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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **20 October 2014 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Zoe Crane  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 10 October 2014

**Welcome:**

Members of the public are welcome to attend this meeting.

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



<b>A. Formal Matters</b>	<b>Page</b>
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>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 130-154, 154A Pentonville Road (including 5A Cynthia Street, 3-5 Cynthia Street, 2 Rodney Street), Islington, London, N1 9JE	7 - 136

**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.

**D. Urgent non-exempt items (if any)**

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

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**F. Confidential/exempt items**

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| 1. | 130-154, 154A Pentonville Road (including 5A Cynthia Street, 3-5 Cynthia Street, 2 Rodney Street), Islington, London, N1 9JE | 137 -<br>152 |
|----|--|--------------|

**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently 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, 11 November 2014

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

[www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk).**

London Borough of Islington

## Planning Committee - 4 September 2014

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

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

### Councillor Robert Khan in the Chair

- 26**        **INTRODUCTIONS (Item A1)**  
Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.
- 27**        **APOLOGIES FOR ABSENCE (Item A2)**  
There were no apologies for absence.
- 28**        **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no declarations of substitute members.
- 29**        **DECLARATIONS OF INTEREST (Item A4)**  
There were no declarations of interest.
- 30**        **ORDER OF BUSINESS (Item A5)**  
The order of business would be Item B3, B1 and B2.
- 31**        **MINUTES OF PREVIOUS MEETING (Item A6)**  
  
**RESOLVED:**  
That the minutes of the meeting held on 22 July 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 32**        **5-11 WORSHIP STREET, LONDON, EC2A 2BH (Item B1)**  
Proposed use of the building within the sui generis use class, comprised of office at lower ground, ground, first and fifth floors and office or private education at second, third and fourth floors.  
  
(Planning application number: P2014/1761/FUL)  
  
**RESOLVED:**  
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 planning obligations contained within Recommendation A of the officer's report and subject to the conditions and informatives within the officer's report.

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**CITY NORTH ISLINGTON TRADING ESTATE, FONTHILL ROAD AND 8-10 GOODWIN STREET, ISLINGTON, LONDON, N4 (Item B2)**

Variation of Condition 2 (approved plans) of planning permission reference: P092492 dated 19 November 2010 that granted demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings; a 10 storey building; and 3 storey building for 355 residential dwellings (use class C3); 2,172sqm (GEA) of office floor space (use class B1); 436sqm (GEA) of restaurant and café floor space (use class A3); 9,665sqm (GEA) of flexible floor spaces for uses within use classes A1-A4 and/or gym (use class D2) and/or including up to 2,000sqm (GEA) of office floor space (B1 use class) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public and public amenity space. The amendments propose to amend the external elevations of the proposed buildings including alterations to the top three floors of the towers, increase in lift shaft width from 4.4m to 4.95m, creation of a new western station entrance to Finsbury Park Station and step free access to station platforms, the re-arrangement of the consented uses at basement, ground, first and second floors with no alterations to the consented floor space figures, along with associated amendments to access arrangements.

(Planning application number: P2014/0782/S73)

The planning officer explained that Condition 49 should be reworded to read, 'Notwithstanding the drawings hereby approved, a revised ground floor layout and elevation shall be submitted to and approved in writing by the Local Planning Authority prior to the fit out of the station ticket hall. The ground floor layout shall be accompanied by details of the:

- a) the design details and layout of the station ticket hall including elevations of the entrance; and
- b) increased provision of public toilet facilities included in the detailed layout of the new station ticket hall.

The revised ground floor layout of the station ticket hall shall not obstruct access to 'Passageway 4' as identified on Drawing No: A\_- 20\_P00 Revision Y.

The revised ground floor layout shall be provided and 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 until such a time that the land becomes operational land and the provision of the TCP (General Permitted Development Order) 1995 may apply.

REASON: In order to secure details of the revised ground floor layout, including the provision of public toilet facilities and the design detail and layout of the new station ticket hall and entrance.'

The planning officer stated that Condition 1 should be reworded as follows to reflect up to date submitted plans:

'CONDITION: The development hereby approved is comprised of the following drawings and documents:

E\_SP\_A\_DR\_101/00; E\_SP\_A\_DR\_102/00; E\_LG\_A\_DR\_101/00;  
E\_LM\_A\_DR\_102/00; E\_UG\_A\_DR\_103/00; E\_UM\_A\_DR\_104/00;  
E\_1\_A\_DR\_105/00; E\_2\_A\_DR\_106/00; E\_3\_A\_DR\_107/00; E\_R\_A\_DR\_108/00;  
M\_SP\_A\_DR\_101/00; A\_- 90\_01; T\_- 20\_P-1 V; T\_- 20\_P00 Y; T\_- 20\_P01;  
T; T\_- 20\_P02 U; A\_- 20\_P03-N; A\_- 20\_P04-M; A\_- 20\_P05-L; A\_- 20\_P06-  
M; A\_- 20\_P07- L; A\_- 20\_P08-K; A\_- 20\_P09- K; A\_- 20\_P10-L; A\_-  
20\_P11-K; A\_- 20\_P12- K; A\_- 20\_P13-K; A\_- 20\_P14- K; A\_- 20\_P15-  
K; A\_- 20\_P16-K; A\_- 20\_P17-K; A\_- 20\_P18-K; A\_- 20\_P19-K; A\_-  
20\_P20-K; A\_- 20\_P21-K; A\_- 20\_P22- K; A\_- 20\_P23-E; D2052-FBK-XX-00-  
DR-L-0200D; E\_S\_A\_DR\_201/00; E\_S\_A\_DR\_202/00; E\_S\_A\_DR\_203/00; T\_-

## Planning Committee - 4 September 2014

\_20\_S200 C; T\_-20\_S201 C; T\_-20\_S202 C; T\_-20\_S203 C; T\_-20\_S204 C; T\_-20\_S205 C; T\_-20\_S206 E; T\_-20\_E100 F; T\_-20\_E101 F; T\_-20\_E102 F; T\_-20\_E103 F; A\_A\_70\_S\_T02 E; A\_A\_70\_1B\_T01 D; A\_A\_70\_1B\_T01a C; A\_A\_70\_1B\_T03 E; A\_A\_70\_1B\_T04 E; A\_A\_70\_1B\_T05 E; A\_A\_70\_1B\_T06 E; A\_A\_70\_1B\_T07 D; A\_A\_70\_1B\_T08 F; A\_A\_70\_2B\_T01 F; A\_A\_70\_2B\_T02 F; A\_A\_70\_2B\_T03 D; A\_A\_70\_2B\_T04 D; A\_A\_70\_2B\_T05 E; A\_A\_70\_2B\_T05a C; A\_A\_70\_2B\_T07 D; A\_A\_70\_2B\_T08 G; A\_A\_70\_2B\_T09 F; A\_A\_70\_2B\_T10 G; A\_A\_70\_2B\_T11 E; A\_A\_70\_2B\_D01L E; A\_A\_70\_2B\_D01U E; A\_A\_70\_3B\_T01 E; A\_A\_70\_3B\_D01L G; A\_A\_70\_3B\_D01U G; A\_A\_70\_3B\_D02L F; A\_A\_70\_3B\_D02U E; A\_A\_70\_4B\_T01 D; A\_B\_70\_1B\_T01 E; A\_B\_70\_1B\_T02 F; A\_B\_70\_1B\_T03 F; A\_B\_70\_1B\_T04 F; A\_B\_70\_2B\_T01 F; A\_B\_70\_2B\_T02 E; A\_B\_70\_2B\_T03 F; A\_B\_70\_2B\_T04 F; A\_B\_70\_2B\_T05 E; A\_B\_70\_2B\_D01L E; A\_B\_70\_2B\_D01U E; A\_B\_70\_2B\_D02L E; A\_B\_70\_2B\_D02U E; A\_B\_70\_2B\_D04L C; A\_B\_70\_2B\_D04U C; A\_B\_70\_3B\_T01 D; A\_B\_70\_3B\_T02 E; A\_B\_70\_3B\_D01L F; A\_B\_70\_3B\_D01U E; A\_B\_70\_3B\_D02L E; A\_B\_70\_3B\_D02U D; A\_C\_70\_S\_T01 E; A\_C\_70\_S\_T02 E; A\_C\_70\_1B\_T01 E; A\_C\_70\_1B\_T01a C; A\_C\_70\_1B\_T01b C; A\_C\_70\_1B\_T02 D; A\_C\_70\_1B\_T03 E; A\_C\_70\_2B\_T01 D; A\_C\_70\_2B\_T01a C; A\_C\_70\_2B\_T08 E; A\_C\_70\_2B\_T09; A\_C\_70\_2B\_T10; A\_C\_70\_2B\_D01L E; A\_C\_70\_2B\_D01U E; A\_C\_70\_2B\_D01A D; A\_C\_70\_2B\_D01Au D; A\_C\_70\_3B\_T01 E; A\_C\_70\_3B\_T01a D; A\_C\_70\_3B\_T01b D; A\_C\_70\_3B\_T01c A; A\_C\_70\_3B\_T02 E; A\_C\_70\_3B\_T04 F; A\_C\_70\_3B\_T05 G; A\_C\_70\_3B\_T06 E; A\_C\_70\_3B\_T07 F; A\_C\_70\_3B\_T08 E; A\_C\_70\_3B\_T09 C; A\_C\_70\_3B\_T10; A\_C\_70\_3B\_D01L F; A\_C\_70\_3B\_D01U F; A\_C\_70\_4B\_D01L G; A\_C\_70\_4B\_D01U H; A\_C\_70\_1B\_A01 D; A\_C\_70\_2B\_A01 D; A\_C\_70\_2B\_A01a A; A\_C\_70\_2B\_A02 D; A\_C\_70\_2B\_A03 C; A\_C\_70\_2B\_A04; A\_C\_70\_2B\_A05; A\_C\_70\_2B\_A06; A\_C\_70\_2B\_A07 A; A\_C\_70\_3B\_A09 A; A\_C\_70\_3B\_A10; A\_C\_70\_4B\_A03 A; A\_C\_70\_4B\_A03a A; A\_C\_70\_4B\_A03b A; A\_C\_70\_4B\_A03c A; A\_C\_70\_4B\_A04W A; A\_C\_70\_4B\_A04Aw A; A\_C\_70\_4B\_A05 A; A\_C\_70\_4B\_A05a A; A\_D\_70\_4B\_A01W A; A\_D\_70\_4B\_A03; A\_D\_70\_4B\_A04; A\_D\_70\_5B\_A01 C; A\_D\_70\_5B\_A02 C; A\_D\_70\_5B\_A05 C; **5181-RJ-PL-SC6-APP-B: rev B**; Addendum to Section 6 - Appendix B: West Elevation to Fonthill Road Colour Elevation; East Elevation to Finsbury Park Colour Elevation; North Elevation to Wells Terrace Colour Elevation South Elevation Colour Elevation; **5181-RJ-PL-SC6-APP-C: rev B**; Addendum to Section 6 - Appendix C: View Looking East along Wells Terrace from the junction of Fonthill Road and Wells Terrace Colour Cgi; View looking West along Wells Terrace Colour Cgi; View looking North along Isledon Road Colour Cgi; View of garden terrace overlooking the new North/South route Colour Cgi; City North Finsbury Park Environmental Impact Assessment Non - Technical Summary, dated November 2009; City North Finsbury Park Environmental Impact Assessment Volume 1; 2 and 3, dated November 2009; Design and Access Statement, dated November 2009; Planning Statement, dated November 2009; Transport Assessment, Issue 1, dated 23/11/2009; Travel Plan, Issue 2, dated 27/11/2009; Management Strategy, dated November 2009; Retail Assessment, dated November 2009; Consultation Statement, dated November 2009; Viability Report, ref: JGK/cf01/02A935691, dated 27/11/09; Ecology Assessment, ref: ECO1838.EcoAs.vf, dated November 2009; Arboricultural Assessment, dated November 2009; and Sustainable Design and Construction Statement, dated November 2009 [LBI Reg: 24922]; City North Draft Heads of Terms [LBI Reg: 24923]; Cover letter, dated 26 January 2010 with Disabled Parking at Car Free Developments Technical Note ref: 16636-01-1, dated 13/01/2010 [LBI Reg: 24924]; City North Addendum to the Townscape, Built Heritage & Visual Assessment, dated 22/02/10 [LBI REG: 24925]; Design and Access Statement – Addendum, dated February 2010; and Cover letter, dated 9 March with Table of Response; Technical Note – Response to transport and highway comments, ref: 16636-01-1, dated 24/02/2010 [LBI Reg: 24926]; Cover letter

## Planning Committee - 4 September 2014

- Housing Mix by Units, dated 16 March 2010 [LBI Reg: 24927]: Cover letter – GLA  
REF: PDU/1810a/MA06, dated 18 March 2010 [LBI Reg: 24928]: Cover letter -  
Housing Mix by habitable room, dated 18 March 2010

In the discussion the following point was made:

- Regular discussions had taken place between design officers and the applicant's team and the design of the scheme had been amended accordingly.

### **RESOLVED:**

That planning permission be granted subject to any direction by the Mayor to refuse the application or for it to be called in for determination by the Mayor of London, subject to the prior completion of a Deed of Variation to the existing legal agreement of Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between The Council and all persons with an interest in the land (including mortgagees) in order to secure the planning obligations contained within Recommendation B of the officer's report and subject to the conditions and informatives within the officer's report.

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### **ZIMCO HOUSE, 16-28 TABERNACLE STREET AND 10-14 EPWORTH STREET, LONDON, EC2A 4LU (Item B3)**

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

(Planning application number: P2014/1103/FUL)

In the discussion the following points were made:

- Residents with disabilities lived at 10 Epworth Street. Members could take this into account when considering residential amenity.
- The car parking arrangements were considered.
- Concern was raised about the servicing arrangements for the offices and in particular the impact on the residents of 10 Epworth Court. A detailed construction management plan would be required if permission was granted.
- The impacts on daylight and sunlight to neighbouring properties was limited.
- Concern was expressed regarding a lack of clarity in relation to the new residents' entrance.
- Concern was expressed about the level of detail in the plans.

Councillor Klute proposed a motion to defer the consideration of the application. This was seconded by Councillor Chowdhury and carried.

### **RESOLVED:**

That consideration of the application be deferred to enable the applicant to provide more detailed information and drawings in particular in relation to the proposed improvements to the entrance to 10 Epworth Street, to enable members to make a site visit and to obtain further information of better quality and detail in relation to the existing and proposed servicing arrangements for the site, in particular in relation to potential pedestrian/cyclist/vehicle conflicts.



**35** **PLANNING ENFORCEMENT AND APPEAL PERFORMANCE: FIRST QUARTER  
2014/2015 (Item C1)**

**RESOLVED:**

That the report be noted.

The meeting ended at 9.05 pm

**CHAIR**

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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

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	<b>20 September 2014</b>	<b>NON-EXEMPT</b>

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> <li>- Employment Growth Area</li> <li>- King's Cross and Pentonville Road Key Area (Core Strategy CS6)</li> <li>- Not located within the Central Activities Zone (CAZ)</li> <li>- Within 200metres of RS2 Crossrail 2</li> <li>- RS2 Crossrail 2 (Hackney-SW) safeguarding</li> <li>- CPZ Area</li> <li>- Site within 100m of a TLRN Road</li> <li>- LV7 Local view from Dartmouth Park Hill</li> <li>- Within 50m of New River Conservation Area</li> <li>- Within 50m of Chapel Market/Baron Street Conservation Area</li> <li>- KC1 Pentonville Road, Rodney Street and Cynthia Street</li> </ul>
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with

	associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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Case Officer	John Kaimakamis
Applicant	GrovworlD Rodney Street Ltd
Agent	Savills

## 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; and
- 3 subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London

## 2. BACKGROUND

2.1 This application was presented to the Planning Committee on 22 July 2014 with an officers' recommendation for approval. However, the Planning Committee resolved to refuse the application on the grounds that the proposal failed to intensify employment uses of the site and that there were issues with the financial viability appraisal. Detailed wording on the reasons was delegated to officers (see draft minutes of that meeting attached as **Appendix 1**). Officers have brought the proposal back to the Committee for further consideration as there is a concern that the proposed reasons for refusal were not matters pursued by the Council when it made its decision on an earlier application on the site for broadly the same proposal. This decision subsequently went to appeal and the appeal was dismissed.

2.2 The report to Committee on 22 July 2014 did not make it sufficiently clear that the employment offer (including both office floorspace and Europcar floorspace) has not changed between this application and the appeal application. Similarly there has been no change in material circumstances and no change in the policy situation which would lead members to take a contrary view on the same offer. The appeal decision should act as a material consideration in the determination of this application as, although it found that the scheme was lacking in providing good standard of amenity, it did nonetheless give clear agreement to the other matters.

2.3 The matters in relation to affordable housing/viability and the employment offer were fully considered within the previous appeal and were accepted by the Inspector as being reasonable. In paragraph 72-73 of the appeal decision it is stated,

*"Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes."*

2.4 The Inspector refused planning permission in respect of the appeal scheme for amenity issues alone. The overall planning balance was summed up in paragraph 76 of the appeal decision:

*"There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed."*

Having considered the council's previous position in relation to the appeal and the Inspector's decision the council sought legal advice on this matter. This advice is reported in the exempt part on the Agenda

### **3. SUMMARY AND CONCLUSION**

#### **Summary**

In the previous appeal proposal, the Inspector accepted that the appeal scheme provided substantial benefits in terms of housing and employment creation. It has been clarified since the proposal was last presented to members on 22<sup>nd</sup> July 2014 that the current application proposes the same level of affordable housing and employment provision as that contained within the appeal scheme. The appeal decision and the issues that were agreed as being acceptable must act as a material consideration in determination of this application. There has been no change in policy context nor in material circumstances that could now lead members to take a differing view. The Committee is therefore asked to consider the legal advice reported in the exempt part of the agenda .

#### **Conclusion**

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 (attached as Appendix 1 to this report).

Appendix 1: Committee report as presented on 22<sup>nd</sup> July 2014

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# PLANNING COMMITTEE REPORT



# ISLINGTON

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

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	22 July 2014	<b>NON-EXEMPT</b>

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barsnbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> <li>- Employment Growth Area</li> <li>- King's Cross and Pentonville Road Key Area (Core Strategy CS6)</li> <li>- Not located within the Central Activities Zone (CAZ)</li> <li>- Within 200metres of RS2 Crossrail 2</li> <li>- RS2 Crossrail 2 (Hackney-SW) safeguarding</li> <li>- CPZ Area</li> <li>- Site within 100m of a TLRN Road</li> <li>- LV7 Local view from Dartmouth Park Hill</li> <li>- Within 50m of New River Conservation Area</li> <li>- Within 50m of Chapel Market/Baron Street Conservation Area</li> <li>- KC1 Pentonville Road, Rodney Street and Cynthia Street</li> </ul>
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space

	and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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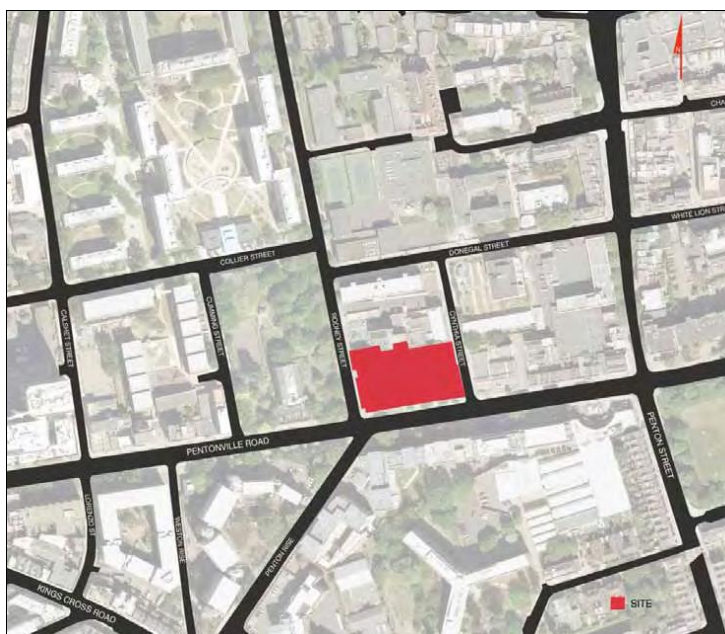
Case Officer	John Kaimakamis
Applicant	Grovieworld
Agent	Savills

**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; and
3. subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

**2. SITE PLAN (site blocked out)**



### 3. PHOTOS OF SITE/STREET



## 4. SUMMARY

- 4.1 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business.
- 4.2 The proposal seeks permission for buildings ranging from 4 storeys to 10 storeys. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 4.3 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened when compared to the appeal proposal. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is accepted.
- 4.4 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 4.5 The proposals (as revised since the previous application) are on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased

employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

## **5. SITE AND SURROUNDING**

### Site

- 5.1 The application site is located on the northern side of Pentonville Road and is positioned approximately half way between Kings Cross (to the west) and Angel (to the east) London Underground stations which are both within walking distance of the site. The site is 0.34 hectares in size and is bounded by three street frontages: Pentonville Road (south), Cynthia Street (east) and Rodney Street (west). The northern boundary of the site abuts the Montessori School and an office block at 6-10 Cynthia Street. The site itself has a significant change in level of a storey height across it from Cynthia Street to Rodney Street. Pentonville Road is part of the strategic road network, maintained by Transport for London (TfL). It accommodates a total of four (4) trees within the pavement in front of the site.
- 5.2 Fronting Pentonville Road, the Europcar building (Nos. 136-150 Pentonville Road) stands at 2 storeys height (double height space), set back significantly into the site by 9.0 metres from the inner edge of the footway. An external substation is located between the building frontage and the footway. This car hire operation has a 12.5m wide vehicle entrance aligned with the western wall of the car hire building.
- 5.3 Set back from the front Europcar building line (by 4.5 metres) and also fronting Cynthia Street, is Nos. 130-134 Pentonville Road and Nos. 3-5 Cynthia Street. This building is a 3-storey building with a semi-sunk basement level. A shop front faces Pentonville Road looking onto a vehicle forecourt, which has space to accommodate approximately 7 vehicles and is accessed from Cynthia Street. The Cynthia Street frontage includes a light well enclosed by railings reducing the footway width to 1.5 metres.
- 5.4 Adjacent to this building (No. 5a Cynthia Street) is a single storey building with glass brick frontage that accommodates a flower distributor (B1 use class) with a setback first floor level that accommodates a 3 bedroom residential unit. The majority of this building frontage has a dropped kerb along the highway edge.
- 5.5 To the west of the Europcar site on the corner of Rodney Street and Pentonville Road is a vacant site (Nos. 152-154 Pentonville Road) where buildings were previously demolished. Planning permission (Ref: P092706) for office B1 at ground floor and 26 residential units above has been implemented but not progressed significantly on site. The site is enclosed by construction hoarding.
- 5.6 Along Rodney Street is an additional, double height entrance into the Europcar facility with a vehicle crossover measuring 9.5 metres wide. The

Europcar operation therefore wraps around the vacant site on the corner of Rodney Street and Pentonville Road.

Surroundings:

- 5.7 Pentonville Road is a principal east-west route that was developed as part of the growth of London during the Georgian period. Once characterised by terraced housing on either side, remnants of which remain, the road is now more mixed in building types, heights, age and quality as well as the uses they accommodate.
- 5.8 Some features have endured since the laying out of the road and the surrounding streets of Pentonville in the later 18<sup>th</sup> century. These include the positioning of the former churchyard of St James, the street layout and a connection between Penton Rise and Pentonville Road. Building heights on the north side of Pentonville Road also relate more to the pre-existing townscape with buildings rising 5/6 storeys on average at the highest points. There are taller, more recent exceptions. Buildings on the south side of Pentonville Road (which tend to be located within the Central Activities Zone) have larger footprints and there is generally a larger scale. In these cases, buildings tend to be set back from the pavement line.
- 5.9 The rear part of the urban block that accommodates the application site (but does not sit within the application site) contains:
- Nos. 6-9 Cynthia Street, 4-storey warehouse aesthetic building;
  - The Gower School Nursery is located along the rear (northern) boundary of the application site. This site also accommodates a ballcourt, enclosed by wire mesh fence close to the corner of Cynthia and Rodney Streets and is accessed via a vehicle arch through Nos. 6-9 Cynthia Street;
  - Nos. 4-8 Rodney Street – with a valid planning permission (P092706), for the construction of a ground floor commercial and upper floor residential scheme up to 7 storeys in height in vacant area of land to the front of the site. The existing building to the rear of the site at Nos. 4-8 Rodney Street has recently had a prior approval consent granted for the conversion of the existing office accommodation to residential units;
  - Rodney House (which fronts Donegal Street) and is an Islington Council managed housing estate that stands at 5 storeys at the Rodney Street end and 4 storeys at its Cynthia Street end (working with the slope along the street).
- 5.10 Located to the east of the application site on the opposite side of Cynthia Street is:
- 122-128 Pentonville Road (Hill House) which is a part 4, part 5 with a set back 6<sup>th</sup> storey building accommodating residential flats (and a ground floor supermarket);
  - north of Hill House are two single storey substation buildings;
  - running at right angles to Cynthia Street is the two storey Islington Council housing estate building; and

- beyond this on the eastern corner of Donegal Street and Cynthia Street is the 10 storey residential building Prospect House which is set back from the Cynthia Street frontage by generous grounds and child play space areas.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The submitted application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street.
- 6.2 The proposal seeks the redevelopment of the site to provide a residential-led mixed use development comprising of the expansion of the Europcar (car hire) business (sui generis use class), amounting to 3,879 square metres (GIA) of floor area and providing a total of 150 car storage spaces associated with the business (an uplift of 50 spaces from the existing operations).
- 6.3 The proposals include the provision of 873 square metres (GIA) of office floorspace (B1 use class) located at lower and upper ground floors (with the ability for those spaces to be subdivided into smaller units); and the provision of 118 residential units (C3 use class). The proposal offers a total of 20 affordable housing units (17% by unit numbers and 23% by habitable rooms) comprised of 11 social rented units (all 3 bedroom) and 9 intermediate tenure units (71/29% split by habitable rooms).
- 6.4 The development has been designed in 5 blocks labelled as A-E. Whilst designed as 5 blocks the design is based on a warehouse aesthetic, with regular grid-like design punctuated by recessed balconies with glazed balustrades (for the majority of the blocks). The buildings are to be constructed mainly of brick (two colours proposed) utilising a stretcher bond pattern and white mortar. Street facing elevations are designed with 225mm deep window reveals.
- 6.5 **Block A** (fronting Rodney Street) has been designed with its main bulk standing at 7 storeys (21m) designed 4 bays wide in the warehouse aesthetic, incorporating inset (recessed) balconies. A set back (aligned with the ground floor building line, not the first floor projection) 5 storey element, one bay wide is proposed to the north of this with projecting balconies that would extend to the front façade of the main (7 storey) elevation. Separating this block (visually) from Block B is a setback (from projecting building line) 7 storey (single bay wide) element of the block constructed of glass curtain walling that would provide the main residential entrance at ground floor. This element adopts projecting balconies.
- 6.6 At ground floor level this block accommodates the entrance and exit to the car hire business secured by sliding metal gridded security gate adjoined by the security office to oversee vehicle comings and goings. The ground floor frontage would be designed to be clad in bronze and light weight glazing to

accommodate access to cycle storage, electricity substation and residential entrance lobby (that serves block A and B).

- 6.7 **Block B** (to the corner of Rodney Street and Pentonville Road) is designed to stand at 10 storeys (30m) in height and a width of 5 bays to Rodney Street and 4 bays to Pentonville Road. This particular block is proposed to be constructed of rainscreen cladding 'Grey Limestone' to display a stone clad appearance. Inset into this double height stone grid appearance, windows inset with bronze cladding would be 225mm inset including recessed balconies. Ground floor frontages are designed to be glazed and offer the pedestrian entrance to the car hire business on the corner.
- 6.8 **Block C** (fronting Pentonville Road) is designed to stand at 7 storeys with a setback 8<sup>th</sup> incorporating a mezzanine commercial level making use of the slope of the site. This block is again visually separated from the adjacent blocks B and D by a light weight (curtain wall glazing) element (one bay wide) from the taller 10 storey block. The ground floor of this curtain wall glazed element of the building provides the main reception entrance to one of the commercial units. The design of this block is very similar to proposed block A. The set back top storey is to be bronze clad with aluminium framed windows, set behind a parapet and glass balustrades. The ground floor is provided with glazed frontages and projecting canopies, with a further commercial entrance located at the opposite end of the Block C frontage. Photovoltaic panels are proposed to the roof of Blocks A and C. The provision of a residential access is also provided to Core C from Pentonville Road
- 6.9 **Block D** (to the corner of Pentonville Road and Cynthia Street) is designed to stand at 5 storeys in height with a 6<sup>th</sup> storey set in from the lower level façade of Pentonville Road and substantially setback from Cynthia Street. Block D drops to a height of 4 storeys at the corner for the width of an extended bay (4.5 metres). This corner is also set in from the building line of Pentonville Road by 2.0 metres providing uniformity with the set back upper floors. The design, is similar to block A.
- 6.10 **Block E** (fronting Cynthia Street) has been designed to stand at 4 storeys and set back 1.9m from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School). This block is designed with a setback 5<sup>th</sup> floor which is set 4.4m back from the front façade of the lower floors fronting Cynthia Street and setback 6.0m from the building line of the adjoining building at Nos. 6-10 Cynthia Street. This block has its own design character different to the rest of the scheme and has a more residential appearance with regular window patterns and alignment set within 225mm window reveals. A different brick type is proposed for this block to reflect its different design. Projecting metal balconies are proposed to floors 1-3 and a defensible planted space 1.6m in depth is proposed to the ground floor punctuated by a communal entrance to the development block. A gate encloses the communal entrance to the courtyard of this development and the core to Blocks C and D.
- 6.11 **Communal Courtyard** the development is designed as a perimeter block enclosing a communal courtyard in the centre that measures 23m x 32m (736sqm) incorporating small private spaces to ground floor residential units,



pathways and a landscape layout that overcomes a change in level to utilise the roof of a proposed bin and bicycle store. Within this 736sqm area a total of 286sqm of play spaces in three distinct spaces is also proposed.

- 6.12 The development has been designed to be car free for the office and residential elements of the scheme, with on-street servicing from Cynthia Street and Rodney Streets. More than 200 cycle parking spaces are proposed in three distinct locations and refuse and recycling storage is proposed with collection to be carried out from Cynthia and Rodney Streets.
- 6.13 The proposal has been designed to incorporate a Combined Heat and Power unit, sized to be capable of supplying heat to the wider block in the future. The scheme is designed to be energy efficient and therefore use less energy. Renewable energy is to be incorporated through solar photovoltaic panels. The scheme proposes a CO2 reduction of 29% as compared to Building Regulations 2010.
- 6.14 The scheme is proposed to be constructed to BREEAM 'Excellent' standard for the car hire and office uses and Code for Sustainable Homes level 4 for the residential units. The scheme proposes to incorporate green roofs, a rainwater harvesting tank to provide for irrigation purposes and other sustainability measures.

## **7. RELEVANT HISTORY:**

- 7.1 The following planning history for the various sites that make up the wider application site are considered to be relevant to this current application:

### **Planning Applications:**

- 7.2 130-150 Pentonville Road. LBI ref: 910392 granted (9 October 1992) the 'Construction of a building for B1 offices and B1 light industrial with associated car parking service area and landscaping'.
- 7.3 152-154 Pentonville Road. P092706 granted (7 October 2010) the 'Extend time limit on previous permission ref: P061175 for demolition of existing building and erection of new building comprising of ground and six upper floors providing 26 flats with commercial use at ground floor.'
- 7.4 LBI ref: P061175 granted (3 April 2007) the 'Demolition of existing building and erection of new building comprising of ground and five upper floors providing 26 flats with commercial use at ground floor.'
- 7.5 3-5 Cynthia Street. LBI ref: 931349 granted (21 February 1994) the 'Redevelopment to provide a three storey building to comprise a workshop and vehicle parking area on the ground floor and a three bedroom maisonette on upper floors.
- 7.6 4-8 Rodney Street: LBI ref: P100915 granted (18 January 2012) the 'Development of vacant car park site to construction of a five storey building

comprising two B1 units on the ground floor and eight flats on the upper floors (7 x 2 bed and 1 x 1 bed).

7.7 4-8 Rodney Street: LBI ref: P080662 refused (18 December 2008) the 'Erection of a part five, part six storey building comprising two B1 units on ground floor and eight flats on the upper floors (five x 2 bed and three x 1 beds).

7.8 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street): LBI Ref: P121570 for the 'comprehensive redevelopment of the site to create a mixed use development comprising of approximately 3,613sqm (GIA) of commercial floor space (sui generis use class) comprised of office and 150 parking spaces associated with a car hire business and approximately 870sqm (GIA) of office (B1 use class) floor space and 123 residential units (C3 use class). Together with associated communal amenity space, children's play space, landscaping, cycle and refuse storage and related infrastructure and engineering works in creating the basement level car parking. This involves the creation of buildings of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 6 and part 7 storey's with a setback floor above; and- Cynthia Street: 4 storeys with a setback 5th'.

7.9 This application was appealed on grounds of non determination, however the Planning Committee would have refused the application for the following reasons had it determined the application:

- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- *The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in an unacceptable harm to the amenity of nearby residential buildings through loss of sunlight and daylight receipt experienced by those properties. This harm makes the proposal contrary to policy 7.5 of the London Plan (2011), policies H3 and D3 of the Islington Unitary Development Plan (2002) and emerging policy DM1 of the Development Management Policies (Submission) June 2012, as well as BRE ‘Site layout planning for daylight and sunlight: a guide to good practice’ (Second Edition 2011).”*

7.10 The Planning Inspectorate dismissed the appeal. The appeal decision is appended in full as Appendix 4, however the Inspector concluded the following:

7.11 *"There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed."*

#### **Enforcement:**

7.12 152-154, Pentonville Road: date opened 30 August 2011. BREACH Unauthorised parking of rental vehicles. Enforcement file closed on 25 November 2011 as breach was remedied without notice or action being taken.

### **8. CONSULTATION**

#### **Public Consultation**

8.1 Letters were sent to occupants of 403 adjoining and nearby properties on 19 March 2014. A site notice and press advert were displayed on 27 March 2014. The public consultation of the application therefore expired on 17 April 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of writing of this report a total of 24 objections had been received from the public 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):

- low provision of affordable housing within the proposals. (*Paragraphs 11.136 ~ 11.143*)
- concerns raised that the height, scale and proximity would over power the surrounding residential dwellings (Hill House specifically identified) (*Paragraphs 11.31 ~ 11.33*)
- concerns raised that a seven storey approval was previously granted on the Rodney Street/Pentonville Road corner, and therefore why a 10 storey development should be considered appropriate; (*Paragraphs 11.31 ~ 11.33*)
- the design appears as one large block with different façade materials, but is too large in scale and vast in volume (*Paragraphs 11.31 ~ 11.33, 11.40*)
- objections that the development would not contribute to the existing neighbourhood in a positive way (*Paragraphs 11.31 ~ 11.33, 11.40*)
- impacts on the skyline of King's Cross from tall buildings
- the building would be just 12m from the Hill House building face and would be between 3.25m and 10.55m taller than existing buildings fronting Cynthia Street

- objection to the loss of trees (*Paragraphs 11.54 ~ 11.56*)
- objection to the 10 storey height of the proposed development and its impact on Joseph Grimaldi Park (one of few green spaces in this part of the borough) (*Paragraphs 11.34 ~ 11.36*)
- objection to the negative impact the development would have on Grimaldi Park and the views up Penton Rise. (*Paragraphs 11.34 ~ 11.36*)
- concerns that the scheme would adversely impact the setting of a listed building. (*the Planning Inspector considered the previous scheme in terms of its impact on the setting of the listed building and concluded that there would be no harm*)
- objection to the loss of sunlight and daylight due to the height and proximity of the proposed building to Hill House Apartments (*Paragraphs 11.59 ~ 11.108*)
- objection to loss of sunlight and daylight to ground and first floor family units; (*Paragraphs 11.59 ~ 11.108*)
- objections that the proposed development provides flats with large windows that would overlook existing Hill House residents (*Paragraphs 11.110 ~11.113*)
- comments received that the existing balconies of Hill House (overlooking Cynthia Street) are well used and that the proposal due to overlooking and loss of light would prevent their use and enjoyment (*Paragraphs 11.110 ~11.113*)
- objections that the proposed 5 storey building facing Hill House would create an echo and increase noise (*Paragraphs 11.114, 11.127 ~11.129*)
- concerns that the Hill House residential units are all single aspect units (west facing) with the exception of the first floor. (*Paragraph 11.59 ~ 11.108*)
- west facing single aspect units would suffer from almost no natural light and would require heating all year around (*Paragraph 11.59 ~ 11.108*)
- objections received stating that criminal activity would increase due to the development (Paragraph )
- objections that the office floor space would not provide sufficiently active frontage/use to Pentonville Road (*Condition 14 ensures the business uses maintain a ground floor active frontage. With regard to the remaining ground floor frontages, this was considered by the Planning Inspector, who concluded that the ground floor design would be appropriate*)
- objections that during construction, workers would be able to look into Hill House Apartment windows and occupants would not be able to enjoy their balconies during that period (*this matter is only temporary during the duration of construction*)
- major construction work will be a nuisance and affect Hill House residents through dust, noise and inconvenience (*Paragraphs 11.114, 11.127 ~11.129*)
- objection to loss of views towards the west (*Paragraph 11.34*)
- inability to rent my flat (short-term) during construction phase (*non planning matter*)
- the proposals will devalue the Hill House properties (*non planning matter*)
- object to infringements of rights to light (*rights of light matters are covered under separate legislation to planning considerations. Sunlight and Daylight considerations are assessed against the BRE guidelines and this has been covered between Paragraphs 11.59 ~ 11.108*)

- concerns about what would happen to the 150 car parking spaces if Europcar were to cease trading on the site. (*the land use for the Europcar is defined as sui generis under the Use Class Order and should they vacate the premises, planning permission would be required for any change of use*)

### **External Consultees**

8.3 **Greater London Authority (GLA) including TfL – Stage 1 Response (summary):** that the proposal does not comply with the London Plan but that the possible remedies set out in the response could address those deficiencies. The Mayor requests a copy of the draft decision notice when a resolution to determine the application has been reached, and the Mayor has the opportunity to direct refusal, request amendments, to any draft decision notice or seek to act as the LPA for the purpose of determining the application. The key areas of concern/non-compliance identified by the GLA include:

- **Principle of Development:** The provision of a mix use development is supported by the London Plan.
- **Affordable Housing:** financial viability assessment should assess whether the inclusion of affordable rent units in place of social rent units would increase the quantum of affordable housing the scheme is delivering (policies 3.11 and 3.12 of LP);
- **Density:** calculation requested (based on net residential area) discounting commercial floorspace) to ascertain compliance with policies 3.3, 3.4 and 4.3 of LP.
- **Design:** applicant has responded to concerns raised in relation to previous iteration of scheme by providing additional access points to residential cores. Issues raised by Planning Inspector in relation to overshadowing have been successfully addressed through massing reconfiguration.
- **Energy:** it should be confirmed that all apartments and non-domestic building uses will be connected to the site heat network.
- **Transport:** it is requested that items be secured by condition and s106 prior to referring back to the Mayor for Stage 2 response. Including:
  - **To be secured by S106 agreement:** creation of one on-street accessible parking bay designated for Blue Badge holders; secure a car parking management strategy, restriction of access to on-street parking permits, contribution to LBI towards on-street car club spaces; residential travel plan secured and monitoring to be secured, s278 agreement required with TfL to secure footway reinstatement works on the TLRN; and
  - S106 contribution towards mitigating the impact of additional pedestrian trips in accord with LP policy 6.10 to achieve the de-cluttering of Pentonville Road to improve the pedestrian experience, in accordance with the findings of the Pedestrian Environment Review System audit submitted by the applicant;
  - **Conditions:** tree protection for trees on Pentonville Road, construction logistics plan

- 5 cycle spaces for residential visitors

- 8.4 **English Heritage** raised no objection and 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.
- 8.5 **English Heritage (Greater London Archaeology Advisory Service)** recommended that no archaeological requirement was necessary. They concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are necessary with regard to archaeological considerations.
- 8.6 **Metropolitan Police (Crime Prevention)** advised that because there are more than 10 flats served from each residential communal door, it is recommended that there is an additional access control on each floor. It is recommended that the Secured by Design physical security standards are applied to the development.
- 8.7 **Thames Water** responded stating that the impact on surrounding infrastructure depends on which side of the development the new connection is made. Cynthia Street is capable of supporting the new demand but Rodney Street is not. Thames Water preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan. The following conditions and informatives were requested:
- a non-return valve to avoid risk of backflow at a later date be installed;
  - Petrol / oil interceptors to be fitted to all car parking / washing/repair facilities [condition 37];
  - no impact piling to take place until a piling method statement has been submitted to and approved [condition 6];
  - water pressure informative requested to be imposed; and
  - it was stated that it is the developers responsibility to make provision for drainage to ground, water courses or a suitable sewer.
- 8.8 **London Fire and Emergency Planning** responded advising that the Brigade is satisfied with the proposals.
- 8.9 **Crossrail Safeguarding (Chelsea Hackney Line)** responded requesting that should the LPA be minded to grant planning permission that it r a condition be imposed on any permission that secures detailed design and construction method statements for all basements, ground floors and foundations and other structures to be approved in consultation with Crossrail 2, including an assessment on the effects of noise and vibration from the Crossrail tunnels on the development.

#### **Internal Consultees**

- 8.10 **Access Officer** advised similar comments to previous application whereby they were satisfied with the commercial aspects of the scheme but concerns remained regarding the detailed design of the wheelchair accessible units

including wheelchair accessible car parking spaces. These matters are addressed by condition.

8.11 **Conservation and Design Officer** advised that the current proposal is largely similar to application P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street end to address concerns in relation to impact on neighbouring amenity. The appeal is a material consideration. The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the appeal inspector. Nevertheless, there are two issues which need to be addressed:

1. the provision of a tall building as identified by the appeal inspector in the context of the high-court and court of appeal judgements for 45 Hornsey Road which form new case law since the appeal for P121570 was determined;
2. the infringement of Local View 7 of St Paul's which was not addressed at the time of appeal.

It is advised that the question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was debated at length at the appeal and the inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage points and, therefore, the building would not appear overly dominant.

In relation to the infringement of LV7, the thresholds are absolute in order to protect and enhance the views of St Paul's, therefore, as requested by the policy team, the applicant should submit accurate evidence to demonstrate that there is no impact on the view and that the maximum threshold is not being exceeded.

Regarding the overall design changes which have been carried out to address the amenity impact of the previously refused scheme, , the tiering of volumes is not ideal but has been resolved elegantly and the breaking of the Pentonville Road frontage in particular is positive. There is one point of concern however, , which is the addition of volume at Level 6 to provide a stairwell enclosure. This small additional volume is at odds with the overall form employed elsewhere in the development, it reads as an add on rather than being integral to the design of the building and I suspect will be visible from public vantage points from Pentonville Road, but nevertheless, will be visible from surrounding buildings.

Subject to concerns raised above being addressed, particularly in connection with impact on protect view LV7, the success of the design will largely depend on the quality of implementation, therefore, should you be minded to recommend approval, the usual conditions to ensure high quality materials and detailing is recommended.

- 8.12 **Energy Conservation Officer** accepted the air tightness levels and the inclusion of CHP and solar photovoltaics welcomed. The inclusion of mechanical cooling is objected to by the Energy Officer as passive design measures are considered sufficient. The CO2 emissions savings achieved are supported. Conditions were recommended to secure the measures including approval of details of the basement car storage lighting (to be LED).
- 8.13 **Public Protection Division (Air Quality)** the submitted report appears to rule out mechanical ventilation despite the site being in an area of particularly poor air quality. The report claims that the NOx levels are due to elevated background concentrations rather than local road emissions and that mechanical ventilation would only draw in 11% lower than at the roadside. Requested a condition for approval of details of the CHP, in order to specify an ultra low NOx emissions unit is installed. As mechanical ventilation is required due to the background noise levels a condition will be imposed that addresses these two issues in parallel.
- 8.14 **Public Protection Division (Noise Team)** this site is subject to high noise levels. From previous reports conducted along this stretch of road, the Noise officer would expect the site to fall into Noise Exposure Category D from the now withdrawn PPG24. The measurements were carried out during the school time Easter holidays and the officer suspects that may have affected the readings. Any increase in noise from the intensified car hire use hasn't been taken into account either. As the report concluded Noise Category C, conditions are recommended to address: sound insulation to achieve internal noise targets due to high background noise levels; including consider increased car hire business capacity and plant noise.
- 8.15 **Public Protection Division (Land Contamination)** an initial desktop survey has been carried out into the potential for contaminated land at the site. With the historical land uses clearly there will be a need for further investigation and sampling in order to deal with this fully. Advised that the Contaminated Land condition is applied to any permission granted. [Condition 4]
- 8.16 **Spatial Planning and Transport (Transport Officer)** requested additional information regarding the current and future expected servicing and delivery trips associated with the car hire business, the office use and residential units. Information requested includes: number of trips, vehicle types, locations and swept paths. Detail of on-street location of servicing for the office and review of the residential delivery figures was requested. Appropriate management of the car hire business parking was requested to prevent misuse. Further detail about the location and convenience of location of cycle parking was requested.
- 8.17 **Sustainability Officer** raised some concerns and requested clarification of passive design measures, SUDS proposals. The overheating dynamic simulation modelling was accepted. Conditions of consent were requested including: 95 litre /p/day to accord with policy (for residential units); rainwater harvesting; green roof and biodiversity enhancements; passive design (external shutters) details SUDS. The Sustainability Officer accepted the



details of the proposals (subject to conditions) with the exception of proposed active cooling, which is objected to.

- 8.18 **Parks Manager** has advised that the development could possibly materially impact on the park in terms of shading. The park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. The scheme is closest to this grass and meadow area so may have a negative impact on the use and ecology of the park.

### **Design Review Panel**

- 8.19 The submitted planning application was revised to take into account the reasons set out by the Planning Inspectorate in dismissing the previous application. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street. The proposed building maintains the same design principles as the previous scheme.
- 8.20 The issues of overall massing and design detail, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.
- 8.21 Given the above direction by the Planning Inspectorate the current planning application was not presented to the Council's Design Review Panel.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

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

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

10.1 In 2012 an EIA screening request was made to the Council for the demolition of existing buildings and the erection of approximately 131 residential units (Use Class C3), replacement accommodation for the existing Europcar car hire business (sui generis use class); replacement and additional use class B1 floorspace; together with associated parking and landscaping works'.

10.2 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the London Borough of Islington determined the following:

*“that whilst the proposed development could be considered Schedule 2 Development ‘(10b) Urban Development Project’ the development falls below the 3 main threshold tests. The site is not located within a ‘sensitive area’ as defined by Regulation 2(1). Consideration has been given as to whether the development would result in significant effects on the environment by virtue of its ‘characteristics, location and potential impacts’ in the context of the selection criteria set out in Schedule 3 of the Regulations (requiring assessment by Regulation 4(6)). Whilst the site is located within a densely populated area, it is considered that the height, bulk, scale and siting of the development as well as the proposed land uses (characteristics and intensity) would not result in significant effects on the environment. This included consideration of cumulative impacts with other approved developments nearby. It is considered that the proposal would not constitute EIA development and an Environmental Statement is not required.”*

10.3 The current planning application does not propose any works greater than those considered under the Screening Opinion and as such would not constitute EIA Development.

## 11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Land Use (Principle)
- Design, Conservation and Heritage Considerations
- Density
- Accessibility
- Landscaping and Trees
- Neighbouring Amenity
- Quality of resulting residential accommodation
- Dwelling mix
- Affordable Housing and Financial Viability
- Energy Efficiency, Renewable Energy and
- Sustainability
- Transportation and Highways
- Contaminated Land and Air Quality
- Planning Obligations, Community Infrastructure Levy and local finance considerations

### Land-use

11.2 The National Planning Policy Framework (2012) seeks to: *secure sustainable development that seeks economic, social and environmental gains that should be sought jointly and simultaneously through the planning system.*

11.3 The application site is not located within the Central Activities Zone (CAZ). However it is located within the Kings Cross Opportunity Area as defined in Annex 1 of the London Plan 2011 (ref 16). The King's Cross Opportunity Area is defined as 53ha (hectares) in size and seeks to secure 25,000 new jobs and 1,900 new homes. The London Plan recognises that this area has the highest level of public transport accessibility within London and must seek to regenerate neighbourhoods within the wider area. Policy 2.13 seeks to:

- optimise residential and non-residential output;
- provide necessary social and other infrastructure;
- contain a mix of uses; and
- contribute towards meeting the minimum guidelines for housing and / or indicative estimates for employment capacity set out in annex 1 (tested through local development frameworks).

11.4 The application site is also located within the 'King's Cross Area' as defined within the Islington Core Strategy, Policy CS6 'King's Cross'. The policy: CS6A refers to protecting existing business floor space in this area from changes of use. It identifies that the King's Cross area will be expected to

accommodate estimated growth in jobs of approx 3,200 from B-use floor space with York Way and Pentonville Road being the principal locations for office-led mixed use development. It goes on to state that Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and new provision particularly encouraged.

- 11.5 Core Strategy Policy CS13, for existing employment space states: safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ; and in exceptional circumstances loss of employment floor space might be acceptable in line with considerations which will be set out in the Development Management Policies.
- 11.6 The Development Management Policies document identifies this site as being located within an 'Employment Growth Area' (Map 5.1). Policy DM 5.2 (amended text) states that *'proposals resulting in a loss of or reduction of business floor space will be refused unless exceptional circumstances can be demonstrated by the applicant demonstrating there is no demand for the floor space'*. It goes on to state that: in the absence of marketing (2 years) site-specific circumstances supported by a market demand analysis may address this issue.
- 11.7 The site is also allocated within the Council's Site Allocations as KC1 'Pentonville Road, Rodney Street and Cynthia Street'. The allocation and justification states: "Mixed-use redevelopment, including employment and residential uses. The area along Pentonville Road has been identified in the Core Strategy as a principal location for office-led (B1) mixed-use development, intensifying use of the land to provide employment uses. As part of any redevelopment there should be a net increase in office floor space (subject to viability)."
- 11.8 This differs from Core Strategy Policy CS6 that seeks an *'office-led mixed use development along Pentonville Road'*. The application site currently accommodates the following commercial uses (by gross internal floor area, measured in square metres). In addition, the permitted (and technically implemented) planning permission at 152-154 Pentonville Road (ref: P092706) has also been included in the 'existing' office employment table below. The table below illustrates the change from existing (and consented) to proposed land uses:

Use class / type of use	Existing Floor space	Floor space to be lost by change of use or demolition	Total proposed floor space (including change of use)	Net additional floor space following development
B1(a) Office	728	855	873	+18
B1(a) office	127			

(consented*)				
Europcar (sui generis)	1,626	1,626	3,879	+ 2,253
The Flower House (B2/B8)	186	186	0	- 186
Total	2,667	2,667	4,752	+ 2,085

11.9 As shown above, there would be a small net increase of office floor space (that takes into account a loss of floor space that is consented, but not yet built or occupied) as a result of this proposal, but there would be a net uplift in general employment floor space due to the expansion of the car hire business.

Loss of Office Floorspace

11.10 Islington policies state that losses of office floorspace will only be supported in exceptional cases, where there are site-specific circumstances. Development Management Policy 5.2 seeks Market Demand Analysis where a 2-year marketing evidence is not available as well as viability testing information. The applicant submitted a 'Market Demand Analysis' prepared by Knight Frank that looks at the proposed development rather than existing (or consented) office floorspace. This included an 18-month letting void due to the 'amount of floorspace offered'. This approach is also supported by the LPAs own viability review of the impact that the inclusion of large amounts of office floorspace has on mixed use schemes, particularly in non-central locations (for the short term).

11.11 Furthermore, the submitted Financial Viability Appraisal submitted with the application has been reviewed by the Council's independent valuers BPS Chartered Surveyors, who have stated that they agree with the appraisal's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment floorspace would further compromise the viability and this is unlikely to be feasible.

11.12 There are also considered to be particular site specific circumstances that are considered to be relevant. The application site essentially comprises four (4) parcels of land (contained within the 'red-line' boundary of the site) that have been 'assembled' by the applicant through a private transaction negotiation process, with the Europcar business being the majority land owner for this site as illustrated in the image below. The financial viability implications of this are outlined later in the report (the approach is supported by the RICS Guidance); however this has had an impact on the financial viability of this particular scheme. In addition to this, a scheme can only come forward with the agreement of Europcar, and the provision of a large basement car storage area to be leased back to Europcar at a peppercorn rent has an impact on

scheme viability. However, without the agreement with Europcar, this site would not come forward for development.



**Land Ownership and Site Areas Diagram (Sites F, G, H and I make up the application site – outlined by the red rectangle)**

11.13 Having regard to the above, as well as giving due regard to the fact that the 'loss' of office floorspace is actually a loss of consented floorspace (within a building that has not truly commenced construction), there are considered to be sufficient viability reasons and other exceptional circumstances to accept a loss of (consented) office floorspace from this site.

Employment Growth

11.14 The applicant submitted an 'Economic Statement' that compares the existing employment levels at the site (various existing buildings and consented schemes) to the proposed developments' anticipated employment levels. The table below illustrates it in summary form, although it compares existing (actual) employment levels at the site as opposed to potential capacity for employment. The growth in employment is not significant, However the application submission documents confirm that the growth in Europcar jobs would be filled from local residents to the area. A head of term is recommended to secure a recruitment process that prioritises Islington residents into those jobs.

Use type	Use class	Existing	Proposed	Net change
Europcar	Sui Generis (with ancillary B1)	29	38	+9
Office*	B1	40	72	+32
Residential Amenities	Ancillary to C3 residential	0	10	+10
Total		69	120	+51

\* including the consented office floorspace (152-154 Pentonville Road).

- 11.15 As well as after completion of construction the developer has agreed to the facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of the first phase to aid young people into employment.

#### Principle of Land Use Summary

- 11.16 The proposal is for a residential-led mixed use scheme as opposed to an office or employment-led scheme. Whilst the proposal does not accord with Core Strategy Policy CS6, the scheme is supported by a financial viability appraisal which includes a market demand analysis. With this in mind, whilst the proposal does not accord with adopted Core Strategy policies, it does accord with the requirements of the National Planning Policy Framework, with particular reference to viability and its requirement that (para. 22) '*policies avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*'. The land use mix also complies with London Plan policies 2.13, 3.3 and 4.3 and is supported in land use terms by the Greater London Authority (GLA). The scheme also addresses Development Management Policies 5.2 which allow for loss of office floorspace in exceptional circumstances. The exceptions in turn make the scheme acceptable in relation to policy CS13 of the Islington Core Strategy, and the emerging Site Allocation (KC1). For these reasons, the proposed land use mix is considered to be acceptable and is supported in principle.

#### Affordable Workshop Space

- 11.17 Core Strategy Policy CS13 and Development Management Policy 5.4 also seek to secure affordable workshop space within a scheme. BPS have reviewed the impacts of providing a dedicated affordable workshop space, secured at peppercorn rent levels for a minimum 10 year period and have confirmed that this would have a further negative viability impact on the scheme which would result in a reduced affordable housing offer. The

applicant has demonstrated that the office floorspace could be divided into smaller units, which would positively impact on affordability. Given the viability constraints, the non-provision of a peppercorn rent affordable workshop space is considered to be acceptable.

- 11.18 In addition to the above, the applicant has agreed to heads of terms to secure:
- facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks; and
  - a contribution of £8,925 towards end use employment opportunities for Islington residents.

### **Design, Conservation and Heritage Considerations (including Archaeology)**

- 11.19 London Plan policies require development proposals to achieve the maximum intensity of use compatible with local context, the design principles in chapter 7 of the London Plan and with public transport capacity. The Islington Core Strategy Policy CS6F states that *'The area's historic character will be protected and enhanced with high quality design encouraged to respect the local context of Kings Cross and its surroundings'*.
- 11.20 Islington's Site Allocations document states *"Future uses and design should respect the amenity of residential properties within the vicinity of the site. Frontages should be positioned along the site boundary and be active frontages, particularly along Pentonville Road."* It goes on to state that *"the setting of nearby conservation areas must be conserved and enhanced and views up Penton Rise and along Pentonville Road must be maintained"*.
- 11.21 Core Strategy Policy CS9E states: *"New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported"*.
- 11.22 The application site is located within an area of varied age, style, height and use of buildings and spaces. It also fronts onto the busy Pentonville Road that forms an important east-west route through the borough and across the northern edge of central London. On the south side of Pentonville Road, buildings range from double height 2-storey to 9-storeys (with the consistent height being on average 8 storeys) and uses include office, warehouse and student accommodation. To the northern side of Pentonville Road buildings are of a smaller scale and grain, being 2-3 storeys to the east of the site, with the tallest building being Hill House Apartments on Cynthia Street which is part 5 and part 6 storeys (recently constructed). To the west buildings are 3-4 storeys, with the more distant Nido building being approximately 18 storeys.



- 11.23 The site is not located within a conservation area, nor are any buildings on the site locally or statutorily listed. The site itself slopes by a storey height (3.0m) from Cynthia Street dropping to Rodney Street. The existing buildings on the site are not considered to be of high quality, however the site is within close (50m) proximity of the New River Conservation Area, located to the south and east of the site; the Chapel Market Conservation Area located to the north-east; and Priory Green Conservation Area located to the north of the site. Within the Joseph Grimaldi Park open space (OS93) located opposite the site on Rodney Street is a Grade II statutorily listed building (headstone of Joseph Grimaldi) that has been relocated to the north east corner of the park. This park is also listed as a landscape of heritage value.
- 11.24 The design of the proposed buildings is described in paragraphs 6.2- 6.14. Essentially the proposal seeks a perimeter block development with the following building heights:
- Rodney Street frontage (5 and 7 storeys);
  - Corner building to Pentonville Road and Rodney Street (10 storeys);
  - Pentonville Road frontage (part 5, part 6 and part 7 storeys with setback floors at 8th and 6th floor levels);
  - Cynthia Street frontage (4 storeys with setback 5<sup>th</sup>);
  - Courtyard garden (including concealed cycle and refuse storage area); and
  - Basement car storage, plant and residential amenities.
- 11.25 The current application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation to address concerns in relation to the impact on neighbouring amenity. The Planning Committee would have resolved to refuse the previous application had it not gone to appeal on design grounds. Specifically, the reason for refusal would have been:
- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- 11.26 The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning

Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

11.27 The building fronting Rodney Street is proposed as part 5 and part 7 storeys in height (then stepping to 10 storeys – Block B). A seven storey building was previously approved (and technically implemented) on the corner of Rodney Street and Pentonville Road. In addition, an approval was granted in January 2012 for a 5 storey building at 4-8 Rodney Street. It is considered therefore that the proposed building heights of part 5 and 7 storeys is appropriate fronting Rodney Street and that it would retain an appropriate relationship to the consented 5 storey scheme (4-8 Rodney Street). The proposed building heights would provide a visual frame for the park located opposite, and introduce informal surveillance opportunities (upper levels).

11.28 The junction of Rodney Street and Pentonville Road would be marked by 'Block B', which is 10 storeys in height and would reach 30m in height to the top of its parapet. A CHP exhaust flue would reach a height of 31.1m. The main mass of the proposed corner block building therefore does not exceed 30m, but would only exceed this height due to the CHP flue (necessary to terminate above roof level for air quality purposes). There are examples of 10 storey buildings in the vicinity of the site including Prospect House which is located to the northeast of the site, and 9 storey buildings located on the opposite side of Pentonville Road. Whilst buildings of 9-10 storeys are unusual, and the main character of the area is for lower height of buildings (particularly on the north side of Pentonville Road), they are nevertheless present and visible from the application site. In addition, the application site sits on a busy thoroughfare.

11.29 Given the proposed flues extend beyond the 30 metre threshold the building is categorised as a tall building and as such would not be in compliance with Core Strategy Policy CS9E. The question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was considered at length at the appeal and the Planning Inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage point and, therefore, the building would not appear overly dominant.

11.30 Specifically, the Planning Inspector stated: "*Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point.*"

11.31 The proposed building was considered in the context of the neighbouring buildings in the area:

*"There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.*

*Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally."*

11.32 Further, consideration was also given as to whether there is any justification to mark this corner with a landmark building. Although the Planning Inspector agreed with the Council that there is no particular need to mark the corner of Rodney Street and Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building, the Inspector concluded that *"...the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations."*

11.33 The application site slopes by a storey height (3.5m), being 32.1 at Cynthia Street and 28.6 at Rodney Street. The proposed building fronting Pentonville Road would stand at 10-storeys on the corner with Rodney Street (Block B) and then drop to a height of 7-storeys with 8<sup>th</sup> storey setback (Block C) along the main frontage. The proposed building drops in height further at the corner of Pentonville Road and Cynthia Street (Block D) to a part-4/part-5 storey block and a partial 6<sup>th</sup> storey setback, which takes into account the slope of the site as it gradually rises to the east. The overall design changes to the eastern end have been carried out to address the amenity impact of the previously refused scheme and whilst the tiering of volumes is not ideal it has been resolved elegantly, and the breaking of the Pentonville Road frontage in particular is positive. Further, the overall design maintains the continued grid system of the previous scheme, particularly with the emphasis of the ground floor and the set back top floor to distinguish bottom, middle and top.

11.34 The previous scheme (which is similar to the current proposal apart from the reduced built form opposite Hill House) was considered in the context of views along Pentonville Road in both directions and views up Penton Rise and found appropriate by the Planning Inspector:

*"When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.*

*When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.*

*The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.”*

- 11.35 The previous application was also considered by the Council to have a detrimental impact on the setting of Joseph Grimaldi Park. This was also considered at appeal and the Planning Inspector concluded:

*“There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.*

*Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.”*

- 11.36 The Council's Parks Manager has also queried whether the proposed development would have a material impact on the park in terms of shading given the park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. In response to the above the applicant has submitted an indicative overshadowing study of the park using a 3D sketch up model. This indicates that there would be a very small amount of transient overshadowing to the southeast corner of the park in the early morning and will have passed by the mid morning. The BRE guidelines recommend that at least half of the amenity spaces should receive at least 2 hours of sunlight on 21 March. It is clear from the orientation of the site, the distance from neighbouring buildings and the indicative overshadowing study undertaken that nearly all the park will receive at least two hours of sunlight throughout the day in the existing condition. This would not alter with the proposed development in place.

- 11.37 Block E along Cynthia Street has been set back from the building line of the adjoining building by 1.9m to accommodate a defensible space along the ground floor residential frontage and secure a further set-away distance (14.5m in total) from the Hill House Apartments (residential) opposite, which has been increased by 0.3 metres from the dismissed scheme. This part of the building is proposed at 4 storeys in height with a set back 5<sup>th</sup> for the majority of its frontage. The 5th storey setback has also been increased from 2.2 metres as compared to the dismissed scheme. Directly opposite, Hill House Apartments is 4 storeys, stepping to 5 storeys with a set back 6<sup>th</sup>.

- 11.38 The proposed Cynthia Street building, at the top of its 5<sup>th</sup> storey would be 480mm lower than the roof of the 4 storey element of Hill House. Where Hill House steps up to 5 storeys with a set back 6<sup>th</sup> the development would stand approximately 5.8m lower. Fronting Pentonville Road, the proposed development would stand part 6, part 7 storeys in height. Its 6<sup>th</sup> storey would be 600mm higher than the 5<sup>th</sup> storey of Hill House and the proposals roof height would be 120mm taller than the roof of Hill House. In townscape terms the proposed height of these buildings is appropriate and responds to the height of buildings opposite.

#### Design Detail

- 11.39 The proposed design of the buildings fronting Rodney Street (Block A) and Pentonville Road (Blocks C and D) is of a strong grid-like design a single floor and bay wide, to be constructed of brick. The taller, 10 storey Block B is designed with a two floor height grid, but single bay width to emphasis the vertical of this taller element, and this would be constructed of rainscreen 'stone' cladding.
- 11.40 These designs adopt recessed balconies to avoid interrupting the regular grid-like pattern. Within these recessed spaces, bronze cladding will complement the windows (which are proposed to be aluminium framed). To visually distinguish/mark the break between blocks A and B; and B and C (and visually break down the massing) there are glazing dominated breaks proposed. These accommodate glazing and projecting glass balconies/balustrades that would not project beyond the line of the brick and stone cladding grid patterns.
- 11.41 The use of high quality materials is considered to be the key to ensuring that the resulting appearance of this scheme does in fact offer a high quality result and therefore a condition has been suggested seeking details and samples of all materials to be agreed prior to superstructure commencing on the development (Condition 10).
- 11.42 Ground floor commercial frontages are designed as large expanses of glazing, with three commercial entrances fronting Pentonville Road. Residential entrances are located on Rodney Street (a single entrance serving two cores), from Cynthia Street (two entrances serving three cores) and access from Pentonville Road to residential Core C.
- 11.43 The design detail follows on from that of the previous scheme and these matters were considered by the Planning Inspector:

*"It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area."*

#### Strategic Views

11.44 The application site is located 160 metres east of the protected panorama from Kenwood House to central London. The applicant provided a view assessment which shows the development just visible, though largely screened by neighbouring development. The GLA have concluded that the view is unaffected and that policy 7.11 of the London Plan has been complied with.

#### Local Views

11.45 The application site is located on the edge of Local View 8 (Pentonville Road to St Pancras Chambers and Station). This states that development will not be permitted that further obstructs the view from the viewing point on the north pavement of Pentonville Road, at its junction with Penton Street to the station and hotel. Given the slightly south westerly position of the St Pancras buildings in relation to the application site, the views would not be obstructed.

11.46 The site also falls within Local View 7 (Local view from Dartmouth Park Hill). The tallest part of the building reaches 58.6 AOD (according to the submitted Cityscape Verified View Methodology) – this also corresponds with where LV7 appears to run through the site and would exceed the height threshold and block the view within the corridor by 2.06 metres. Policy DM 2.4 is clear that local views will be protected and enhanced. Islington's local views are given equal protection to those of the Mayor. Within defined local views the council will seek to protect the line of sight of the view. The submitted Townscape and Visual Impact Assessment has provided a verified view that highlights the proposed development would be almost entirely obscured by a large chimney stack in the foreground with only a very small part visible to the right of this chimney in the foreground.

#### Density

11.47 The application site is considered to be located within a central area, given its Public Transport Accessibility level of 6b (highest possible) and its location within 800m of an international centre (King's Cross), a District Town Centre (Angel) and given the varied scale of buildings and range of uses within the immediate context. As such the density range within the London Plan (Table 3.2) is 650-1100 habitable rooms per hectare or 215-405 units per hectare. The application site measures 0.3492 hectares. The applicant has provided a density range per hectare, adjusted on a pro-rata basis to account for the commercial floorspace that is provided within the scheme. This sees the density of these proposals being at the top end of the range:

- 1004 habitable rooms per hectare; and
- 380 units per hectare.

11.48 Whilst this sits at the higher end of the range, and the proposed building heights are also considered at the taller end of appropriateness (in particular the 10 storey element), in light of the Planning Inspector's decision the scheme is not considered to unacceptably harm the character of the surroundings or the wider townscape. The proposals offer good quality

accommodation and therefore the proposals are in this instance considered to be acceptable.

### **Accessibility**

- 11.49 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 11.50 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types as well as being built to Lifetime Homes Standards and with 10% being wheelchair accessible or adaptable. Such requirements are also required by Islington Core Strategy CS12 and Accessible Housing SPD.
- 11.51 Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design, whilst Policy DM 3.4 provides housing standards for all types of residential developments. Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 11.52 Accessibility considerations were considered at length during the course of the previous application, to incorporate indicative locations for WC facilities for the commercial and car hire uses, along with changes to the layouts and circulation within the residential units in order to address concerns raised by Access Officers. The previous amendments have been incorporated into the current submission so as to ensure that the development is well laid out and designed to ensure that all facilities are inclusive and accessible to all.
- 11.53 Conditions are recommended to secure confirmation of compliance with:
- wheelchair accessible housing – details for review to confirm compliance with Inclusive Design SPD; (Condition 16)
  - details to be submitted for approval, demonstrating compliance with Lifetime Homes Standards; and (Condition 15)
  - landscaping plan to include appropriate accessibility (landings to ramps etc). (Condition 29)

### **Landscaping and Trees**

- 11.54 There are existing trees along Pentonville Road that are TfL managed and owned. TfL has raised no objection to the proposed building line on Pentonville Road, and does not consider that there would be an unacceptable impact on these trees subject to a tree protection plan during the construction phase whereby protective measures would be required to ensure the trees are protected during building works. This has been secured by condition (8).
- 11.55 The proposal is also subject to a Transport and Public Realm section 106 legal obligation, which includes a contribution for improvements to the public

realm including new street trees on Pentonville Road, Cynthia Street and Rodney Street.

- 11.56 The central courtyard space is the raised roof of the lower car storage spaces. In order to incorporate varied planting/substrate depths to support appropriate tree planting, further landscaping details are sought by condition.(Condition 29)

### **Neighbouring Amenity**

- 11.57 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail in below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 11.58 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

### **Daylight and Sunlight**

- 11.59 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 11.60 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and designs should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 11.61 The application site is located within an accessible central London location, where the potential of sites and density should be maximised where possible. Urban design considerations are important when applying the guidance quoted above.
- 11.62 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.



- a. Nos. 122- 128 Pentonville Road, Hill House Apartments (residential);
- b. Rodney House, Donegal Street (residential);
- c. The Gower School, No. 10 Cynthia Street (school);
- d. Prospect and Penton House, Cynthia Street (residential);
- e. Paul Robeson House, Penton Rise (student accommodation); and
- f. Nos. 101 to 113 Pentonville Road (live/work units).

11.63 Planning application reference P121570 went to appeal on the basis of non-determination. However the Planning Committee would have resolved to refuse the application had it not gone to appeal on the grounds that the development would have a detrimental impact on the amenity of neighbouring properties with regard to daylight and sunlight. This previous application was considered by the Planning Inspectorate and dismissed on the basis that it would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to London Plan Policy 7.6 and DM Policy 2.1. The Inspector's decision also considered the impact of the development on the other neighbouring properties mentioned above but did not consider that there would be an unreasonable impact on their amenity in terms of daylight/sunlight, and the resubmission proposal has not altered in terms of its relationship with these neighbouring properties.

11.64 Therefore, the current application is a resubmission proposal in response to the above Inspector's decision, whereby amendments have been made to the development in built form terms at the corner of Pentonville Road and Cynthia Street, and along the Cynthia Street elevation. Consequently, a revised Daylight and Sunlight Assessment has been submitted with the application.

Nos. 122- 128 Pentonville Road, Hill House Apartments (residential)

*Vertical Sky Component*

11.65 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.

11.66 Appeal Scheme: 27 windows (ground, first, second and third floor levels) had a VSC less than the BRE recommended level of 27% and as a result of the appeal scheme a loss of greater than 20% of its former value. The losses ranged between 23% and 79% with over a third greater than 50%. Of these, 7 windows serve living/kitchen/dining (L/K/D) rooms and a further 4 windows serve living rooms.

11.67 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a VSC level of less than 27% and a loss of more than 20% of its former value

has been reduced to 5 windows as compared to 27 windows previously.

11.68 Specifically:

Note: Previous, appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 57%, 48% and 38% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would now have a loss greater than the recommended level of 20% of its former at 27% (previously 57%).**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 45%, 67%, 59%, 50%, 41%, 23%, 72% and 79% losses of its former value.
- **First Floor: 4 windows (all bedrooms) on this floor would now have a loss greater than the recommended level of 20% of its former value at 26% (was 67%), 21% (was 59%), 33% (was 78%) and 42% (was 79%).**
- Second Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 Living Rooms) had corresponding losses of 43%, 50%, 55%, 52%, 48%, 44%, 38% and 37% losses of its former value.
- **Second Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**
- Third Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 living rooms) had corresponding losses of 30%, 35%, 38%, 36%, 34%, 32%, 27% and 25% losses of its former value.
- **Third Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**

11.69 It is also noted that the VSC figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the VSC assessment), would see all windows to Hill House not transgress the recommended levels of VSC outlined by the BRE Guidelines. The previous application resulted in 17 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies.

11.70 Whilst this exercise demonstrates that the existing balconies to Hill House have an impact on the VSC values, it can only be considered as

supplementary information and not as part of the main assessment. This is due to the fact that the design of the balconies and open areas to Hill House properties are a key design aspect of that building and integral to its function and design, and as such any proposal on neighbouring land should factor in this existing condition. Nevertheless, this exercise does demonstrate that the amendments made to those elements of the scheme opposite Hill House have reduced the impact on these properties in terms of the Vertical Sky Component.

#### *Summary of VSC*

- 11.71 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 27 affected windows have been reduced to 5 affected windows, while the level of transgression of their former value for those 5 windows has also been reduced.
- 11.72 However, it is also noted that 3 of these 5 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. The other 2 affected windows serve the bedrooms of another single facing unit in Hill House, which are two of the three windows to that unit (albeit these windows have a lesser need for good daylighting than kitchen/living rooms).

#### *Daylight Distribution*

- 11.73 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.
- 11.74 Appeal Scheme: 12 rooms (ground, first, second and third floor levels) had a reduction in the amount of direct daylight they receive in excess of 20% of their former value. They ranged between 24% and 62% with 7 of them greater than 50%. Of these, 3 served living/kitchen/dining (L/K/D) rooms and a further 4 that serve bedrooms.
- 11.75 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of rooms within Hill House that would have a daylight distribution loss of more than 20% of its former value has been reduced to 7 windows, as compared to 12 previously.
- 11.76 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 rooms (L/K/D rooms) on this floor had corresponding losses of 58%, 59% and 59% of its former value.
- **Ground Floor: All 3 rooms (L/K/D rooms) on this floor would now have corresponding losses of 53% (58%), 52 (59%) and 44% (59%) of their former value.**
- First Floor: 5 rooms (all bedrooms) had corresponding losses of 56%, 51%, 51%, 48% and 62% losses of its former value.
- **First Floor: 4 rooms (all bedrooms) would now have corresponding losses of 32% (56%), 26% (51%), 30% (51%) and 30% (62%) of their former value.**
- Second Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 27% losses of its former value.
- **Second Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 3% loss, which is well within the BRE 20% loss 'allowance'**
- Third Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 24% losses of its former value.
- **Third Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 1% loss, which is well within the BRE 20% loss 'allowance'**

- 11.77 It is also noted that the DD (Daylight Distribution) figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the DD assessment) then all windows to Hill House apart from the three L/K/D rooms at ground floor level, would not transgress the recommended levels of DD outlined by the BRE Guidelines.
- 11.78 The previous application resulted in 10 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies. As per reasons outlined above, this can only be considered as supplementary information and not the key assessment.
- 11.79 The submitted Sunlight and Daylight Assessment also includes the DD figures for notional 5 metre deep ground floor LKD rooms to the ground Floor of Hill House. These are noted for additional information purposes but not considered to alter the assessment. The BRE Guidelines make mention that it may be unavoidable for single aspect units with rooms greater than 5 metres deep to have a greater movement of the no sky line. However, it does not

state that figures should be produced in the form presented by Anstey Horne in their notional table. The fact that these L/K/D rooms are longer than 5 metres and single aspect are factors to be taken into account when considering the conventional DD figures. The notional figures do not form part of this consideration.

#### *Summary of DD*

- 11.80 Looking at the DD figures in isolation, improvements have been made from the appeal scheme whereby 12 affected rooms have been reduced to 7 affected rooms, while the level of transgression of their former value for those 7 rooms has also been reduced (with the greater reductions to the 4 bedrooms at first floor level but minor reductions to the 3 L/K/D rooms at ground floor level.
- 11.81 However, it is also noted that 3 of these 7 affected rooms are located within one residential unit to Hill House, and the unit is single aspect. Of the remaining 4 affected rooms, two serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three windows to that unit. The remaining 2 affected rooms also serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three rooms to that unit.

#### *Annual Probable Sunlight Hours (APSH)*

- 11.82 Appeal Scheme: 26 windows would have had a reduction in sunlight over the whole year to figures below the recommended 25% and in excess of the 20% threshold in the BRE guidelines of its former value. Twenty-five (25) of them had losses ranging between 27% and 77%. Additionally, in all cases the reduction in sunlight over the year in Hill House would exceed the 4% threshold loss over the whole year.

Further, 16 windows would have a reduction in winter sunlight to figures below the recommended 5% and in excess of 20% of its former value. All 16 windows had losses ranging between 50% and 100%, with 4 of them retaining a winter APSH of zero or 1%.

- 11.83 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a year round APSH at less than the overall 25% threshold and a loss of more than 20% of its former value has been reduced from 26 to 6 windows.

Further, the number of windows to Hill House that would have winter sunlight at less than the overall 5% threshold and a loss of more than 20% of its former value has been reduced from 16 to 2 windows.

11.84 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 52%, 77% and 69% of its former value. Additionally, the total reductions over the whole year amounted to 11%, 17% and 20% respectively.
- In terms of winter APSH, 2 of the windows fell below the overall 5% recommended level with losses of 50% and 62% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would have a total reduction over the whole year greater than the 4% threshold at 8%, and this represents a loss of 28% on its former value.**
- **In terms of winter APSH, all 3 windows would now have a value above the recommended overall threshold of 5% winter APSH.**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 27%, 74%, 60%, 65%, 58%, 50%, 64% and 73% losses of its former value. Additionally, the total reductions over the whole year amounted to 9%, 17%, 12%, 13%, 11%, 11%, 9% and 11% respectively.
- In terms of winter APSH, 6 of the windows fell below the overall 5% recommended level with losses of 57%, 80%, 75%, 100%, 86% and 75% of its former value.
- **First Floor: 4 windows (all bedrooms) would now have a total reduction over the whole year greater than the 4% threshold, and these are 5%, 5%, 5% and 4% respectively. In terms of their former value, these represent losses of 25%, 21% 23% and 31% respectively.**
- **In terms of winter APSH, only 2 windows would have a loss more than 20% of its former value and less than 5% overall winter APSH. These losses amount to 43% and 43% for the 2 windows.**
- Second Floor: 8 windows (4 bedrooms, 2 living room, 2 LKD) had corresponding losses of 45%, 48%, 57%, 52%, 59%, 44%, 42% and 50% losses of its former value. Additionally, the total reductions over the whole year amounted to 14%, 15%, 16%, 15%, 17%, 12%, 10% and 13% respectively.
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 60%, 57% and 75% of its former value.

- **Second Floor:** All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight apart from one bedroom window, which would see an overall reduction from 24% to 19% (more than 4%), however marginally fails to meet the recommended guidelines as this represents a loss of 21% of its former value.
- **Third Floor:** 7 windows (3 bedrooms + 2 living room + 2 LKD) had corresponding losses of 30%, 35%, 32%, 29%, 33%, 31% and 21% losses of its former value. Additionally, the total reductions over the whole year amounted to 10%, 11%, 9%, 9%, 10%, 9% and 6% respectively.
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 64%, 50% and 56% of its former value.
- **Third Floor:** All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight.

11.86 It is also noted that the APSH figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the APSH assessment), all windows to Hill House would not transgress the recommended levels of APSH outlined by the BRE Guidelines, but for reasons outlined above this can only be considered as supplementary information and not the key assessment.

*Summary of APSH*

11.87 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 26 affected windows have been reduced to 6 affected windows, while the level of transgression of their former value for those 6 windows has also been reduced. Additionally, the 16 affected windows relating to winter sunlight have now been reduced to 2 affected windows and the level of transgression to these two windows has also been reduced.

11.88 However, it is also noted that 3 of these 6 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. Further, one ground floor L/K/D would have reductions in both its annual and winter sunlight beyond the recommended thresholds.

*Overall Summary for Hill House*

11.89 When looking at all of the above sunlight/daylight assessments with regard to Hill House, considerable improvements have also been made from the appeal scheme with particular regard to VSC and annual/winter sunlight, whilst where transgressions still exist, these have also been reduced.

- 11.90 Despite the above reductions, it is also noted that of the transgressions that still remain, these predominantly affect specific properties and are not widespread across the whole elevation. Specifically, the transgressions remain to the three duplex residential units over the ground and first floors of Hill House. These units are defined by a L/K/D room to the ground floor and 2 individual bedroom windows at first floor, i.e. 3 windows per flat.
- 11.91 Of these flats at ground floor level one window and room behind would suffer losses greater than the BRE thresholds across 3 tests, i.e. VSC, DD and APSH. Further, its two bedroom windows would not meet the VSC or DD test. Whilst the transgressions to this flat have been reduced, the proposed development on this unit alone would have a detrimental impact given the above assessment. The other two duplex flats would have their ground floor L/K/D rooms impacted upon in terms of DD and APSH values with additional impacts to their first floor bedroom windows in terms of VSC, DD and APSH values.
- 11.92 The impact on the amenity of the three duplex units at ground and first floor level of Hill House has to be considered in the wider context of the proposed scheme in terms of all neighbouring properties. Whilst the daylight losses to these three duplexes are greater than 20% of the existing levels, 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 at this corner of the site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 11.93 Further, the proposed 4-storey element opposite Hill House has been set back 1.9 from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School), whilst the 5-storey element has been set back 6.0m from the building line of the adjoining building. These setbacks also need to be considered in the context of height, whereby the Cynthia Street block's 4-storey height would stand 2.3 metres lower than that of the Hill House Apartment buildings 5<sup>th</sup> floor.
- 11.94 However, given the reduction in the number of units at Hill House that are now affected as compared to the appeal scheme and in the context of surrounding neighbours, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new homes is finely balanced but that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of the three duplex properties.
- 11.95 Further, the existing built form conditions of both the application site and Hill House result in a situation whereby the Hill House occupiers currently enjoy a largely uninterrupted amount of sky above the application site, due to the application site not making best use of its central location. The existing daylight and sunlight levels experienced at present are therefore particularly high for a location such as this. Any development at the application site would



affect sunlight and daylight levels to the lower levels of Hill House. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has reduced the impact to 3 properties, whereby any redesign of the application proposals would bring the facing buildings much lower than the Hill House Apartment building, and potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site.

- 11.96 For these reasons, the sunlight and the daylight losses to these three properties and associated impact on their amenity when balanced against the townscape and other considerations and benefits of the scheme, outweigh the loss of daylight and sunlight that would be experienced.

Rodney House, Donegal Street (residential)

- 11.97 This site is occupied by a residential building with its main elevation onto Donegal Street (facing north) however the south elevation faces the application site. The submitted sunlight and daylight assessment provides calculations of losses to these south facing windows (as the building is designed), and gives an additional calculation of losses as if the balconies and windows on this elevation were not recessed. Whilst this additional exercise demonstrates that the existing recesses would have an impact on the BRE values, it can only be considered as supplementary information and not the key assessment.

- 11.98 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

*"12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.*

*Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House."*

- 11.99 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

The Gower School, No. 10 Cynthia Street (school)

11.100 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

11.101 "Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit."

Prospect and Penton House, Cynthia Street (residential)

11.102 This site contains a 10-storey residential building located to the north east of the application site. This building would retain complying levels of VSC to all windows should this proposal be constructed. The Daylight Distribution within all rooms is maintained at its current levels. The annual sunlight received (APSH) either exceeds 25% and therefore accords with the BRE guidance.

Paul Robeson House, Penton Rise (student accommodation)

11.103 This site contains a student accommodation building that stands between 6 and 9 storeys tall. It is located on the opposite side of Pentonville Road and turns onto Penton Rise. In terms of assessment of impacts to the amenity of student accommodation, it is generally accepted that given the non-permanent/shorter period of occupation of these buildings, a less restrictive application of the BRE guidelines is appropriate. The windows affected in daylight terms have a north aspect and therefore do not require sunlight assessment. Affected floors include the ground to fifth floors (the sixth floor and above has full compliance). The relationship of the proposed development adjoining this property was considered by the Planning Inspector on the appeal scheme, who made the following comments:

11.104 *"Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment."*

11.105 *"The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable."*

11.106 *"Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant."*

- 11.107 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

Nos. 101 to 113 Pentonville Road (live/work units)

- 11.108 This site contains a building that accommodates live/work units. All windows are not impacted by these proposals maintaining in excess of 27% VSC and maintaining 100% of existing Daylight Distribution within rooms. The windows face north and therefore do not require testing for sunlight receipt.

Privacy and Overlooking

- 11.109 Objections have been received mainly from the occupiers of Hill House Apartments (122-128 Cynthia Street) stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, position of balconies and number of windows on the Cynthia Street elevation.

- 11.110 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Block 'D' on the corner of Pentonville Road and Cynthia Street and Block 'E' along Cynthia Street would have a height of 4-storeys with a setback 5<sup>th</sup> floor would be positioned 14.5 metres away from Hill House, with the 5<sup>th</sup> floor an additional 4.4 metres further away.

- 11.111 The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London. Whilst objections have stated that Cynthia Street is a narrow road which exacerbates this problem, the separation distances as specified above are considered acceptable. In addition, recent Planning Inspectors decisions have concluded that distances of 14.9m across public highways are sufficient to ensure no loss of privacy, and an appropriate degree of enclosure.

- 11.112 All other properties are either not directly faced by this proposal or are in excess of 18m from the elevations of this proposal and would experience no unacceptable loss of privacy.

Noise and construction impacts

- 11.113 Conditions are recommended to ensure that plant equipment operates below background noise levels to protect nearby residential amenity (Condition 17). A code of construction response document is to be secured by legal agreement and a construction logistics plan (Condition 7) secured with the view of ensuring that dust, noise and other construction impacts are minimised wherever possible. Whilst objections were received that occupiers

would not be able to enjoy the use of their balconies during construction phase (due to noise and dust), these impacts would be temporary and do not warrant refusal of an application. The above measures would help to mitigate impacts.

### **Quality of Resulting Residential Accommodation**

- 11.114 The London Housing SPG sets requirements for the design of new residential units, including size, layout, circulation, floor to ceiling heights, aspect and private outdoor space requirements etc. Minimum unit sizes are set out in the London Plan Policy 3.5. Further, DM Policy 3.4 sets out Housing Standards for all new developments. The playspace requirements of the London Plan are set out in the SPG and DM Policy 3.6.

#### Unit Sizes

- 11.115 All of the proposed residential units, regardless of their bedroom numbers would meet the minimum standards set out in the London Plan (policy 3.5) and DM Policy 3.4. The proposed 11 (all 3 bedroom) social rented units are suitable for accommodating either 4 or 5 people. The proposed units range from 79 - 115 sqm (4p) which exceed the 74sqm minimum, or 90-100 sqm (5 people), which exceeds the minimum (86sqm) size requirement, some being particularly generous which helps to mitigate internal day lighting concerns. The proposed private tenure studio units (housing mix acceptability is explored below) exceed the minimum unit size standard by between 3-8sqm.

#### Internal Daylighting

- 11.116 A selection of BRE testing Average Daylight Factor (ADF) was undertaken for the proposed scheme. The ADF testing suggests that bedrooms should reach 1.0%, living rooms 1.5% and kitchens 2%. Ground floor units (Block E – social rented units) are provided with large glazed areas that ensure that the majority of rooms meet the minimum ADF standards. The presence of projecting balconies on each level further restricts daylight into rooms. The majority of rooms pass, but some do fail.
- 11.117 There are failures within the private tenure proposals, mainly where recessed balconies are proposed and therefore overshadowing is caused. Whilst this can cause problems reaching the target ADF, it does help to prevent overheating, particularly in south facing units. In these instances the slight failures are considered acceptable.
- 11.118 The resubmission proposal does not contain transgressions further to the previous scheme, which was not refused on this basis. The Planning Inspector also noted that the internal daylighting in the some of the rooms of the dismissed scheme did not meet the minimum ADF standards but did not include this reason in dismissing the previous application.
- 11.119 For these reasons, the daylighting levels of the proposed residential units are on-balance considered to be acceptable.

### Ceiling heights/Aspect

- 11.120 All units are designed with a 2.5m floor to ceiling height which is just less than the minimum 2.6 metres outlined in DM Policy 3.4. Although this is fractionally less than the minimum required by policy, the proposed ceiling heights are considered acceptable in this instance given this did not form a reason for refusal in the previous scheme. Further, increasing the ceiling heights in this instance would increase the overall height of the proposed building.
- 11.121 A total of 49 of the 118 units would be considered as single aspect, which is one less than the previous scheme. Many of these single aspect units though incorporate recessed balconies to the south and western elevations, which enable a further aspect to be secured across those balcony spaces. Whilst this design technique doesn't necessarily mean they are truly 'dual' aspect, it does allow for ventilation and additional sunlight and daylight receipt. On this basis, and as there is no further increase in the number of single aspect units in comparison to the dismissed scheme, the scheme is considered appropriate. Further, there are no north-facing single aspect units which ensure compliance with DM Policy 3.4.

### Private Outdoor space

- 11.122 The London Housing SPG sets requirements for private outdoor space, which are then expanded on by DM Policy 3.5, which requires 30sqm for ground floor family units. For upper level units, a minimum of 5sqm of external space for 1-2 person units, and an additional 1sqm per additional occupant is sought. Level thresholds must be provided to all private external spaces and balconies must have a minimum width of 1.5m. Ground floor units must have a 1.5m wide defensible space. The proposed residential units all secure a private balcony space and have level access to the communal courtyard in addition to that.
- 11.123 The ground floor social rented (family sized) units are provided with a small (6.5sqm) area of private open space, 1.5m deep. Whilst falling short of the policy requirement (30sqm) these private amenity spaces then have direct access onto the communal courtyard. Given the character of this proposed development, this is considered acceptable as the additional amenity space is directly accessible from these units, and in addition Joseph Grimaldi Park is within a 2 minute walking distance of these units. The upper floor 3 bed social rented units have between 7sqm and 8.15sqm of private balcony space. Whilst these fall 1sqm short of the requirement, given the proximity of public open space, this is on-balance considered acceptable.

### Play space

- 11.124 The provision of 10sqm of play space is required per child for major development proposals. This development would generate a child yield of 24.4 (LBI) or 30 (London Plan). This requires a total playspace provision of 244sqm (LBI) and 300sqm (London Plan). The submitted landscape proposals show three spaces for play which effectively take up the whole of the communal amenity space (excluding circulation). This is double counting

of playspace requirements on top of private amenity space requirements and therefore a full playspace contribution is sought for these proposals. A financial contribution of £83,605 is secured towards the provision of play space facilities.

- 11.125 As the proposals make no provision for the creation of additional, public open space, and as the new residents and additional employees would use the nearby public open spaces, a financial contribution of £215,859 is sought from the applicant (in accordance with the Planning Obligations SPD) towards open space improvements within the vicinity of the site.

### Noise

- 11.126 The application was accompanied by a noise assessment that looked at the noise levels of Pentonville Road with a view to securing a high quality internal noise environment for resulting residential accommodation. The Council's Acoustic Officer expected the noise assessment to conclude that the site falls within Noise Exposure Category D (where planning permission for residential should normally be refused). However, the report concludes that the site falls within Category C. Measurements were taken outside school time and within the Easter Holidays which may have distorted results, in addition, the increase in noise from the intensified car hire use has not been taken into account either.
- 11.127 As such, a condition is recommended to secure noise insulation details (Condition 19), however in order to attain the stated condition targets, windows would need to remain shut and some form of ventilation will be required. The noise generated by the ventilation system should be included in these calculations, requiring an updated assessment.
- 11.128 Plant noise is also conditioned to protect future occupiers amenity as well as nearby neighbours (Condition 17).

### Dwelling Mix

- 11.129 The proposed mix of accommodation is as follows:

	Studio	One bed	Two Bed		Three Bed			Totals
			3p	4p	4p	5p	6p	
Unit numbers	15	35	14	41	3	8	2	118
	15	35	55		13			
	12.7%	29.7%	46.6%		11%			100%
Habitable rooms	15	70	42	123	12	40	10	312
	4.8%	22.4%	52.9%		19.9%			100%

- 11.130 The proposed mix of accommodation is not consistent with DM Policy 3.1 and the table below sets out the housing mix required for all major developments. The table also highlights that whilst the social housing mix reflects policy, and

the intermediate housing is almost consistent, the private housing mix would not meet the requirements with a lower proportion of both 2 and 3 bed flats and higher proportion of 1-bed/studios. In fact, 1bed/studios make up 45% of the market housing mix, compared to just a 10% policy requirement for 1-beds.

Units	Private		Intermediate		Social	
	Proposed	DM Policy	Proposed	DM Policy	Proposed	DM Policy
Studio	15.3%					
1 bed flat	29.6%	10%	67%	65%		
2 bed flat	53.1%	75%	33%	35%	20%	20%
3 bed flat	2%	15%			30%	30%
4-bed or more					50%	50%

- 11.131 Whilst DM Policy 3.1 seeks a good mix of housing sizes, leading on from policy CS12 of the Core Strategy, it is accepted that the Pentonville Road frontage is a challenging location in terms of its noise and air quality and therefore not a desirable location for a significant amount of large family housing.
- 11.132 The majority (9 of 13) of family sized units (3 bedroom) are to be located within the Cynthia Street fronting block (Block E) and would be social rented units. This part of the site would be protected from the more significant environmental challenges of Pentonville Road due to the set back from the main Cynthia Street building line and the shielding provided by the Pentonville Road facing block. In this regard the smaller than normal percentage of three bed or larger units is considered acceptable in this location given environmental challenges and constraints of the site. Furthermore, provision of additional family units within the private housing would have an impact on the viability of the development and the level of affordable housing being provided.
- 11.133 The proposal also seeks permission for 15 (private tenure) studio units, which is resisted by DM Policy 3.4 'Housing Standards' that refers to studio units '*only being accepted in exceptional circumstance where a larger unit is not possible or a studio unit would result in better aspect*'.
- 11.134 Seven (7) of the 15 units (47% of the studios proposed) help to ensure that larger (2 bedroom) units can be provided adjacent to the studio unit in

question. Redesigning these 7 studios would result in 2 x 1 bed units rather than a 2 bedroom unit and a studio (as currently proposed). These 7 studio units help to overcome difficult building plan layouts. With this in mind, whilst the scheme provides a mix of units that does not strictly accord with the desired housing mix for Islington, the site is located on a busy strategic road where air quality and the noise environment is challenging. In addition, a car hire business accesses the site from beneath the Rodney Street frontage, where a large proportion of the studio units (west facing) are proposed. With this in mind the mix of units for this location is considered to be acceptable.

### **Affordable Housing and Financial Viability**

11.135 The applicant's financial viability consultant, Gerald Eve has submitted an updated financial viability appraisal with the application. The Local Planning Authority appointed BPS Chartered Surveyors to undertake an independent review of the submitted financial viability report and was asked to consider and comment on the schemes ability to viably provide:

- a greater amount of office floorspace (to better accord with policy CS6A and CS13 of the Islington Core Strategy). This is assessed within the Land Use section (**paragraphs 11.10 – 11.13**); and
- consider if the affordable housing offer (23% by habitable rooms) is indeed the maximum reasonable amount that the site can afford to deliver (applying the borough strategic target of achieving at least 50% affordable housing on the relevant sites (reflecting 'policy compliant scheme').

11.136 The BPS report is appended to the end of this report at **Appendix 3**.

### **Affordable Housing Offer**

11.137 The applicant has offered 23% affordable housing by habitable rooms, or 17% by unit numbers. This equates to a total of 20 residential units (out of the total 118 proposed), and the offer is split 71% social rented units (11 x 3 bedroom units) and 29% (6 x 1 bedroom and 3 x 2 bedroom units) intermediate rent units. This is illustrated in the table below:

	Unit / Habitable Rooms	1 bed	2 bed	3 bed	Total
Social Rent	Unit numbers	-	-	11	11
	Hab rooms	-	-	52	52
Intermediate Rent	Unit numbers	6	3	-	9
	Hab rooms	12	9	-	21

11.138 The key influence on viability in this case relates to the Benchmark Land Value (site value for planning purposes). With regards to the benchmark values adopted in the applicant's financial appraisal (carried out by Gerald



Eve), BPS did not dispute the value arrived at. This is in the context of the complex site assembly carried out by the applicant in bringing together four separate sites to facilitate a comprehensive redevelopment. This arrangement would leave some of the site owners in a very strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. BPS advised that land values generated through a complex site assembly process, unless backed by a Compulsory Purchase Order, is one over which the developer has limited control – the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership and investment. This is a key factor that supports the BPS acceptance of the benchmark land value in the context of specific advice within the RICS Guidance. It should be noted that this benchmark land value was also previously accepted by DVS in their assessment of the appeal scheme's viability). This is a unique situation that does not come about very often and the land value reflects the risk that the applicant has taken in this endeavour.

- 11.139 In assessing the Gerald Eve financial viability appraisal, BPS stated that the applicant's appraisal generates a net profit on cost of 9.57%, which falls short of their target profit of 19% on cost (the blended profit target which is accepted as reasonable in the current market). Based on information provided relating to present-day costs and values, BPS consider that there is no justification for requiring further up-front affordable housing contributions. BPS note there are some points of clarification in respect of costs but these are relatively small in quantum, and they also note some uncertainty in respect of the residential values. However, even allowing for alternative assumptions concerning these elements, BPS is of the view that the scheme is unlikely to generate a significant surplus. Therefore, they concluded that the current offer represents the maximum that can be provided (see Appendix 3 for BPS report).

#### Review Mechanism

- 11.140 The Council's SPD on Planning Obligations (Section 106) states that a further financial viability appraisal (review mechanism) should be submitted prior to but close to the date of implementation of the scheme. Therefore, a section 106 obligation is recommended requiring the owner to submit an Updated Viability Assessment (UVA) to the council, prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning permission (at which point the original viability assessment submitted with the planning application shall be deemed to (reasonably) be out of date).

#### GLA Stage 1 Response

- 11.141 The GLA responded within their Stage 1 response that they wished to see the affordable housing offer modelled utilising the affordable rent product (in place of the proposed social rent units) to ascertain whether an additional quantum of 'affordable' housing could be secured. Gerald Eve on behalf of the applicant modelled those units as 'affordable rent units' with rent set at 50% of

market rent level. This did not generate sufficient additional value to enable additional affordable housing units to be provided. It should be made clear that the applicant therefore retains the offer as 23% affordable housing (by habitable rooms) split 71% social rented and 29% shared ownership accommodation (secured by head of term **paragraph 1**).

- 11.142 BPS conclude that the financial viability offer of 17% by unit number and 23% by habitable rooms reflects the maximum reasonable offer that this site can afford to deliver, given the specific circumstances of this case including the special case of site assembly, the provision of an expensive build for the expanded car hire business (at peppercorn rent) and the difficulties in securing value for the office floorspace, all of which present a drain on the schemes viability. For these reasons the proposal is considered to maximise the amount of affordable housing that the site can afford to deliver and therefore accords with Core Strategy Policy CS12G and with London Plan Policy 3.11 as it has been demonstrated affordable rent in place of social rent would not enable an increased quantum of affordable housing to be delivered.

### **Sustainability**

- 11.143 London Plan Chapter 5 policies are the Mayor of London's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 11.144 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 11.145 The submission includes BREEAM and Code for Sustainable Homes pre-assessment reports for the proposed uses. These reports highlight that the non residential uses will achieve "Excellent" rating and the residential units will achieve Code for Sustainable Homes Level 4. The applicant has committed to achieving these targets and conditions are recommended to secure compliance.(Condition 23)
- 11.146 Grey water recycling (for WC flushing) was investigated by the applicant, but found that limited water use savings would be made compared to the capital cost and maintenance, storage capacity requirements (as well as yearly saving to occupants). In this regard it is accepted that it is not feasible to include grey water recycling. Rainwater runoff will be reduced through inclusion of green roofs to all buildings (including beneath PV array) as well as enhance biodiversity resulting in a 50% site coverage of planted space when the courtyard is included.

- 11.147 As the site is to be fully developed, storage and release of rainwater is necessary. Storage and slow release is proposed and a condition (Condition 27) is recommended to ensure those details adequately address NPPF, London Plan and Islington policies. In addition, rainwater is to be stored for irrigation purposes within a storage tank to be located within the basement those details are also secured by the above condition (although these are separate functions and tanks).
- 11.148 The development also proposes the:
- use of sustainably sourced construction material (**condition10**);
  - provision of secure, covered cycle storage to support use of sustainable transport methods (**conditions 31 and 32**);
  - inclusion of bird and bat box and invertebrate refuges (**condition 29**);
  - provision of a site waste management plan (**condition 3**);
  - registration as a Considerate Constructors Scheme (**s106 clause**); and
  - scheme is stated to seek a 105 litre/person/day rate of water use through efficient water appliances. Whilst this falls short of the policy 95 litres/person/day the Sustainability and Energy report is to be conditioned to secure adherence to the statement within it (**condition 28**).

### **Energy Efficiency and Renewable Energy**

- 11.149 The application is accompanied by an Energy Strategy, which details how it would comply with London Plan Policy 5.2 and Islington Core Strategy Policy CS10 by incorporating a range of passive design features, renewable energy technology (photovoltaic panels) and a CHP. The resultant CO2 reduction target is for 154 tCO2/an, which would be a percentage reduction of 29% on total CO2 emission. Council's Energy Officer recommends appropriately worded conditions and in addition s106 head of term will secure the energy measures as well as future-proofing for connection to heating and cooling networks.
- 11.150 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:
- BE LEAN
- Energy efficiency standards*
- 11.151 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building regulations. Other features, including high performance hot water cylinders, full space heating zone controls and mechanical ventilation with heat recovery (MVHR) are proposed. The demand for cooling will be minimised by limited window sizes, the higher ceilings, the shading from balconies and deep window recesses and the glazing specification selected would also serve to control summer gains. Overheating analysis has been submitted and that concludes that none of the dwellings

are at unacceptable risk of summer overheating. The applicant proposes that the 98 private apartments will have comfort cooling provided by a communal cooling system that also serves the commercial units. The applicant states “Cooling is being proposed for the sole reason that the purchasers of high specification apartments such as these insist upon it”.

11.152 The report concludes “The development proposals therefore fully meet the requirements The London Plan: Policy 5.2: Minimising carbon dioxide emissions; Policy 5.6: Decentralised energy in development proposals; and Policy 5.7: Renewable energy, and the local energy policies in the London Borough of Islington LDF Core Strategy: Policy CS10 Sustainable design.”

11.153 However the application also needs to adhere to London Plan Policy 5.9 on overheating and cooling, which states:

*“New development in London should also be designed to avoid the need for energy intensive air conditioning systems as much as possible.”*

11.154 Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

- 1 minimise internal heat generation through energy efficient design
- 2 reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
- 3 manage the heat within the building through exposed internal thermal mass and high ceilings
- 4 passive ventilation
- 5 mechanical ventilation
- 6 active cooling systems (ensuring they are the lowest carbon options).

11.155 Local planning policy and guidance states:

*“The need for cooling should be designed out as far as possible through use of passive design and passive ventilation”. “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control.”*

11.156 The applicant has clearly stated that comfort cooling is not required to avoid overheating and the sole reason for its inclusion is that “the purchasers of high specification apartments such as these insist upon it”. This is in conflict with both London Plan Policy 5.9 and local policy.

11.157 Therefore, a condition has been imposed for the non installation of active cooling systems to any residential units and that amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary, to be considered. (Condition 24)

## BE CLEAN

### *District heating*

- 11.158 There are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This shall be secured via condition.

### *Combined Heat and Power*

- 11.159 The CHP plant proposed has capacity to serve as a block-wide heat network, being a 30kW gas-fired, combined heat and power unit which would provide for domestic hot water load and a proportion of the space heating. A condition is recommended stating that all apartments and non-domestic building uses will be connected to this network (including the gym sauna and swimming pool facilities) and requiring details of the route of the network for approval. (Condition 21)
- 11.160 Council's Energy officer advises that this approach is acceptable subject to a condition ensuring that their CO<sub>2</sub> reduction target is for 154 tCO<sub>2</sub>/an which would be a percentage reduction of 29% on total CO<sub>2</sub> emissions. Should this not be achieved through biodiesel CHP they would need to make up the shortfall through either other onsite measures, an additional contribution to the offset fund or a combination of the two. This is also to be secured under the relevant planning obligation relating to the offset carbon levy.

## BE GREEN

### *Renewable energy technologies*

- 11.161 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install solar PV panels on the roof of the buildings.
- 11.162 Development Management Policy DM7.1 states that all major applications are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO<sub>2</sub> emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.
- 11.163 The GPP with updated targets adjusted to reflect new information on occupancy, etc, and full details of monitoring arrangements shall be submitted within 6 months of occupancy, whilst the level of detail required for submission is outlined in the Council's Environmental Design SPD. This is to be secured as an obligation in the s106 agreement.
- 11.164 Summary

- 11.165 The total CO2 emissions savings would amount to a 29% saving above 2010 Building Regulations baseline. The Environmental Design SPD seeks an off-setting of CO2 emissions (for major applications) to bring schemes to an equivalent of zero carbon. The development attracts a carbon levy of £244,076 with regard to Core Strategy Policy C10.
- 11.166 The proposal includes comfort cooling, which does not accord with the Core Strategy policy CS10. Therefore, a condition has been imposed preventing the installation of such mechanical cooling. This condition was part of the previous recommendation that was also heard at appeal. Whilst the applicant has not agreed to the condition and disputed the condition at appeal, no justification on energy grounds has been submitted. Given the previous application was dismissed there was no need for the Planning Inspector to state what conditions would have been appropriate should the previous proposal been allowed. The Inspector's decision has not stated that the above condition would be unreasonable, and as such it is considered necessary so that the proposed scheme is in conformity with the Development Plan.
- 11.167 Subject to the above and the implementation of the range of energy measures to be secured via conditions and s106 obligations, it is considered the Energy Strategy is appropriate.

### **Highways and Transportation**

- 11.168 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 11.169 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).
- 11.170 The application site is a substantial block with three street frontages, namely: Pentonville Road (A501) marking the southern frontage of the site which is a Transport for London (TfL) managed road and is a designated Red Route. A single red line prevents stopping between 8am and 7pm Mondays to Saturdays. Outside of these times parking and loading is permitted on the kerbside. Two lanes of traffic run in either direction, however immediately to the west of the site, Pentonville Road becomes a one way system with traffic moved down Penton Rise (but with a contra flow bus lane moving buses westwards). To the west is Rodney Street and to the east is Cynthia Street,

both of which are local distributor roads managed by Islington Council's Highways Department.

- 11.171 North of Pentonville Road is Controlled Parking Zone B and south of Pentonville Road, Zone A that covers most of Clerkenwell up to Pentonville Road, both of which prevent parking 8.30am-6.30pm Monday to Friday and 8.30am-1.30pm Saturdays.
- 11.172 The existing site accommodates a substantial amount of car parking (storage), associated with the Europcar business (approximately 100 spaces). This business has vehicle access points on Pentonville Road and also on Rodney Street. Existing car parking spaces are also located within the forecourt of 130-134 Pentonville Road and 3-4 Cynthia Street (approximately 7 spaces), with vehicle access from Cynthia Street. In addition, the Flower Shop accommodates vehicles within its ground floor workshop with its associated vehicle movements.

#### Car Parking

- 11.173 The proposals seek to re-provide and increase the capacity of the existing Europcar business, increasing the associated car parking from 100 spaces to 150. Europcar would be accessed solely from Rodney Street with a manned office space overlooking the entrance to the basement car parking to prevent misuse. Car parking is essential to the functioning of a car hire business.
- 11.174 The policies relevant to the car parking are Core Strategy Policy CS10 (Sustainable development), Part H and Development Management Policy DM8.5 (Vehicle parking). Part B(i) of Policy DM8.5 specifically relates to car hire facilities and states the following:

*“Parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses).”*

- 11.175 In this regard the spaces are considered to be more akin to car storage than to car parking spaces, which is reflected in the unusual car parking arrangements (requiring qualified staff to move the vehicles around once dropped off by customers). The application includes a business case demonstrating the need for the business growth (increased car storage capacity). It is accepted that the business location close to King's Cross St Pancras, and within a borough with car free policies (for new development) generates a demand for such services and the 50% growth rationale is accepted.
- 11.176 Whilst the provision of car parking for a car hire business is permitted under Policy DM8.5(B)(i), the parking area must be appropriately managed to ensure that it is not used for regular parking for the commercial or residential uses. Section 4.2.2 of the Transport Assessment notes that the applicant is willing to include a condition on any planning consent restricting access to the car park for the exclusive use of the on-site car hire facility. Therefore, to

ensure that the storage spaces are not misused by staff of the car hire business, commercial units or the upper residential units a Car Parking Management Strategy is secured by condition. (Condition 39)

- 11.177 The residential and office parts of the development are 'car-free', in that no private car parking spaces are provided for residents, employees, and visitors of the development. The submission states that the car parking area will be for the sole use of the car hire business, and will be manned by a security guard during opening hours in line with Core Strategy Policy CS10(A) and DM Policy 8.5 (A and B).
- 11.178 No on-site car parking for residents is proposed and to enforce this, a car parking management strategy is to be secured by condition. Further, new residents to new build developments will not be eligible for on-street parking permits and this is to be secured via the legal agreement, however existing Islington residents are exempt from the above and eligible for CPZ permits.
- 11.179 A financial contribution of £28,000 is secured for the provision of (at least one) on-street accessible parking bay for blue badge holders (and additional in accordance with requirements for wheelchair accessible housing units).

#### Cycle Parking

- 11.180 The proposals include the provision of cycle parking in accordance with DM policies. Showers and changing facilities are also included for the office and car hire businesses, which is secured by condition (Condition 32). The following provision is also secured (compliance) by the imposition of a condition: (Condition 31)
- 199 cycle spaces for the residential uses (1 per bedroom)
  - 12 spaces for the office uses
  - 6 spaces for the car hire business
  - 5 spaces are proposed for the northern footway of Pentonville Road for the use of visitors to the residential element of the development (secured by s106 obligation).

#### Refuse and Recycling

- 11.181 Storage is appropriately located within the development for all uses proposed and bins would be wheeled to the kerb-side of Rodney, Cynthia and Pentonville Roads for collection. Compliance with the submitted Operational Waste Strategy is secured by condition. (Condition 33)

#### Servicing and Deliveries

- 11.182 The submitted Transport Assessment notes that the car hire facility will have a marginal increase in servicing/delivery trips (two additional vehicles per week), as many of the deliveries currently made to the site are half loads. It also states that all servicing/deliveries by light vehicles will be carried out on site. Further information is required to show where servicing/delivery vehicles



will be accommodated within the basement (including swept paths) and a loading bay should be clearly demarked and kept clear for servicing/deliveries. This is to be secured by the imposition of a condition should consent be granted. (Condition 34)

- 11.183 Larger vehicles which would deliver petrol, diesel and chemicals for the car hire facility would be required to service on-street, with an expected frequency of approximately two vehicles every four weeks. Whilst the number of visits is very low, we have concerns about these types of deliveries that cause a hazard due to equipment being placed on the public highway. Further information is required to explain how these types of deliveries will be carried out and this has been secured by condition requesting the submission of a Service and Delivery Plan. (Condition 34)
- 11.184 The proposed office is 873 square metres and the Transport Assessment estimates that it will generate 10 servicing/delivery vehicles per day, whilst it is estimated that the development will generate up to 15 servicing/delivery vehicles per day for the residential part of the scheme.
- 11.185 The applicant has identified positions on Rodney Street and Cynthia Street that could accommodate the office and residential servicing (although servicing could take place from Pentonville Road before 8am and after 7pm Mondays to Saturdays). The applicant has reviewed kerbside controls on Rodney Street and Cynthia Street and concludes that servicing can take place between 0930 and 1630 and the streets could accommodate the levels of servicing anticipated. Capacity for Rodney Street servicing would be between 56 and 140 vehicles, and for Cynthia Street would be between 28 and 70 vehicles, which far exceeds the levels of servicing expected to be generated by the totality of these proposals (which would be in the range of 10-35 per day). Nevertheless, a delivery and servicing plan is secured by condition to ensure that the development has no adverse impact on the highway.

#### Highways Mitigation, Requirements and s106 Obligations

- 11.186 The development is supported by a Construction, Logistics and Management Plan which is secured by condition. (Condition 7) This would enable consideration of vehicle movements around the site to manage road impacts, consider implications for school safety as well as help to mitigate dust and noise nuisance to nearby residents. In addition to this, the legal agreement would secure compliance with the Code of Construction Practice, including a monitoring fee (£13,377) to help to monitor and minimise disturbance to local residents.
- 11.187 The submitted Pedestrian Environment Review System audit concludes that whilst the surrounding pedestrian environment is generally good, nearby sections of Pentonville Road would benefit from de-cluttering in order to provide additional capacity – s106 contributions are secured for this purpose. Transport and public realm (pedestrian) improvements within the vicinity of the site are secured and the total agreed: £237,081 would contribute towards this aim.

11.188 Transport for London requested that the following be secured via s106 legal agreement, and are reflected in Appendix 1 Recommendation B:

- secure one on-street accessible parking bay for blue badge holders;
- Car Park Management Strategy to be submitted, with the aim of preventing unauthorised parking of residential and business vehicles within the car hire business parking spaces. The ongoing management, review and adherence to this strategy is secured by legal agreement;
- Contribution towards on-street car club spaces;
- Request for the provision of 3 visitor cycle stands to be located on the northern footway of Pentonville Road;
- Travel Plan – to be secured and monitored;
- The developer to enter into a s278 agreement with TfL as Highway Authority for the reinstatement and crossover removal works on the TLRN (Pentonville Road);
- De-cluttering of Pentonville Road (as per the PERS Audit);

11.189 In addition to the above, the proposals include the removal of crossovers from Pentonville Road and Cynthia Street and the widening of a crossover on Rodney Street. The recovery of costs for carrying these works out are secured in the legal agreement as well as the repair and re-instatement of the footways and highways adjoining the development that are under the control of London Borough of Islington (Rodney Street and Cynthia Street).

#### **Contaminated Land and Air Quality**

11.190 The applicant has submitted an initial desktop survey on the potential for contaminated land at the site. The Council's Pollution Project Team have reviewed the report and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. As such, they have recommended the Council's standard land contamination condition be applied should planning permission be granted. (Condition 4)

11.191 With regard to air quality, the whole borough is designated as an Air Quality Management Area (AQMA). Development Management Policy DM 6.1 deals with air quality and all major applications should consider air quality impacts caused by both the operational characteristics of the development and traffic generation. Council's Pollution Project Team have reviewed the submitted information and advised that the current application does not differ from that previously submitted and advised that conditions relating to noise and air quality be imposed should planning permission be granted. Further, it is recommended that the CHP energy system is also to be conditioned to ensure that air quality impacts are minimised.

#### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

11.192 The application site is located outside of the Central Activities Zone (CAZ) boundary and therefore collection of a Crossrail contribution is not required.

- 11.193 The Mayoral Community Infrastructure Levy (CIL) does apply to this development however the total payable would be adjusted to show the social housing relief that is likely to be due. This is an estimate however and must be arrived at through formal CIL charging processes. An informative is attached providing guidance on this process.
- 11.194 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure. The total package of s106 contributions totals £1,222,977 and includes (those items not previously covered elsewhere in this report) financial contributions of:
- Health facilities: a total contribution of £137,033 towards health facilities within the vicinity of the site has been agreed by the developer. This would help to ensure that the capacity of these services can be expanded in order to address the impacts on demand the new residents would cause.
  - Sports and recreation improvement schemes contribution of £100,533 within the vicinity of the site to help mitigate the additional demand;
  - Community facilities improvement contributions of £108,240 within the vicinity of the site; and
  - Compliance with the Code of Local Procurement (to help promote the use of local businesses).
- 11.195 Planning permission ref: P092706 has been technically implemented and the s106 contributions paid. Therefore in the event that this application obtains planning permission, and the applicant implements it, the s106 financial contributions paid already under the implemented P092706 would be subtracted from the total (index linked) s106 financial contributions sought for this development.
- 11.196 The total s106 package sought has been incorporated into the viability testing undertaken with the view of securing the maximum affordable housing provision in line with the strategic target of securing at least 50% affordable housing for major housing or mixed use proposals.
- 11.197 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

### **National Planning Policy Framework**

- 11.198 This application proposes a mix of uses that does not fully comply with the aims for the site (King's Cross Area – Core Strategy and Site Allocation KC1) as it proposes residential led development in an area identified to become an office-led corridor in order to secure the employment growth forecast for King's Cross. However, the applicant submitted a financial viability report that concludes that additional office floorspace in the current economic market, in

this particular location would not generate sufficient returns and therefore that type of scheme has no realistic prospect of coming forward in the short-medium term. Having regard to the NPPF and its intention not to safeguard employment sites where there is no realistic prospect of those uses coming forward (particularly with the requirement to re-provide the Europcar business) the proposed land use is considered acceptable.

- 11.199 The proposed development has been revised in built form terms at the junction of Pentonville Road and Cynthia Street (and along Cynthia Street) so as to reduce the impact it would have on the amenity of the adjoining residential occupiers of the Hill House Apartments. The resubmission proposals have reduced the number of Hill House properties affected by sunlight and daylight impacts to the three duplexes, which cover the ground and first floors. The design of the proposed development would be of a lesser scale directly opposite the Hill House building and the proposals would introduce townscape benefits through the redevelopment of underutilised and poor quality buildings that currently detract from the appearance of the area. Having regard to the benefits and harm caused by this proposal, it is considered that the wider benefits outweigh the harm having regard to the focus of the NPPF.
- 11.200 Whilst the NPPF seeks to balance the needs of the economy, the environment and social progress, these proposals are considered to forward all three of these aims.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 12.2 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes the amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business (which has a particular drain on the scheme finances).

- 12.3 The proposal seeks permission for buildings ranging from 4 storeys to 10 storey buildings. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 12.4 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened under the revised proposals. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is on-balance accepted.
- 12.5 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 12.6 The proposals as revised since the previous application are, on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

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

## RECOMMENDATION B

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

1. Provision of affordable housing – 23% (by habitable room) 17% (by unit numbers) split 71% social rented and 31% intermediate (hab rooms). A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. Viability Mechanism Review - The owner will submit an Updated Viability Assessment (UVA) to the council prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning.
3. Car Free Dwellings clauses.
4. A contribution of £257,960 towards transport and public realm (pedestrian) improvements within the vicinity of the site, including the provision of a car club bay (as requested by Transport for London);
5. A contribution of £100,533 towards sports and recreation improvement schemes within the vicinity of the site;
6. A contribution of £108,240 towards community facilities within the vicinity of the site;

7. A contribution of £215,859 towards public open space improvements within the vicinity of the site;
8. A contribution of £83,605 towards play space facilities;
9. A contribution of £137,033 towards health facilities within the vicinity of the site;
10. Installation of 5 cycle for the use of visitors to the residential element of the development;
11. Islington: The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
12. Transport for London: The repair and re-instatement of the footways and highways adjoining the development along Pentonville Road (managed by TfL). These works / arrangements are to be secured by requiring the developer to enter into a s278 agreement with Transport for London (TfL);
13. A Green Travel Plan to be submitted for the Council's approval prior to implementation of the planning permission.
  - A final Green Travel Plan is to be submitted for Council approval 6 months after the first Occupation of the Development.
  - An update on progress to be submitted on the 3rd anniversary of first Occupation of the Development.
14. A contribution of £28,000 for the provision of accessible transport bays or alternative accessible transport measures;
15. Facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of first phase. If these placements are not provided, LBI will request a fee of £35,000.
16. A contribution of £10,010 towards end use employment opportunities for Islington residents. LBI Construction Works Team to recruit and monitor placement.
17. New jobs created within the re-provided Europcar facility shall be filled through prioritising existing Islington residents. A recruitment process for those jobs shall be agreed with the Local Planning Authority prior to any recruitment being undertaken and that approved recruitment process shall be followed strictly by the Europcar recruitment processes;
18. Compliance with the Code of Employment and Training.
19. Compliance with the Code of Local Procurement.

20. Compliance with the Code of Construction Practice, including a monitoring fee (£12,673) and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
21. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington. Total amount: £244,076.
22. 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.
23. Submission of a Green Performance Plan.
24. Note: The financial contributions paid under planning permission reference: P092706 shall be subtracted from the financial contributions sought within this permission (subject to adjustment to reflect index linking; and
25. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.
26. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed by 01 September 2014, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## **RECOMMENDATION C**

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



**List of Conditions:**

<b>1</b>	<p><b>Commencement</b></p> <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>
<b>2</b>	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PL(00) 000; PL (00) 001; PL (00) 002; PL (00) 003; PL (00) 004; PL (00) 098; PL (00) 099; PL (00) 100; PL (00) 101; PL (00) 102; PL (00) 105; PL (00) 106; PL (00) 107; PL (00) 108; PL (00) 109; PL (00) 110; PL (00) 201; PL (00) 202; PL (00) 203; PL (00) 204; PL (00) 205; PL (00) 210; PL (00) 211; PL (00) 212; PL (00) 301; PL (00) 302; PL (00) 303; PL (00) 304; PL (00) 305; PL (00) 306; PL (00) 307; PL-L01.</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>
<b>3</b>	<p><b>Site Waste Management Plan</b></p> <p>CONDITION: The demolition and construction of the development shall be carried out strictly in accordance with the Site Waste Management Plan (SWMP) supporting Statement dated 03 March 2014 prepared by SKM Enviro.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
<b>4</b>	<p><b>* Land Contamination</b></p> <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</p>

	<p>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 writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To protect occupiers and the environment from contamination risk.</p>
<b>5</b>	<p><b>* Crossrail Safeguarding – Design and Construction Method Statements</b></p> <p>CONDITION: None of the development hereby permitted shall be commenced until detailed design and construction method statements for all ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority (in consultation with Crossrail) which:</p> <ul style="list-style-type: none"> <li>i) Accommodate the proposed location of the Chelsea Hackney Line structures including tunnels, shafts and temporary works,</li> <li>ii) Accommodate ground movement arising from the construction thereof,</li> <li>iii) Mitigate the effects of noise and vibration arising from the operation of the Chelsea Hackney Line railway within the tunnels and other structures, and</li> <li>iv) Mitigate the effects on the Chelsea Hackney Line, of ground movement arising from development.</li> </ul> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by Parts (i), (ii), (iii) and (iv) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.</p> <p>REASON: In the interests of protecting the strategically important transport infrastructure.</p>
<b>6</b>	<p><b>* Impact Piling Statement – Thames Water</b></p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the 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: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
<b>7</b>	<p><b>*Construction Logistics and Management Plan</b></p>

	<p>CONDITION: No development or demolition shall be commenced unless and until a Construction Logistics and Management Plan (CLMP) has been submitted to the Local Planning Authority and approved in writing. The CLP shall include:</p> <ul style="list-style-type: none"> <li>a) proposed access routes for construction traffic;</li> <li>b) permitted hours of access for construction;</li> <li>c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear);</li> <li>d) using freight operators who can demonstrate their commitment to best practice - for example, members of our Freight Operator Recognition Scheme (FORS)</li> <li>e) consolidating deliveries so fewer journeys are needed;</li> <li>f) using more sustainable delivery methods;</li> <li>g) details of methods of demolition, excavation and construction;</li> <li>h) details of the methods to be used and the measures to be undertaken to control the emission of noise arising from demolition and construction works; and</li> <li>i) details of how construction works (including demolition) would be undertaken to minimise disruption to the adjoining school. This should include noise measurements and proposed mitigation measures to ensure that there is no adverse impact on the teaching environment within the school. The school will be consulted on this aspect of the plan.</li> </ul> <p>The development shall be constructed in accordance with the details so approved and no change therefrom shall take place without the agreement in writing being obtained from the Local Planning Authority.</p> <p>REASON: In the interests of ensuring that the demolition and construction works are carried out in a way that minimises potential obstruction and disruption to the surrounding road network, reduces CO2 emissions, lowers the risk of collisions (in particular with cyclists) reduce parking enforcement issues and improve the quality of life for local residents through reduced noise and intrusion and lower risk of accidents.</p>
<b>8</b>	<p><b>* Tree Protection - TfL</b></p>
	<p>CONDITION: No development shall be commenced unless and until details of the retention and adequate protection of all trees and tree root systems within, bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority (in consultation with TfL).</p> <p>The details shall include a site plan identifying all trees to be retained and removed including the location of Root Protection Area (RPA) and Construction Exclusion Zone (CEZ) and the erection of protective hoarding. Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Protection/retention shall be in accordance with BS 5837, 2005 'Trees in Relation to Construction'. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection.</p> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p>

	<p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>9</b>	<p><b>Reduced Width Scaffolding (Compliance)</b></p> <p>CONDITION: All scaffolding that is located within 2m of the crowns of established trees shall have a maximum working width/project no further than 1.2m from the proposed buildings facia or elevation and the reduced width scaffolding shall be maintained for the duration of the construction works.</p> <p>The outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works.</p> <p>Any glass, insulation, finishing, trims, cladding, facia panels etc that are not able to be positioned or affixed due to the reduced scaffolding width shall be craned / placed into position or affixed to the building at a later stage of construction or by other means not requiring and further pruning of the trees.</p> <p>REASON: To ensure that no additional tree pruning works are required other than what is strictly necessary and to protect the long term health of the trees which neighbour the site (being located within the footway of Pentonville Road).</p>
<b>10</b>	<p><b>Materials and Samples</b></p> <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"> <li>a) solid brickwork (three brick types and samples);</li> <li>b) stretcher bond brick panels);</li> <li>c) Cemex London white mortar (or similar);</li> <li>d) rainscreen cladding stone work;</li> <li>e) bronze cladding: bronze or bronze effect panels with hidden fixings and minimal joints;</li> <li>f) render: coloured render soffit and side returns (including colour, texture and method of application);</li> <li>g) glass curtain walling: recessed framed window units with obscured glass spandrel panels to floor/ ceilings zones;</li> <li>h) aluminium window treatment (including sections and reveals);</li> <li>i) canopies: bronze effects boxed canopy with hidden structure and integral lighting;</li> <li>j) privacy screens: obscured frameless glass with minimal fixings;</li> <li>k) balustrade: metal railings formed from PPC vertical flats;</li> <li>l) balconies: cantilevered with metal PPC edge capping, hardwood timber decking and perforated metal soffit;</li> <li>m) roofing materials;</li> <li>n) green procurement plan; and</li> <li>o) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>11</b>	<b>Roof top enclosures</b>
	<p>CONDITION: Details of roof-top plant, structures and any ancillary enclosures including lift overruns, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing in relation to all roof plans. The details shall include their location, height above roof level, specifications and facing materials.</p> <p>The development shall be carried out strictly in accordance with the details so approved and permanently maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant or ancillary enclosure/structure do not have a harmful impact on the new public realm or surrounding streetscenes.</p>
<b>12</b>	<b>CCTV, Lighting and Security Lighting (Details)</b>
	<p>CONDITION: Details of site-wide general security measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details shall relate to:</p> <p>a) CCTV;  b) general lighting; and/or  c) security lighting</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures and should demonstrate that they are designed and positioned to be bat sensitive (i.e. direct light towards the ground using shields, hoods or cowls) and be motion sensitive to minimise light pollution as well as nuisance to residents.</p> <p>The general security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to the first occupation of the relevant parts of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
<b>13</b>	<b>Privacy Screens and Balustrades (Compliance)</b>
	<p>CONDITION: The obscurely glazed windows, privacy screens and balustrades, as shown on the following plan drawings (and elevations):</p> <p>PL(00) 101; PL(00) 102; PL(00) 105; PL(00) 106; PL(00) 304; PL(00) 305;</p>

	<p>PL(00) 306; PL(00) 307.</p> <p>shall be installed with obscure glass as per the permitted drawings and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
<b>14</b>	<b>No Permission to Obscure ground floor levels</b>
	<p>CONDITION: The window glass of all ground floor and mezzanine commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of pedestrian security and to secure an appropriate street frontage and appearance.</p>
<b>15</b>	<b>Accessible Homes Standards – (Details)</b>
	<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> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p> <p>b) 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> <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>
<b>16</b>	<b>NWS: Wheelchair Accessible Housing Standards (Details)</b>
	<p>CONDITION: The wheelchair/wheelchair adaptable units hereby approved (B01-1, B02-1, B03-1, B04-1, B05-1, B02-5, B03-5, B04-5 (2B3P); E01-1 and E01-2 (3B4P) (ten (10) units in total) within each block shall be provided prior to the first occupation of the relevant block.</p> <p>Notwithstanding the plans hereby approved, the layout/design of the wheelchair/wheelchair adaptable units shall be redesigned in accordance with Wheelchair Accessible Housing standards and details 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 provided in the following format:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p>

	<p>b) An accommodation schedule responding to Islington's 17 Wheelchair Accessible Housing standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</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.</p>
<b>17</b>	<b>Fixed Plant</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>As stated within the report it is expected that a character correction of +5dB is attached for plant noise.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
<b>18</b>	<b>Sound Insulation Between Different Uses (Details)</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use and car hire business and residential uses 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 and shall be maintained as such thereafter. The insulation and measures within each block shall be implemented prior to the first occupation of each block of the development hereby approved.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
<b>19</b>	<b>Noise Insulation (High Background Noise)</b>
	<p>CONDITION: A noise assessment following the guidelines of DM Policy 3.7 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works. 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 LAeq, and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq,</p>

	<p>Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>In order to attain these targets, windows will need to remain shut and some form of ventilation is required. The noise generated by the ventilation system and other plant equipment must also be included in these calculations.</p> <p>The assessment must also consider in carrying out the background noise assessment: the increased capacity of the car hire business. In designing the mitigation measures, air quality requirements must also inform the response.</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 each block 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: The site has been shown to fall within Noise Exposure Category (NEC) C in the applicant's assessment, but is considered more likely to fall into NEC D from Council's own assessments.</p>
<b>20</b>	<b>CHP and Renewable Energy (Details)</b>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) (solar photovoltaic panels), which shall provide for no less than 29% on-site total CO<sub>2</sub> reduction (as compared to 2010 Building Regulations) as detailed within the 'BBS Sustainability and Energy Statement dated July 2012, Issue 1' shall be installed and operational prior to the first occupation of the development.</p> <p>Details of the renewable energy technology(s) 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"> <li>a) (CHP and Solar photovoltaic panels) location, specification, flue arrangement, operational details;</li> <li>b) a management plan and maintenance strategy/schedule for the operation of the technologies;</li> <li>c) the method of how the facility and infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network</li> <li>d) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary); and</li> <li>e) air-quality assessment and dispersion modelling regarding the operation of the technology.</li> </ul> <p>The CHP and energy efficiency measures/features and renewable energy technology(s) shall be provided/carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>To ensure the facility and associated infrastructure are provided and so that it is designed in a manner which allows for the future connection to a district system,</p>



	to maximise the CO <sub>2</sub> emission reductions and in the interests of ensuring that the operation of the CHP unit does not have an unacceptable impact on air quality in the local vicinity of the site given its location within an Air Quality Management Area.
<b>21</b>	<b>Connection to CHP (Details)</b>
	<p>CONDITION: All apartments and non-domestic building uses will be connected to the network (including the gym, sauna and swimming pool facilities).</p> <p>Details of the route of the network shall be submitted to the Local Planning Authority for approval in writing prior to any superstructure works commencing on site.</p> <p>The network and connections shall be installed in accordance with the details so approved and 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 CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>22</b>	<b>Car Storage Area Lighting Details (Approval)</b>
	<p>CONDITION: Notwithstanding the approved plans and documents, details of the proposed basement car storage lighting details (lumens/watt efficiencies) with the aim of minimising electricity demand shall be submitted to the local planning authority and approved in writing prior to superstructure works commencing on the site.</p> <p>The lighting equipment shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of securing a development that minimises electricity demand and CO<sub>2</sub> emissions.</p>
<b>23</b>	<b>BREEAM and Code of Sustainable Homes (Compliance)</b>
	<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>
<b>24</b>	<b>Installation of Comfort Cooling Not Supported</b>
	<p>CONDITION: Notwithstanding the approved documents and plans no permission is hereby given for the installation of active cooling systems to any residential units.</p> <p>Amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary are welcomed for consideration and approval. It is not considered that a strong case has been demonstrated to require the provision of such cooling, which is not</p>

	<p>supported by the London Plan or Development Management Policies.</p> <p>REASON: The application confirms that cooling is not required to minimise overheating and that it is proposed to be installed for the sole reason that purchasers expect it in high specification apartments. London Plan policy 5.9 adopts an energy hierarchy that lists active cooling as the least preferred method of preventing overheating. The high specification units are located at the upper floor levels and at least dual aspect is secured, with generous floor to ceiling heights and floor areas. Active cooling is not considered to have been sufficiently justified given the impacts to the urban heat island effect and climate change that would result.</p>
<b>25</b>	<b>Passive design features</b>
	<p>CONDITION: The applicant shall submit details of external shutters and/or confirmation (details) that the building structures around the windows are adequately robust to allow for future installation of external shutters in order to future proof against the potential for overheating of the south facing residential units.</p> <p>Should shutter details (only bracket details) not be submitted, the submission must be accompanied by calculations and other evidence to show that shutters are not in the short term necessary for the prevention of overheating due to increased temperatures (climate change).</p> <p>REASON: In order to prevent the over heating of dwellings and to mitigate the impacts of climate change.</p>
<b>26</b>	<b>Green/Brown Biodiversity Roofs (Compliance)</b>
	<p>CONDITION: Details of proposed (green/brown) roofs to be installed on every roof of the development hereby approved (other than on the private amenity terraces), including beneath photovoltaic panels shall be submitted to the Local Planning Authority and approved in writing prior to super structure works commencing on the site. The details shall include confirmation that the roofs maximise green roof coverage and are:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) 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); and</li> <li>c) invertebrate refuge details.</li> </ul> <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</p>

	towards creation of habitats and valuable areas for biodiversity.
<b>27</b>	<b>Sustainable Urban Drainage System/Rainwater harvesting (Details)</b>
	<p>CONDITION: Details of surface drainage works/rainwater harvesting system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall <i>include</i>:</p> <ol style="list-style-type: none"> <li>1. <i>the scheme's peak runoff rate and storage volume;</i></li> <li>2. <i>demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times if feasible; and</i></li> <li>3. demonstrate the maximum level of harvested water that can feasibly be provided to the development for irrigation purposes.</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved, prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
<b>28</b>	<b>Water Use Target</b>
	<p>CONDITION: The development shall strive to reach a 95 litre/person/day of water use rate through the measures as set out within the 'Sustainability and Energy Statement' dated March 2014 Issue 1 prepared by BBS Environmental.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
<b>29</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways);</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) of bird and bat nesting boxes / bricks to include the exact locations, specification and design of the habitats,</li> <li>d) of invertebrate refuges (which may be part of the green roof details) and stag beetle loggeries should be included in the landscape strategy;</li> <li>e) detailed calculations setting out the substrate depth necessary to accommodate the tree planting proposed within the courtyard; including provision for storage of water for irrigation purposes;</li> <li>f) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>g) proposed trees: their location, species and size;</li> <li>h) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> </ol>

	<p>i) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>j) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>k) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>l) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative 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 so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>30</b>	<b>Playspace Provision (Details)</b>
	<p>CONDITION: Details of the onsite children’s playspace provision contained within the central courtyard landscaped space, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the courtyard.</p> <p>The details shall include the:</p> <p>a) location, layout, design of the playspace; and</p> <p>b) equipment/ features.</p> <p>The playspace and equipment/features shall be laid out and installed prior to the first occupation of the development.</p> <p>The children’s playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children’s playspace.</p>
<b>31</b>	<b>Cycle Parking Provision (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings, details of methods to separate the cycle storage spaces into smaller, secure sections (such as by</p>

	<p>swipe card accessed cages) shall be submitted to the Local Planning Authority and approved in writing prior to first occupation of the development.</p> <p>Each of the bicycle storage area(s) which shall be covered and secure shall be provided in accordance with the details so approved and prior to the first occupation of the relevant blocks 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, as well as to reduce opportunities for crime.</p>
<b>32</b>	<b>Commercial Use Cycle Facilities</b>
	<p>CONDITION: Details of shower and other facilities (such as lockers) that would help promote cycling as a mode of transport to the commercial (office) floorspace and the car hire business shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
<b>33</b>	<b>Operational Waste Strategy (Compliance)</b>
	<p>CONDITION: The details set out in the 'Operational Waste Strategy' prepared by SKM Enviro dated 05 March 2014 hereby approved shall strictly adhered to in the day to day operation of waste storage and collection for this development.</p> <p>REASON: In the interests of ensuring that the development is designed and managed so as to promote recycling and the reduction of waste generation and collection practices are carried out in a way that minimises disruption to future and adjoining residents.</p>
<b>34</b>	<b>Delivery and Service Plan (TfL consultation)</b>
	<p>CONDITION: In accordance with the hereby approved Transport Assessment' a Delivery and Servicing Plan (DSP) shall be submitted to the Local Planning Authority and approved in writing (in consultation with TfL) prior to occupation of any part of the development.</p> <p>This plan shall confirm that all service vehicle deliveries/collections/visits to and from the office and residential units hereby approved must not take place except:</p> <ul style="list-style-type: none"> <li>a) from Cynthia Street and Rodney Street: between 0930 hours and 1630 hours Mondays to Saturdays; and</li> <li>b) from Pentonville Road: before 8am and after 7pm Monday to Saturdays or anytime on Saturdays</li> <li>c) basement servicing details</li> </ul>

	<p>The DSP plan shall expand on the information that was submitted as part of the 'Colin Buchanan Transport Assessment dated March 2014' and shall also include further details regarding the arrangements for the delivery of fuel in order to address Highways concerns regarding the actual practice of these deliveries in terms of health and safety of users of the Rodney Street footway.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing kerbside controls, nor on adjoining residential amenity (Cynthia Street) to ensure that such operations do not cause undue adverse impacts to the safe and efficient movement of vehicles within the highway.</p>
<b>35</b>	<b>Petrol / Oil Interceptors</b>
	<p>CONDITION: The applicant shall install petrol/oil interceptors to treat the discharges from the car parking and car washing areas associated with the car hire business prior to first occupation of the car hire unit. These petrol/oil interceptors shall be regularly serviced and maintained to ensure prevention of pollution of water waste and maintained as such permanently thereafter.</p> <p>REASON: In the interests of preventing oil-polluted discharges from entering local watercourses.</p>
<b>36</b>	<b>Vehicle movement into Europcar business</b>
	<p>CONDITION: Vehicles shall only enter or exit the site in forward gear.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p>
<b>37</b>	<b>Electrical Substation (Details)</b>
	<p>CONDITION: Details of the electrical substation including its location, acoustic specifications, cladding/facing shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of Block A.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of protecting amenity and to ensure that the Authority may be satisfied that any substation(s) does not have a harmful impact on the character and appearance of the building or the existing streetscene.</p>
<b>38</b>	<b>Basement Level Car Storage</b>
	<p>CONDITION: All of the basement level car storage as shown on drawing nos. PL (00) 099 and PL (00) 100 shall only be used for the parking and storage of vehicles for hire in association with the hereby approved car hire use. The basement levels shall not be used for any other storage or parking of vehicles, including resident, staff or visitor parking associated with any other part of the hereby approved development.</p> <p>REASON: To secure car-free development and to encourage sustainable transport choices.</p>

<b>39</b>	<b>Vehicle Management Strategy</b>
	<p>CONDITION: A vehicle management strategy detailing how the car hire business and associated car storage areas shall be managed, including measures for the mitigation of impacts arising from the collection and drop-off of hire vehicles on highway safety and congestion, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the car storage areas. The car hire business and associated car storage areas shall thereafter be managed strictly in accordance with the vehicle management strategy as approved.</p> <p>REASON: To ensure that the operation of the car hire business and use of the basement level car storage areas do not adversely impact on highway safety and congestion.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<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>
<b>2</b>	<b>Superstructure</b>
	<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>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></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</p>

	<p>scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Car free Development</b>
	<p>All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
<b>5</b>	<b>Crossrail</b>
	<p>Crossrail Limited has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea Hackney Line structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to discuss the guidelines with the Chelsea Hackney Line Engineer in the course of preparing detailed design and method statements.</p> <p>In addition, the latest project developments can be found on the Crossrail website <a href="http://www.crossrail.co.uk/safeguarding">www.crossrail.co.uk/safeguarding</a> which is updated on a regular basis.</p>
<b>6</b>	<b>Thames water waste comments</b>
	<p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p>
<b>7</b>	<b>Thames water Surface water drainage</b>
	<p>Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separate and combined at final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.</p> <p>Thames Water’s preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan.</p>
<b>8</b>	<b>Water Supply / Pressure – Thames Water</b>
	<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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>



	<p>The impact on the surrounding infrastructure depends on which side of the development the new connection will be made. Rodney Street has a 90mm main, which to our calculations will not support the new demand, whereas the 125mm main on Cynthia Street will.</p> <p>The developer must contact Developer Services at Thames Water on 0845 850 2777 to discuss the connection.</p>
<b>9</b>	<b>Health and Safety Executive</b>
	<p>The Council's Public Protection Division advises that the developer comply with the legal requirements specified by the Health and Safety Executive (HSE), details of which can be found on their web site. Please refer to the following link <a href="http://www.hse.gov.uk/pubns/priced/hsg179.pdf">http://www.hse.gov.uk/pubns/priced/hsg179.pdf</a> which details how you can comply with your legal obligations.</p>
<b>10</b>	<b>Roller Shutters</b>
	<p><b>ROLLER SHUTTERS</b></p> <p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

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

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

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

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 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

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

Policy 3.7 Large residential developments  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 3.14 Existing housing  
Policy 3.15 Coordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities  
Policy 3.18 Education facilities  
Policy 3.19 Sports facilities

#### **4 London's economy**

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

#### **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

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 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

#### **7 London's living places and spaces**

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 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 7.20 Geological conservation

Policy 7.21 Trees and woodlands

Policy 7.22 Land for food

Policy 7.23 Burial spaces

#### **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

construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals

London

## **B) Islington Core Strategy 2011**

### **Spatial Strategy**

Policy CS6 (King's Cross)

### **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  
**DM2.4** Protected views  
**DM2.5** Landmarks

**DM6.4** Sport and recreation  
**DM6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood prevention

### **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)

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements  
**DM7.3** Decentralised energy networks  
**DM7.4** Sustainable design standards  
**DM7.5** Heating and cooling

### **Employment**

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

### **Transport**

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

### **Health and open space**

**DM6.1** Healthy development  
**DM6.2** New and improved public open

### **Infrastructure**

**DM9.1** Infrastructure  
**DM9.2** Planning obligations

space  
**DM6.3** Protecting open space

**DM9.3** Implementation

## **D) Site Allocations June 2013**

**KC1** Pentonville Road, Rodney Street and Cynthia Street

### **5. Designations**

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

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

### **7. Supplementary Planning Guidance (SPG)/Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

- Environmental Design (Oct 2012)
- Conservation Area Design Guidelines
- Inclusive Landscape Design (Jan 2010)
- Inclusive Design in Islington (Feb 2014)
- Planning Obligations & S106 (Nov 2013)
- Islington Urban Design Guide (Dec 2006)
- Streetbook (Oct 2012)
- King's Cross Neighbourhood Framework (July 2005)

#### **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 – BPS INDEPENDENT FINANCIAL VIABILITY REPORT



130-154 Pentonville Road, Islington, N1 9JE

Application Reference: P2014/1017/FUL

Independent Review of Assessment of Economic Viability

May 2014

## 1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington ('the Council') to review a viability assessment that has been prepared by Gerald Eve on behalf of Groveworld Rodney Street Ltd (the Applicant) in respect of a proposed scheme at 130-154 Pentonville Road, Islington.
- 1.2 The viability assessment consists of a March 2014 Addendum Note which is based on, and implements changes to, Gerald Eve's 2012 viability assessment of the previous version of the scheme, which was refused consent. Subsequently an Appeal against this refusal was dismissed. We understand that the level of affordable housing provision was not one of the Council's reasons for refusal.
- 1.3 The current (2014) scheme is proposed to provide 118 dwellings of which 20 will be affordable, with a 70:30 split between social rent and intermediate dwellings. The appraisal also includes £1.2m of planning contributions. The currently proposed scheme entails the following:

*"Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of office parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage."*
- 1.4 We have had reference to various draft viability reviews by DVS, including drafts dated February 2012, August 2012 and December 2012, which we have taken into account although our review does constitute a separate report and does not rely on any of DVS's conclusions.
- 1.5 Since the 2012 application the scheme has been changed to address some of the reasons for refusal. This includes a reduction in the size of Block D which results in a 5-unit reduction in the number of private dwellings.
- 1.6 We have sought to establish whether the current affordable housing offer represents the maximum that can be supported based on present-day costs and values. We have also considered whether it is feasible for a higher level of office space to be provided than is currently proposed.
- 1.7 We have given particular attention to those issues and concerns that were raised by DVS in its August 2012 review of viability. This August 2012 report was, however, superseded by later drafts which ultimately concluded that the level of provision of affordable had been maximised by the applicant's offer.

## 2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 The applicant's appraisal generates a net profit on Cost of 9.57%, which falls short of their target profit of 19% on Cost. This amounts to an effective £12.8m deficit, based on the 19% blended profit target which we accept is reasonable in the current market.
- 2.2 Based on information provided relating to present-day costs and values, we consider that there is no justification for requiring further up-front affordable housing contributions. We note there are some points of clarification in respect of costs but these are relatively small in quantum, we also note some uncertainty in respect of the residential values but even allowing for alternative assumptions concerning these elements we are of the view that the scheme is unlikely to generate a significant surplus.
- 2.3 We therefore conclude that the current offer represents the maximum that can be provided. The assessment is in our view appropriate to consider on the basis of present day costs and values without the application of assumed growth, given its short duration. This is also consistent with RICS Guidance, the London Plan and local policy. However given the potential uncertainty concerning, in particular the potential for the scheme to generate higher than anticipated sales values the Council may wish to consider reviewing viability on an outturn cost and value basis.
- 2.4 We do not dispute the benchmark land value used in the appraisal, in the context of the complex site assembly involved, in which some of the site owners would have been in a strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. It is also arguable that an additional profit could be justified specifically to cover the risk exposure during the site assembly process, as we have included in our summary valuation.
- 2.5 To be clear, land values generated through a complex site assembly process, unless backed by a CPO, is one over which the developer has limited control - the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership. In consequence, recognition of the need to ensure an adequate margin to meet planning policy obligations whilst still being a relevant consideration can be outside of the developer's ability to control, and this factor should be recognised in considering the acceptability of the proposed benchmark land value.
- 2.6 With the exception of the additional £200,000 of demolition costs, which is considered to be unnecessarily included in the appraisal, our cost consultant, Neil Powling, does not generally dispute the build cost estimate, although it is apparent that an insufficiently detailed cost plan has been provided which makes it difficult to fully verify the estimate, in particular the higher cost rate applied to the private units when benchmarked with other schemes. This uncertainty does not however affect our overall conclusion and could be addressed through an outturn review as suggested above.
- 2.7 Addressing DVS's August 2012 concerns, we have considered in particular the issue raised by DVS regarding the value of the upper floor units potentially being understated. Our analysis of the local market indicates the potential for higher sales values for the proposed private units. Taking into account the disadvantages of the location of the scheme, next to the busy A501, and comparing it with other schemes along this road, we do not consider that a large enough increase in values can be justified, to warrant additional affordable housing being provided.

- 2.8 With respect to the two duplex penthouses, it is difficult to be certain in respect of achievable values for these apartments, given the limited size of the pan-London market for these scarce units and given that it is uncertain how the market will respond to penthouses in this location. Penthouse units are highly sensitive to quality of location and quality of aspects and views, thus it remains to be seen how the proposed penthouses will perform relative to the London penthouse market as a whole.
- 2.9 We are broadly in agreement with the previous view of DVS that higher values could potentially be achieved for the upper floor units, particularly those with higher specifications and advantageous aspects, although this may not apply to the two duplex penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 2.10 The higher specification units' value (excluding penthouses) totals £[REDACTED]. The upgrading totals a 10% increase to the build costs for these units. Knight Frank considered that this upgrading is necessary to compete with other new-build stock.
- 2.11 The units on the top two floors of the each building are mostly effectively penthouses, being stepped back from the main facade and thus provided with large terraces - a key feature of penthouse apartments. It is in our view necessary to make suitable comparisons with other penthouses/top-floor units with similar terraces and levels of specification. There is a strong possibility of higher values being achievable especially for those units with large terraces and which have aspects away from the main road, such as unit numbers A06-1 to A06-3 which all have aspects onto the park and courtyard.
- 2.12 The uncertainties surrounding values, in particular values achievable for the penthouse units, and the fact that Knight Frank has not provided any comparable evidence to support its values should ideally be addressed and also strengthens the case for seeking agreement to a review mechanism.
- 2.13 We accept Gerald Eve's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment space would further compromise viability thus is unlikely to be feasible.

### 3.0 RESIDENTIAL SALES VALUES

- 3.1 Residential sales values have been estimated by Knight Frank in an update market report which is based on their original, 27th June 2012 report which estimated total private values of £[REDACTED] (£[REDACTED] per sqft). This 2012 report did not provide any comparable evidence in support of this estimate. The current estimate equates to an average of £[REDACTED] per sq ft (£[REDACTED] per sqm). Again no comparable evidence of specific transactions is provided in support of the estimated values.
- 3.2 The scheme is somewhat disadvantaged by its proximity to the busy Pentonville Road, but has the benefit of overlooking Joseph Grimaldi Park, and is in an area which is predicted to improve markedly over the coming years. Moreover, it has good access to Angel and King's Cross stations.
- 3.3 Knight Frank has provided a letter dated 26th February 2014 in which they set out their views concerning pricing and marketability, and in which they cite the Folio (22 Micawber Street) scheme as having informed and influenced the pricing levels they have recommended. However, no comparable evidence is provided for Folio, which is a development by Notting Hill Housing Group.



3.4 The Table below summarises values at four nearby schemes. Taking Eagle House as an example, this scheme is on the same road (A501) as the subject site, and has higher values on average. See Appendix Two for details of the comparable transactions used to generate this average and the one for Art House. Higher values are evident on the lower floors as well as the upper floors so the higher values at Eagle House are unlikely to be accounted for by the fact that this is a taller development (27-storeys). The average asking price of £1,120 per sqft, once a typical 5% discount is implemented to reach achievable values, gives £1,064 per sqft. We do not envisage values at the subject site significantly exceeding those at Eagle House given the close similarities, in some respects, of these schemes.

Summary of average values

	Average values per sq ft (March 2014) - based on asking prices
Art House	£1,356
Canaletto	£1,170
Central Square	£1,420
Eagle House	£1,121
Pentonville Road (proposed scheme)	£932

3.5 Canaletto is located near City Road, and is due for completion in Spring/summer 2015. The units are currently being marketed for sale off plan. As Canaletto is a high rise scheme we accept that higher values would be achievable overall than for an equivalent low-rise scheme. Canaletto is in a similar type of location, being close to the busy A501 (City Road/Pentonville). We note, however, that the premium, upper floor units have yet to be marketed but are likely to secure higher values than those shown above. As shown above, average values of £1,121 per sqft at Canaletto reflect strong recent sales growth.

3.6 The Art House and Central Square schemes are in our view somewhat superior to the proposed scheme, but do highlight the strong values that can be achieved in this locality for quality apartments with good specification, thus we consider that these schemes demonstrate that the proposed scheme's higher specification units and those units with aspects over the nearby park (rather than over Pentonville Road) have the potential for higher values than those estimated by Knight Frank.

3.7 The two duplex penthouses are valued at £[redacted] and £[redacted] (£[redacted] and £[redacted] per sq ft). One of these is situated away from the main road and overlooking the park. Whilst high quality units in this locality can often achieve higher values per sqft than those applied by Knight Frank to the subject site's penthouses, the absolute capital values need to be considered also, particularly given that there is often a 'ceiling' to what buyers will pay for units in a particular location, irrespective of their size. In other words, it would need to be shown that the market would pay over £[redacted] for a penthouse in this particular location. Penthouse values are highly sensitive to the quality of location, and clearly the subject site is substandard when compared to the



locations of most Central London penthouses, thus its position within this market is unclear.

- 3.8 In conclusion, we are of the view that higher values could potentially be achieved for those units which are situated on the upper two floors of each block - some of which are of a higher specification, although this may not apply to the penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 3.9 Overall, we consider that there is a potential for higher present-day values than those estimated by Knight Frank for the scheme as a whole although not by a sufficient margin to warrant the provision of additional affordable housing.
- 3.10 The uncertainties surrounding values, in particular values achievable for the penthouse units and taking account of the fact that Knight Frank has not provided any comparable evidence to support its values, should ideally be addressed and strengthens the case for seeking agreement to a review mechanism.

#### 4.0 AFFORDABLE HOUSING VALUES

- 4.1 The value ascribed to the social rented units is £[REDACTED] per sq ft, and to the Shared Ownership units is £[REDACTED] per sqft. No explanation has been provided as to how these estimated values have been arrived at, for example no information concerning rents, yields and other assumptions have been provided. These details, along with information relating to discussions with and offers from Registered providers would in our opinion reflect normal levels of information we would expect with a submission. It is quite conceivable that an RP could offer in excess of these levels, however the impact of enhanced values would be relatively marginal in terms of overall viability but again strengthens the view that a review reflecting an actual RP offer would help provide greater clarity in this respect.

#### 5.0 DEVELOPMENT COSTS

- 5.1 Sawyer & Fisher has updated its cost estimate by applying BCIS inflation rates and making adjustments to the scheme costs to reflect the latest changes to the scheme including the reduction in unit numbers. Our Cost Consultant, Neil Powling, has reviewed the cost estimate that has been provided by Sawyer & Fisher, and has reached the conclusion that it is generally reasonable although there is insufficient detail provided in the Cost Plan to give a satisfactory level of certainty over the suitability of the cost estimate. Neil Powling's report is included as Appendix Three.
- 5.2 Private residential units are circa. £[REDACTED] above benchmark levels due to the difference in the level of services provided to these units. Neil Powling notes that there is insufficient detail to enable him to check if this difference is a fair reflection of an enhanced specification. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this. He also notes that the allowance of £200,000 for demolitions appears to be double counted in the Appraisal.
- 5.3 With the exception of the additional £200,000 of demolition costs, we therefore do not generally dispute the build cost estimate on a headline basis, although it is apparent that an insufficiently detailed cost plan has been provided which renders some uncertainty in our analysis.



5.4 The build period of 26 months was considered reasonable by DVS, but the proposed 13 month lead-in is in our view possibly a little overstated. We are of the view that 13 months is a somewhat lengthy lead-in but is within an acceptable range, given the complexities involved with this site, thus we do not dispute these timings.

## 6.0 LAND COST (VIABILITY BENCHMARK)

6.1 A viability benchmark of £[REDACTED] has been adopted by the applicant, which is based upon the historic purchase prices for the different sites that have been purchased in order to assemble the site. This is the same figure as was applied in the 2012 Gerald Eve assessment.

6.2 In support of the benchmark, Gerald Eve has provided details of the purchase of the individual plots that make up the site - labelled Site 1-4 - and has also provided an existing use valuation of each site, together with details of site holding costs and details of comparable land transactions which are said to support the benchmark. We discuss each of these in more detail below. Our summary comments are as follows:

- We accept that the holding costs are suitable
- We consider the existing use valuations of the individual parts of the site to be broadly reasonable and based on sound assumptions
- Whilst potentially lower levels of landowner premium could be justified for some of the sites, we consider that, based on Appeal evidence, a degree of "site assembly profit" could legitimately be included to cover the risk during site assembly process
- The Europcar site (the last site to be purchased) in particular constitutes an effective "ransom" situation, given the importance of acquiring the entire island site in order to achieve a feasible development.

6.3 The Table below shows our estimated viability benchmark of £18.5m which is [REDACTED]. We adopted the existing use valuations (and alternative use valuation) adopted by Gerald Eve and added suitable levels of premium. In the case of Europcar we have adopted the purchase price as being reasonable as this was the last site to be purchased and is crucial to delivery of the proposed scheme. Even if this element of the site represents an overpayment the applicant was effectively committed to its purchase having already acquired the other elements of the site.

6.4 It should however be noted that this benchmark arises from the high land owner payment which reflects a degree of ransom value attributed to the enhanced Europcar facilities, the other site assembly costs and land assembly profit. This has a detrimental impact on the scheme's ability to meet Local Plan requirements which cannot easily be safeguarded through a complex site assembly process.



	BPS calculation of benchmark values		TOTALS
Site 1	£3.8m AUV + nil premium	£3.8m	
Site 3	1.31m EUV + 30% landowner premium	£1.70m	
Site 4	1.19m EUV + 30% landowner premium	£1.55m	
			<b>£7.05m</b>
Site 2 (Europcar)	Landowner premium/ Ransom payment (in addition to the £3.7m uplift in value of Europcar facilities)	£5.00m	
			<b>£12.05m</b>
	Site Assembly Costs	£4.73m	
			<b>£16.78m</b>
	Land Assembly Profit (10% of £16.78m)	£1.678m	
	<b>BPS ESTIMATED VIABILITY BENCHMARK</b>		<b>£18.46m</b>

- 6.5 The Land Assembly Profit that has been included above is consistent with a comparatively recent Appeal decision (391-407 Chiswick High Road, Chiswick, London W4 4AR; Appeal ref: APP/F5540/A/06/2017513) which stated that such a cost is suitable to “offset the risk, time and cost of assembling the site”.

#### Holding Costs

- 6.6 We have had regard to the specific circumstances of this site which has involved complex site assembly - acquiring the multiple plots of the site. RICS Guidance Note *Financial Viability in Planning* advises as follows concerning site assembly costs:
- “Where plots have been acquired to form the site of the proposed development, without the benefit of a compulsory purchase order, this should be reflected either in the level of Site Value incorporated in the appraisal or in the development return. In some instances, site assembly may result in synergistic value arising.”*
- 6.7 With respect to holding costs, the Guidance advises that “...where plots of land have been assembled and subject to assessment, it may also be appropriate to include related holding costs”. Taking this into account, it is apparent that holding costs are suitable for the subject site, including during the time in which the site was being assembled, but should not necessarily extend to the period since the site assembly was effectively completed, including the time of the planning application in 2012 and subsequent appeal.
- 6.8 Holding Costs/Site Assembly Costs of £4.3m are included in Gerald Eve’s benchmark. This figure includes purchaser’s costs and related costs associated with site assembly, which we have scrutinised and consider reasonable. It includes c£2.1m of historic finance costs incurred between April 2007 and June 2012, which is reasonable as this spans the time during which the site was being assembled, thus, in line with standard practice (as recently endorsed by RICS Guidance), these are legitimate site assembly costs.

Comparable land transactions - analysis

- 6.9 We do not consider that any firm conclusions can be drawn from the limited number of comparable land transactions provided, particularly given their very wide range of values per Ha and the general shortcomings of using comparable land transactions particularly when insufficient details are provided concerning them.

Existing Use Valuations - analysis

- 6.10 An existing use valuation (EUV) of £■■■ has been provided, with detailed explanation of how the EUV of each part of the site was calculated. We have assessed the existing use valuations (and alternative use valuation) for the individual components within this site, and have then considered whether suitable levels of “competitive return” are allowed for in the benchmarks used, as detailed further in the following Table:





<p>Site</p> <p>152-154 Road Pentonville SITE 1</p>	<p>Current Use</p> <p>Wass site Vacant site with consent for residential-led scheme  September 2007 purchase price</p>	<p>£ [redacted] m</p>	<p>£4.3m is September 2007 purchase price Has extant consent for seven-storey residential-led scheme (26 units) - reference P061175</p> <p>This has been valued using a residual valuation method which gives a figure of £ [redacted] (AUV). This is based on residential sales values of £ [redacted] per sqft, and £ [redacted] per sqft retail (capitalised at [redacted]%), which are broadly consistent with proposed scheme and on that basis are reasonable. The rest of the Argus appraisal assumptions are reasonable. The build costs are £ [redacted] per sq ft ([redacted] per sqm) which our cost consultant has reviewed and has reached the opinion is reasonable. We are satisfied that this is a reasonable estimate of the alternative use value of the site based on the extant consent</p> <p><b>BPS Conclusion: AUV is suitable figure so we suggest £3.8m instead of £ [redacted].</b></p>
<p>136-150 Road Pentonville SITE 2</p>	<p>Europcar site - rental car use  Purchased 2011</p>	<p>£ [redacted] m</p>	<p>Europcar has an existing total area of 17,034 sq ft, giving a total rent of £ [redacted] pa, based on £ [redacted] per sqft plus £ [redacted] applied to 10 parking spaces. This is consistent with comparable evidence cited and not to dissimilar from the site's Rateable Value. The total EUV estimate is £ [redacted] m (EUV)</p> <p>When considering the suitability of the £5m land payment to Europcar, we have taken into account that new, larger facilities are being provided to Europcar. In conclusion, we consider that this figure is potentially overstated, but taking this together with our other suggested reductions to the benchmarks does not result in the scheme becoming viable.</p> <p><b>BPS Conclusion: we do not dispute the £ [redacted] m.</b></p>
<p>5a Cynthia Street SITE 3</p>	<p>Flower shop with residential above  Purchased 2007</p>	<p>£ [redacted]</p>	<p>The commercial element assumed at a £ [redacted] per annum rent, capitalised at [redacted]% to give £ [redacted] which appears reasonable. The three-bed flat above is valued at £ [redacted] m, giving a total of £ [redacted].</p> <p><b>BPS Conclusion: We suggest £ [redacted] m which is EUV plus 30%.</b></p>
<p>130-134 Road and 3-4 Cynthia Street SITE 4</p>	<p>Four-storey office block purchased in 2007</p>	<p>£ [redacted]</p>	<p>Rent of £ [redacted] per sqft applied in the EUV estimate, giving £ [redacted] per annum, capitalised at [redacted]% yield, which gives £ [redacted] (EUV).</p> <p><b>BPS Conclusion: We suggest EUV plus 30% which equals £1.547m.</b></p>



Site 2 (Europcar) - further discussion

- 6.11 Europcar has an existing total area of 17,034 sq ft. The completed unit is 41,753 sqft (3,879 sqm). A suitable value to ascribe to the completed 41,000 sqft Europcar facility is £■■■■m, which we have based on the £■■ rental value per sqft giving £■■■■ which has been capitalised at ■■■%. These rents and yields are those applied by Gerald Eve in their valuation of the *existing* Europcar facilities.
- 6.12 The existing use value estimate is £■■■■ which indicates that the larger facilities will result in an uplift of £■■■■ in the value its interest, based on our summary estimate of the value of the completed facilities. Europcar has received a £■■ cash payment which is included as part of the benchmark for the overall site and incorporates a landowner premium and compensation for the disruption and costs of having to temporarily relocate during the build periods (including cost of leasing temporary facilities). Thus the net consideration to Europcar is c£■■■■.
- 6.13 Taking account of the need for compensation, and that any rational owner in Europcar's position would have expectations of receiving a significant premium given the site's development potential, we do not dispute the benchmark. The site was purchased in May 2011 which is after the 2007 purchases of the neighbouring parcels of land, and given the importance of the site to the applicant's development plans this would have put Europcar in a strong negotiating position. The level of the previous land sales would be a consideration to Europcar when formulating its expectation of land price particularly as it constitutes the largest single parcel of land on this island site.
- 6.14 As stated above, this situation is clearly specific to this site. In general site purchase price is not considered to be an appropriate means to benchmark viability, in line with RICS Guidance which states that market value should have regard to local plan policies. This hinges on the treatment of overpayments for land. Ordinarily such overpayments are disregarded because they do not adequately recognise planning policy. In this instance the ability of individual land owners to effectively ransom the assembly process means that the developer can only withdraw from a purchase leaving potentially expensive and undevelopable land in its ownership or to pay a higher price.

BPS Chartered Surveyors  
7th May 2014



APPENDIX ONE: LOCATION OF NEARBY COMPARABLE SCHEMES



2= Eagle House

3= Art House

4= Central Square

5= Canaletto



## Appendix Two: Comparable sales evidence

### Eagle House - latest asking prices (April 2014)

Unit description		
2-bed, 893 sqft	£910,00	£1,019
2-bed, 818 sqft	£920,000	£1,124
3-bed, 936 sqft	£950,000	£1,014
3-bed, 936 sqft	£980,000	£1,047
3bed, 936 sq ft	£1,020,000	£1,089
Studio, 461 sq ft, 3rd floor	£599,999	£1,301
957 sq ft, 6th floor	£1,200,000	£1,253
<b>Average</b>		<b>£1,121</b>

### BPS schedule of asking prices for Art House apartments as of 10th April 2014

Unit description	Price	Date of availability/agent	Price sqft
2-bed, 4th floors, 1,110 sq ft	£1,550,000	Added on 28th Mar 2014 Marketed by Stirling Ackroyd	£1,396
2-bed, 4th floor, 1,081 sqft	£1,350,000	Added on 26th Mar 2014	£1,243
2-bed, 4th floor, 1,081 sqft	£1,550,000	Added on 18th Mar 2014	£1,433
2-bed, 6th floor, 1,019 sqft	£1,450,000	Marketed by relocate- me.co.uk	£1,422
2-bed, 6th floor, 1,018 sq ft	£1,350,000		£1,326
2-bed, 5th floor, 1,005 sq ft	£1,335,500		£1,328
2-bed, 846 sq ft, 2nd floor	£1,325,000	Marketed by Moving City, London	£1,600
3-bed, 1,107 sq ft	£1,300,000	relocate-me.co.uk,	£1,147
3-bed, 1,107, 1st floor	£1,285,000	Faron Sutaria Sales	£1,160
1-bed, 617 per sqft, 4th floor	£999,500	Marketed by Moving City, London. Call	£1,619
1-bed, 522 sq ft, 3rd floor	£780,00		£1,503
<b>AVERAGE</b>			<b>£1,356</b>





## Appendix Three: Cost Report

### 1 SUMMARY

- 1.1 There is insufficient detail for us to accurately benchmark the four areas: Europcar commercial area £ [REDACTED] (/m<sup>2</sup>), Europcar Storage £ [REDACTED] (/m<sup>2</sup>), Europcar fuel storage (£ [REDACTED] /m<sup>2</sup>, commercial area £ [REDACTED] (/m<sup>2</sup>), however the rates appear broadly consistent with BCIS average rates.
- 1.2 The estimated costs of the residential areas have been compared to an adjusted benchmark. The private residential units are about £785,000 above benchmark levels; we can identify that the difference is predominantly in the services section but have insufficient detail to enable us to check if this difference is a fair reflection of an enhanced specification.
- 1.3 The inflation adjustment used to adjust costs from July 2012 to current costs 1Q2014 we consider reasonable. The allowance of £200,000 for demolitions appears to be double counted in the Appraisal.

### 2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.
- 2.4 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.5 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan

2.6 should keep the estimates for different categories separate to assist more accurate benchmarking.

2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures.

2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.

BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

### 3 GENERAL REVIEW

3.1 We have relied on the following documents provided as pdf files:-

- Design & Access Statement (as 3 files)
- Financial viability 2014 Addendum note prepared by Gerald Eve incorporating 7 appendices
- Outline Building Costs Estimate dated July 2012 prepared by Sawyer & Fisher
- Addendum to the Outline Building Costs Estimate of July 2012 dated February 2014 prepared by Sawyer & Fisher
- Appendix 4 AUV Appraisal Sep 2012 by Gerald Eve

3.2 The February 2014 cost plan has an updated summary in the total amount of £31,949,000 including a 5% contingency and inflation uplift from July 2012 (3Q2012) to 1Q2014 of 5.54%.

3.3 The published Tender Price Index (TPI) on 1<sup>st</sup> July 2012 for 3Q2012 was a 220 forecast figure. This is now a firm figure for 3Q2012 of 221 but the quarter before 2Q2012 was 230. Sawyer & Fisher(S&F) have correctly identified the fluctuating market conditions at this time and taken 5.4% as an average uplift from 3Q2012 to 1Q2014 currently a forecast 240. This is a very reasonable figure. The calculation might be  $240/220 = 9.09\%$ . However it also depends on how they saw market conditions at the time they priced the project when they might reasonably have been more influenced by market conditions producing a TPI of 230 than 220, particularly as they were on the cusp of the two quarters. We are therefore content with the inflation adjustment used by S&F.

3.4 We have transferred the cost plan information into the 11 different categories of building estimated, and attach it as an elemental analysis used for benchmarking against BCIS.

- 3.5 Three of the categories: private residential, Premier residential and intermediate residential have been re-estimated (at 2012 rates) to reflect the scheme changes. The remaining categories are unchanged and the details are as the original July 2012 cost plan - although adjusted by 5.4% for inflation.
- 3.6 S&F have not prepared their cost plan in BCIS elemental format - some costs broadly follow the elemental format whilst others - internal partitions, doors, finishings and services have been grouped in ways that make an accurate elemental benchmarking exercise impossible.
- 3.7 The allowance for preliminaries is 17%. We consider this to be at the high end of tender levels, although in the current market - prices and preliminaries levels are increasing. The location of the site and the nature of the work will result in complications that will tend to increase preliminaries costs. The allowance for Overheads and Profit (OHP) is 3% - we consider this reasonable and if anything slightly low. The provision for contingencies is 5% which is reasonable.
- 3.8 The totals excluding contingency for the following items: Europcar commercial area £ [REDACTED] (£ [REDACTED]/m<sup>2</sup>), Europcar Storage £ [REDACTED] (£ [REDACTED]/m<sup>2</sup>), Europcar fuel storage (£ [REDACTED]/m<sup>2</sup>), commercial area £ [REDACTED] (£ [REDACTED]/m<sup>2</sup>). There is an insufficient level of detail to enable us to benchmark accurately against BCIS but the rates do not appear out of line with BCIS average prices.
- 3.9 S&F have allowed for different levels of specification for the four categories of residential flats: private, premier, intermediate and affordable rented. These have been benchmarked against one level of BCIS average adjusted for differences in the elements of substructure, fittings, balconies and lift. These show the affordable rented to be £ [REDACTED] below benchmark whereas the premier and intermediate are £ [REDACTED] and £ [REDACTED] respectively above benchmark. The three taken together are very close to the adjusted benchmark figure indicating that the specifications of the private properties are higher than benchmark and offset by the lower specification of the affordable rented units.
- 3.10 The private units are priced at £ [REDACTED] in total (including contingency) this we calculate at £ [REDACTED] (£ [REDACTED]/m<sup>2</sup>) above the adjusted benchmark figure. The whole of this difference occurs in the combined services elements, but S&F have not provided a sufficient breakdown of the services costs for us to identify more specifically which services elements are over cost or indeed what specifications may have been assumed resulting in the higher costs. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this.

We note that the Appraisal includes an allowance of £200,000 for demolitions. The cost plan total of £ [REDACTED] already includes the sum of £ [REDACTED] for demolitions, so this amount appears to be double counted.

BPS Chartered Surveyors  
Date: 22<sup>nd</sup> April 2014

## APPENDIX 4 – APPEAL DECISION

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# Appeal Decision

Inquiry held on 17, 18 and 19 September 2013 and 11 October 2013

Site visit made on 11 October 2013

**by Julia Gregory BSc (Hons) BTP MRTPI MCMi**

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

**Decision date: 15 January 2014**

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**Appeal Ref: APP/V5570/A/13/2195285**

**130-154 Pentonville Road, and 3, 4 and 5A Cynthia Street, Islington  
N1 9JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Groveworld Rodney Street Limited against the Council of the London Borough of Islington.
  - The application Ref P121570 is dated 17 July 2012.
  - The development proposed is the comprehensive redevelopment of the site for a mixed use development comprising of approximately 3,624 sq m (GIA) of commercial floorspace (sui generis) comprised of office and 150 parking spaces associated with a car hire business; approximately 872 sq m (GIA) of B1 (office) floorspace; and 123 residential units (C3 use); together with associated communal amenity space, play space, landscaping, cycle and refuse storage, and related infrastructure and engineering works.
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## Preliminary matters

1. The Council failed to determine the planning application within the prescribed period. Nevertheless, the Council resolved on 15 April 2013 that it would have refused planning permission had it been able to have done so. The putative reasons for refusal are recorded in Council Minute 413 contained within the Statement of Common Ground (SoCG).
2. Subsequently, the Council has adopted its Development Management Policies and Site Allocations Documents. The putative reasons for refusal were updated with amended policy references in Mr Durling's Proof of Evidence.
3. The SoCG identifies the areas of disagreement between the main parties. These are the relationship between the scheme and the surrounding area, including townscape and undesignated local views, and the relationship between the scheme and surrounding residential properties in respect of daylight and sunlight.
4. The main parties agreed at the Inquiry that the plans to be considered were those that were detailed within the SoCG. A supplementary SoCG was submitted at the Inquiry to provide an update on negotiations regarding conditions and a S106 agreement. An executed S106 agreement was submitted on the last day of the Inquiry.
5. In addition to the accompanied site visit on 11 October 2013, I visited the vicinity of the site the day before the Inquiry opened, on 20 September 2013 and on 10 October 2013 unaccompanied by any party.

## Decision

6. The appeal is dismissed.

## Main Issues

7. The main issues are the effect on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight and the effect on the character and appearance of the area.

## Reasons

### *Living conditions*

8. The building would comprise 5 defined blocks A to E. It would be located with its main frontage comprising blocks B to D facing onto Pentonville Road on the back of the footway. The side elevation of block D and block E would face Cynthia Street to the east. Block A and the side elevation of block B would face Rodney Street to the west. The building mass would frame the perimeter of the block, albeit that it would be set back some 1.6m from the footway in Cynthia Street.
9. The National Planning Policy Framework (the Framework) identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
10. The development plan includes the London Plan 2011 (LP), the Islington Core Strategy 2011 (CS), Islington's Local Plan Development Management Policies June 2013 (DMP), and Islington's Local Plan: Site Allocations June 2013 (SA).
11. LP policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of particularly residential buildings in respect of matters including privacy and overshadowing. Intrusive overlooking in Cynthia Street would be resolved by the use of opaque glazing to certain balconies.
12. SA site KC1 identifies as a design consideration and constraint that future uses on the site and design should respect the amenity of residential properties within the vicinity of the site, but it also advocates that frontages should be positioned along the site boundary.
13. DMP policy DM2.1 specifies that development should provide good levels of amenity. This includes consideration of overshadowing which should not unduly prejudice the operation of adjoining land. The text explains that this includes negative impacts on privacy, sunlight and daylight.
14. Proposals must ensure that adjoining buildings are protected from unacceptable overshadowing. It explains that the Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sunlighting and daylighting (*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011*). It thus specifically endorses its use, but does not go further to identify if and when any alternative target values it contains might be applied.
15. BRE standards include as a general rule to minimise the impact to existing property. Vertical Sky Component (VSC), No Sky Line (NSL) (Daylight



Distribution) and Average Daylight Factor (ADF) methodology information have all been submitted by the appellant.

16. In respect of VSC, if with the new development in place it would be less than 27% and less than 0.8 times its former value then occupants of the existing building will notice the reduction in the amount of skylight. It may however be appropriate to use less than 27% in certain circumstances.
17. The NSL calculates the change in the no sky line between the existing and the proposed situations. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Areas without direct daylight will appear dark and gloomy compared with the rest of the room.
18. The ADF is primarily used for calculating daylight provision in new rooms and therefore is not appropriate to calculate the loss of daylight. Average Probable Sunlight hours (APSH) seeks to identify if a dwelling will appear reasonably sunlit.
19. The properties where daylight and sunlight considerations would be most relevant would be Hill House on the opposite corner of Cynthia Street with Pentonville Road, Gower School to the rear in Cynthia Street, Rodney House at the rear facing Donegal Street and Paul Robeson House, on the opposite side of Pentonville Road.

#### *Hill House*

20. The rooms in Hill House facing Cynthia Street served by windows that would be opposite the appeal building are single aspect and the main windows for the properties. The frontage of the building would be sited only between some 11.06m and 14.2m away from Hill House. At present buildings on the appeal site are low rise and set back from Pentonville Road, and so there is open land on the corner.
21. It is the ground, first, second and third floor windows in Hill House that would be affected. 27 windows on ground, first, second and third floors facing the site would have a VSC of less than 27% and would suffer a loss in the amount of daylight that they receive. This would range from between 23% and 79%. To over a third of the windows the loss would be more than 50%. Of these 27 windows there are 7 that serve living room/kitchen/dining rooms and a further 4 that serve living rooms.
22. Although 16 are bedroom windows that would be less important, all of the windows are to habitable rooms. Where there are rear windows, those are small and obscure glazed and provide little additional daylight to the main parts of the dwellings.
23. Even if an allowance were to be made for the balconies, as suggested in BRE guidance paragraph 2.2.11, as of themselves they restrict light, losses would be between 25% and 41% at ground floor, with an associated NSL of 58% and 59%. Only once in the second floor rooms under this calculation would the proposed VSC amount to almost 27%. In addition, in 12 of the habitable rooms there would be significant losses to the areas of the rooms that would receive direct daylight, in several, in excess of 50%.

24. ADF is not recommended for calculating loss of daylight. However if it were to be used to assess the lighting levels, three living rooms on ground floor, five bedrooms on the first floor and two open plan living/ dining/ kitchen rooms on the second and third floors would be below the BS8206 Part 2 recommended minimum.
25. In all cases, the reduction in sunlight over the year in Hill House would exceed the 4% threshold in the BRE guidance. 15 rooms would suffer a loss of winter sunlight in excess of 50% over existing levels. 5 rooms would lose over 75% with 3 rooms on first floor only retaining a proposed winter ASPH of zero or 1%.
26. The reduction in sunlight received over the whole year would be as much as 77% at ground floor. This would be significantly in excess of the 20% threshold set out in the BRE guidance. Six living rooms would experience losses of total sunlight across the year of up to 77%. VSC are currently below 27% if balconies are not discounted. The degree of harm that would be caused by the appeal building would be substantial and would demonstrably harm living conditions.
27. The BRE guidance identifies in appendix F that there might be alternative targets for setting skylight and sunlight access, for example where an existing building has windows that are unusually close to the site boundary and are taking more than their fair share of light. Hill House might be argued to be such a building.
28. Nevertheless, no alternatives have been set by the Council for the appeal site, and there would be substantial harm caused in relation living conditions of some residents in Hill House. I also note that, although the Council has not sought to oppose the scheme on that basis, that the internal daylighting in the proposed scheme does not in all rooms meet minimum ADF standards where opposite Hill House.
29. The BRE guidance does acknowledge that its guidance should be applied flexibly in central locations. This is a central location. A higher degree of obstruction may also be unavoidable if new developments are to match the height and proportions of existing buildings.
30. Although in townscape terms the perimeter approach to design is promoted by policy, there is no specific provision to mirror the adjacent Hill House, and policy provision seeks to prevent harmful impacts to living conditions.
31. I note that there are schemes elsewhere in London that have, according to the appellant, been granted planning permission without adherence to the BRE numerical guidelines. Nevertheless, I have insufficient information about the direct circumstances of those buildings and neighbouring properties to be able to determine their comparability to the impact of the appeal scheme.
32. I cannot discount the possibility, although none are before me for consideration, that alternative schemes might come forward for this site that might be acceptable that would both be appropriate from a townscape perspective and would comply, or more closely follow the BRE guidance.

### *Paul Robeson House*

33. Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment.
34. The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable.
35. Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant.

### *The Gower School*

36. Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit.

### *Rodney House*

37. 12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.
38. Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House.
39. I conclude that the development would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to LP policy 7.6 and DMP policy 2.1.

### *Character and appearance*

40. LP policy 7.6 and DMP policy DM2.1 set design criteria for planning decisions. Land levels rise significantly from Kings Cross to the Angel. There is a gentle slope through the appeal site so that there would be 1 to two storeys underground providing car storage, swimming pool, cinema room, gym and plant rooms. Above ground the building would vary in height from mainly 7 storeys to 10 storeys on Pentonville Road. It would be tallest in block B at 10 storeys high on the corner of Rodney Street with Pentonville Road.

41. In Rodney Street the building would reduce from 10 storeys to 7 storeys and then to 5 storeys in height. In Cynthia Street the building would reduce from 6 storeys with set back seventh floor to five storeys and then to 4 storeys high.
42. CS policy CS6 promotes a perimeter block approach and the aim is for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. New development will need to be based on coherent street frontages and new buildings will need to fit into the existing context of facades. The development would follow that perimeter block approach which is also supported by the Islington Urban Design Guide.
43. It was agreed by the main parties at the Inquiry that the widest context was that along Pentonville Road between Kings Cross and the Angel, and close by it was in Pentonville Road, Joseph Grimaldi Park, Rodney Street, Cynthia Street and Penton Rise.
44. The area to the north of the site includes Rodney House, and a 10 storey block of flats, Prospect House, facing Donegal Street. Because of the substantial massing of buildings at the rear, although the building would be 10 storeys high on the corner of Pentonville Road with Rodney Street most of the building would be screened from much of the area to the rear of Pentonville Road and would not be a significant feature in that context. The connecting elevations in Rodney Street and Cynthia Street would relate well in terms of height, massing and rhythm of fenestration to existing buildings.
45. LP policy 7.7 advocates that tall buildings should be part of a plan led approach. DMP policy DM2.1 identifies that the only locations that may be suitable for tall buildings are set out in the Finsbury Local Plan, which does not include the appeal site. CS policy CS9 identifies that tall buildings above 30m high are *generally* inappropriate to Islington's medium to low level character.
46. Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point. Because of the use of the word *generally* in the policy, it does allow for exceptions to the prescription against such buildings.
47. Regard is to be had also to the other design policies of the development plan and to the advice in English Heritage/Cabe's Guidance on Tall Buildings. There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.
48. Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally.
49. When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.

50. When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.
51. The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.
52. There is no dispute that the buildings on the site at present are of little townscape value and their removal would be beneficial to townscape. The building would improve on the current hotch potch appearance of the site which comprises mainly the car rental building set behind car parking on Pentonville Road.
53. It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area.
54. Pentonville Road is a straight wide thoroughfare which rises between Kings Cross and The Angel. This is a main route on which there is a variety of buildings of different types, heights, age and quality. There are no strategic views within this area that need to be protected. Local view 8 Pentonville Road to St Pancras Chambers and Station set out in DMP policy DM2.4 would not be obstructed.
55. Joseph Grimaldi Park lies on the opposite side of Rodney Street and contains Joseph Grimaldi's grave which is a grade II listed building. The park also includes an office building, No 154A, a modern building designed with a façade to replicate the church previously within the graveyard.
56. The park is a non-designated heritage asset. It is a relatively recent 20<sup>th</sup> century creation in its current form. There are 5 separate distinct areas within park. It is not a traditional square. DMP policy DM2.3 specifies that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted. Also CS policies CS9 and CS6F seek to protect and enhance Islington's built and historic environment. The site allocation KC1 identifies, amongst other matters, that the development should conserve and enhance the setting of the Joseph Grimaldi Park with 154a Pentonville Road.
57. The 10 storey high block B on the corner of Rodney Street would mark the corner. Although it is a taller element of the overall composition with a slightly different architectural expression that would add variety to the overall design, this would not cause it to appear separate from the overall composition or be

- so tall in comparison to the rest of the building or in relation to Rodney Street that it would be unsatisfactory within its context.
58. Because the building would frame the perimeter of the block, it would serve to reinforce the townscape. The building would integrate well, by reducing in height towards the north where it would abut a proposed building on adjacent land. It would be a similar height where it would be sited opposite Hill House in Cynthia Street. The fenestration pattern and articulation of the frontage in Cynthia Street would be sympathetic to the design of the adjacent and neighbouring buildings.
  59. The part of the building with the greatest dominance would be on the Pentonville Road frontage with those with lesser scale fronting the secondary frontages. This would reflect the hierarchy of streets and would increase the legibility and sense of order in the townscape. The building would provide a backdrop to the park, but because of the trees within the park would not be overly dominant in views from within it.
  60. The building would be viewed at a distance from lower land closer to Kings Cross, but trees in Joseph Grimaldi Park would provide much screening to it. Although the corner of the building would be higher than the rest of the property, it would not be so much taller as to look unrelated to the rest of the building.
  61. There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.
  62. Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.
  63. I agree with the Council that there is no particular need to mark the corner of Rodney Street with Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building. Also its location half way between Kings Cross and The Angel does not warrant a landmark building. The Design Guide identifies that there may also be other ways of emphasising junctions without reliance on extra height.
  64. Nevertheless, I consider that the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations.
  65. Although blocks C and D are not broken down into smaller vertical elements, this block would be well separated from buildings by Joseph Grimaldi Park and would relate well in height and architectural composition to Hill House to the east. The scheme would be a significant improvement to the character and

appearance of the area, would constitute a high quality design response that would have interesting articulation and would complement the character and appearance of the area.

66. Site allocation KC1, LP policy 7.7 and LP policy 7.4 all advocate active frontages. The underlying landform and topography would result in the need for a mezzanine floor for much of the commercial floorspace at level 0, fronting Pentonville Road. Choice of an appropriate material for internal mezzanine balustrading could ensure that there was human activity visible within the premises, quite close to the frontage windows in that area. The entrances to the residential parts of the scheme would not be so mean that they would appear squat within the overall scheme.
67. The car hire business would have some activity close to Pentonville Road and there would be entrances both on Pentonville Road and Rodney Street. There would be balconies on each of the outward facing elevations that would again create a positive relationship with street level activity. Although there would be a significant area of dead frontage in Rodney Street at floor level 0 this would be broken up by the vehicular entrance, the residential lobby and the car hire office would be on the corner where pedestrian activity would be most substantial. This has to be seen also within the context of being an improvement on what currently exists.
68. I conclude that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

### **Other matters**

69. The executed S106 agreement dated 9 October 2013 includes provision for 22% affordable housing, for contributions towards a raft of infrastructure matters and public realm works, for local employment provisions and for controls on construction works. I do not need to discuss those matters further for the most part, in the light of my conclusions about the harm caused by the scheme in respect of the first main issue. The exception to this is where they provide a positive benefit of the scheme to be weighed in the balance.
70. The S106 agreement amongst other matters includes provision for affordable housing. CS policy CS12G requires 50% affordable housing, but the Framework identifies that market conditions over time should be taken into account.
71. The offer of 22% affordable housing, comprising 11x3 bed social rented units, 6x1 bed and 3x2 bed intermediate rental units is included in the S106 agreement. Viability information supplied by the appellant included the circumstances surrounding the site assembly, the costs of building the expanded car hire business and the difficulties associated in securing value for the expanded car hire business. On the basis of the viability information supplied by the appellant, the Council accepted a lower provision.
72. CS policy CS6 promotes office led mixed use development in Pentonville Road. The building would lie also within the LP Kings Cross Opportunity Area. The more recently adopted site allocation KC1 allocates the site for mixed use redevelopment including employment and residential uses. Any redevelopment should intensify the use of the land to provide employment uses. Furthermore there should be a net increase in office floorspace subject to viability.

73. Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes.
74. The S106 agreement would also make positive provisions for local employment both in the construction and in relation to the car hire business. This again would be a positive benefit of the proposal which needs to be taken into account in the overall planning balance. I acknowledge that the obligation provides positive benefits which weigh in favour of the proposal in respect of affordable housing and employment locally.
75. Although Islington is able to demonstrate a 5 yr housing land supply, there is a pressing need for housing in London. The scheme would provide 123 new homes including affordable homes. I acknowledge also that the development would be located within a highly sustainable location with a PTAL of 6b and that it could comply with energy efficiency criteria within the development plan.

### **Conclusions**

76. There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed.

*Julia Gregory*

INSPECTOR



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Russell Harris QC

He called

Andrew Beharell

Peter Stewart

Lance Harris

Jonathan Owen Davies

Murch

Pollard Thomas Edwards Architects

Peter Stewart Consultancy

Anstey Horne and Co

Savills

### FOR THE APPELLANT:

Daniel Kolinsky

He called

Tina Garratt

Matthew Durling

Thomas Webster

Of Counsel

Conservation and Design Officer

Principal Planning Officer

Principal Planning Officer

### INTERESTED PERSONS:

Lidija Danilovic

Local resident

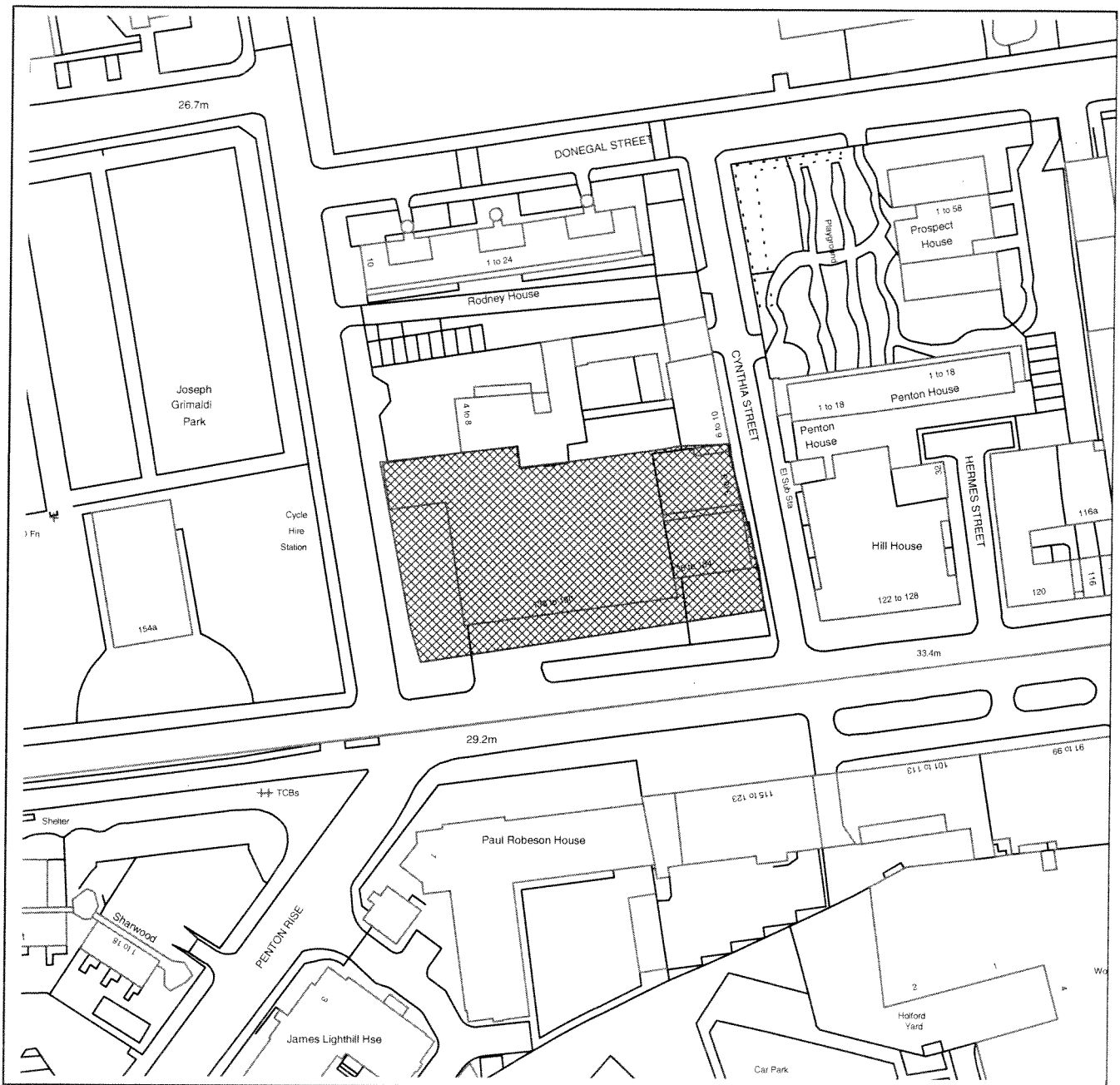
## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Appearances list for appellant
- 2 Supplementary Statement of Common Ground
- 3 Draft S106 agreement
- 4 Application plan PL-L01 Rev A
- 5 Brief Opening for the appellant
- 6 Opening Submissions on behalf of the London Borough of Islington
- 7 Rebuttal by Andrew Beharell to the proof of evidence of Tina Garratt
- 8 Annual Monitoring Report 2012
- 9 Islington Housing Trajectory
- 10 Note on discrepancies identified in respect of Anstey Horne Technical Assessment
- 11 Appendix 9 Heritage of DMP
- 12 Justification for early years needs south of Islington Borough from Tom Webster
- 13 Photographs of active frontage to duplex business unit (Diespeker Wharf)
- 14 Response from Sustainability Officer 18/10/12
- 15 London Plan policy 5.2 and 5.3 and 5.9
- 16 Islington Council Development Management Policies- Adoption 2013 Policy DM7.5
- 17 13 units that would have comfort cooling
- 18 S106 agreement dated 9 October 2013
- 19 Letter dated 16 September 2013 from Marples to the London Borough of Islington in connection with S106 agreement
- 20 Power of attorney for execution of documents on behalf of

- Mortgage Business PLC
- 21 Business Power of Attorney The Royal Bank of Scotland plc 14  
September 2013
  - 22 Closing Submissions on behalf of the London Borough of Islington
  - 23 Appellant's closing submissions



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1017/FUL

LOCATION: 130-154, 154A, PENTONVILLE ROAD, ( INCLUDING, 5A CYNTHIA STREET, 3-5, CYNTHIA STREET, 2, RODNEY STREET), ISLINGTON, LONDON, N1 9JE

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