old people's homes. This produced £40 sq. ft. I accounted for the current good condition of the interior of the property. This produces a sum of [REDACTED], which should be more than enough to carry out the required works.

I hope that this assists with the matter.

Regards,

Adrian Judge BSc (Hons) MRICS | Director

RICS Registered Valuer
Copping Joyce Surveyors Limited
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From: Andrew Jones [<mailto:andrew@bps-surveyors.co.uk>]
Sent: 29 January 2015 09:40
To: Fraser, Sally
Subject: RE: 602A HOLLOWAY ROAD - VIABILITY

Sally

I have considered the comments below and the plans of the existing premises and note there is a WC and wash basin currently within each of the studios. I also acknowledge the point about available provision and the existence of demand. I think therefore my one remaining question relates to the proposed works.

My comment regarding works was that it would be helpful if these could be identified so that the cost estimate of £40psf could then be seen in an appropriate context. All I had noted from the valuation report was reference to provision of white goods in this respect hence my comment. I note there are 3 photographs within the report that give some indication of condition but some further detail on

what is envisaged and how this has been referenced back to BCIS. TO be clear I am not necessarily disputing this allowance but would welcome some further detail on this point.

Kind regards

Andrew

From: Adrian Judge [<mailto:AJudge@coppingjoyce.co.uk>]

Sent: 23 January 2015 08:13

To: 'Luke'

Subject: RE: 602A HOLLOWAY ROAD - VIABILITY

Hello Luke as discussed yesterday I have the following replies to the points that BPS have raised.

The first point was in regard to WC's. I stated on page 22 of my report that there will be one bathroom for every eight residents in line with the care home regulations. A bathroom is exactly that with an assisted bath, WC and basin. No residents will have to share WC's. Every room will have its own WC and basin.

The proposed weekly rate is not optimistic it is realistic if not on the lower side of what could be charged. The rates for modern care home rooms start at this level in this location. There is limited care home provision in the local area and the rooms can easily be let for £[REDACTED] a week. From my investigations with the local care homes they were all at effective full capacity with waiting lists. The rooms could probably be let for [REDACTED] a week but I believed it would be appropriate to be conservative in my valuation. This is evidenced by the rates in table at the top of page 18.

The next point is in regard to the internal works. The building is in good order but it will require internal works to provide the proposed number of residents rooms and other accommodation. The adopted rate of £40 per sq. ft. is realistic having regard to BCIS current cost data. I am not sure what the comment is about white goods but yes they will need supplying to the proposed kitchen on the ground floor.

The next point has already been covered as each room will have its own WC and basin.

The next point raised is about the quality of the comparables compared to the proposed subject home. The comparables do not offer a substantially higher level of facilities and comfort. The subject home will be newly developed internally and will have suitable lounge and dining facilities. It has a lift. There can be a library

provided in the lounge, a hairdresser can visit each week and anything else that residents require. In any case I have adopted a fee rate at the lower end of the parameters compared to the comparables.

Again, I must point out that there is limited care provision in the area for the size of the population. There is increasingly demand for care homes and all the local homes. The existing few are at or very close to full capacity. I have all faith that the subject home would be filled quickly at the proposed fee rate.

I hope that this offers some assistance, but please feel free to contact me if you have any queries.

Regards,

Adrian Judge BSc (Hons) MRICS | Director

RICS Registered Valuer

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From: Fraser, Sally [<mailto:Sally.Fraser@islington.gov.uk>]

Sent: 20 January 2015 17:31

To: Fiona Dalitis

Subject: FW: 602A HOLLOWAY ROAD - VIABILITY

Hi John

Please see below response from BPS with regards the red book value.

I have highlighted the main points in yellow.

Kind regards

Sally Fraser
Principal Planning Officer
Major Applications Team
Development Management
Planning and Regeneration Division
Environment and Regeneration Department
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From: Andrew Jones [<mailto:andrew@bps-surveyors.co.uk>]
Sent: 19 January 2015 17:45
To: Fraser, Sally
Cc: Ching, Ricky
Subject: RE: 602A HOLLOWAY ROAD - VIABILITY

Sally

Having researched this report in further depth, the care homes that are used as comparable evidence by Copping Joyce to establish room rates, 6 have all en-suite rooms and 3 have mostly en-suite rooms.

Breakdown

Home	Rooms	En-suite?
Alvington House	22	Most
Maplehurst Nursing Home	38	No information
Abbey Rose Care Home	24 single rooms	All
Belford House	27 - 24 single 3 shared rooms	23 (most)
Albany Park, Enfield	37 - 35 single 2 shared rooms	All
Three Willows	18 - 15 single and 3 shared rooms	All
Cloisters Care Home	56 - 55 single 1 shared	Most
Eastbourne Grange Care Home	20 single	All
Victoria Grand Care Home	26 single	10
Albany Park, Enfield	30	All
Patcham Nursing Home	30 single	All

In setting the room rate of [REDACTED] per week specific reference was made to the following three

Lennox house N7 - All ensuite and advertised as large rooms

The description of other facilities includes:

Whether residents at Lennox House want to socialise with friends or have some quiet relaxation time, they can choose from a range of inviting lounges. There's also a dining room, a café, and Lennox House even has a 'corner shop'. Bookworms are well catered for too as we have a library and Islington mobile library calls in weekly. The home has a lift and both the home and our large, secure gardens are fully accessible to wheelchair users

Barchester - Chevington Lodge N19 - All ensuite

This home is described as a quiet residential location offering private dining, landscape garden and sensory garden,

Ash Court Care Home NW5 All single rooms (62) offer ensuite WC and hand basin

The home offers a private garden for residents

It is clear that none of the comparators offer as few facilities as would be provided by this property. The concept of sharing 1 WC between 8, especially for elderly care is clearly not compatible with modern standards whether this be mandatory or market driven. The general level of other amenities must also be called into question. I firmly expect we would struggle to find rents for properties as deficient as this in this respect consequently I believe the proposed rents to be very optimistic and I am of the view that the authors of the report should be asked to consider this deficiency and evidence the impact of shared facilities in their proposed rents.

I previously noted that the assessment concludes the building is in good condition but would require a refurbishment and there is an assumption of £40 per sq ft to allow for this. There is an indication that some white goods might need replacement but a fuller explanation would be beneficial.

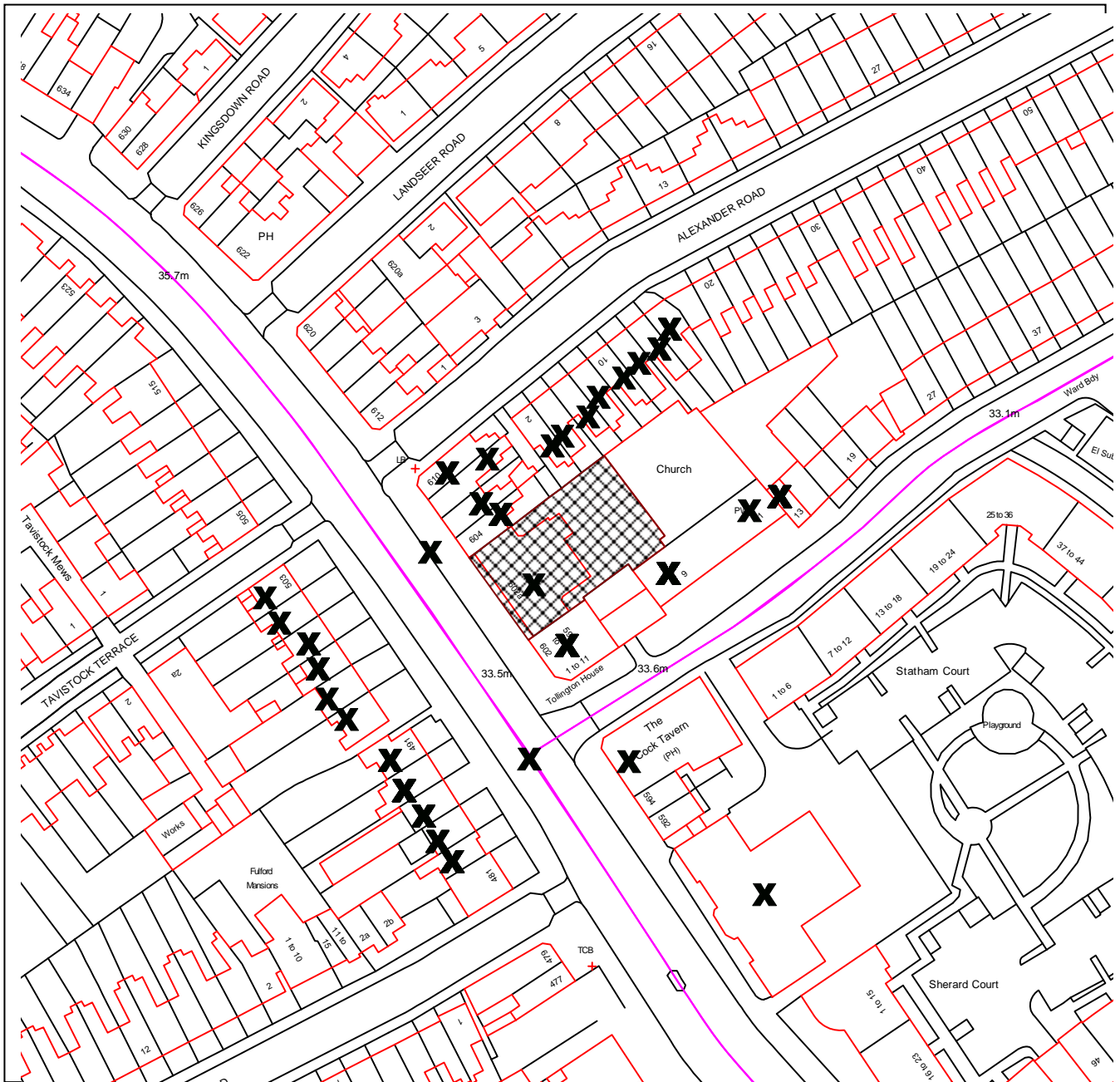
One possible consideration is whether the building could theoretically be adapted to provide ensuite facilities by reducing the number of rooms if so these works should be considered as part of this estimate.

Although well put together I remain to be convinced that the room rates reflect the true value of this property given the much higher levels of comfort and amenity of the homes on which they are based.

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1792/FUL

LOCATION: 602A HOLLOWAY ROAD LONDON N19 3PH

SCALE: 1:1250

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