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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 **17 November 2015 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 : 6 November 2015

**Welcome:**

Members of the public are welcome to attend this meeting.

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

Committee Membership

Councillor Khan (Chair)  
Councillor Fletcher (Vice-Chair)  
Councillor Klute (Vice-Chair)  
Councillor Chowdhury  
Councillor Convery  
Councillor Nicholls  
Councillor Poyser  
Councillor Spall  
Councillor Gantly  
Councillor Donovan


Wards

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

Substitute Members

Councillor Diner  
Councillor Kay  
Councillor A Perry  
Councillor Picknell  
Councillor Wayne  
- Canonbury;  
- Mildmay;  
- St Peter's;  
- St Mary's;  
- Canonbury;

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. Appointment to Planning Sub-Committee	1 - 4
7. Minutes of Previous Meeting	5 - 8
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 205 Old Street, London, EC1V 9QN	9 - 52

2.	22-23 Tileyard Road, London, N7 9AH	53 - 98
3.	52 Tollington Way, London, N7 6QX	99 - 148
4.	Charles Simmons House, 3 Margery Street, London, WC1X 0HP	149 - 216
<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>
<b>D.</b>	<b>Urgent non-exempt items (if any)</b>	

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

**Date of Next Meeting:** Planning Committee, 10 December 2015

**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).**



Report of: **Assistant Chief Executive – Governance and Human Resources**

Meeting of	Date	Ward(s)
Planning Committee	17 November 2015	All

Delete as appropriate		Non-exempt
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## SUBJECT: APPOINTMENT OF PLANNING SUB-COMMITTEES

### 1. Synopsis

1.1 The purpose of this report is to appoint a member to Planning Sub-Committee B following the change in membership to the Planning Committee at Full Council on 15 October 2015.

### 2. Recommendations

2.1. To appoint Councillor Alice Donovan to serve on Planning Sub-Committee B with immediate effect until her successor is appointed in place of Councillor Ismail.

### 3. Background

3.1 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington.

3.2 The Planning Committee has appointed two Planning Sub-Committees. Appointments are usually made to the sub-committees from the membership of the Planning Committee. Councillor Ismail ceased to be a member of the Planning Committee on 15 October 2015 and this report is brought to the committee to enable the Labour Group to nominate a new member to be appointed to Councillor Ismail's seat on Sub-Committee B if it so wishes.

### 4 Implications

#### 4.1 Financial implications

There are no financial implications arising from this report.

**4.2 Legal Implications**

These are set out in the body of the report.

**4.3. Resident Impact Assessment**

Meetings are held at the Town Hall which is fully accessible. Other access needs are addressed as they arise. Meetings are held in public and members of the public are able to speak on application which enables participation across all the equality strands.

**5 Conclusion and reasons for recommendations**

The Committee should approve this report in order for Planning Sub-Committee B to have four members. One vacant position will remain.

**Background papers:**

None

**Appendix:**

**Appendix A – Terms of Reference of the Planning Sub-Committees**

Final Report Clearance

**Signed by**

.....  
Assistant Chief Executive (Governance & HR )

.....  
Date

**Received  
by**

.....  
Head of Democratic Services

.....  
Date

Report author: Zoe Crane

Tel: 020 7527 3044

E-mail: [zoe.crane@islington.gov.uk](mailto:zoe.crane@islington.gov.uk)

## PLANNING SUB-COMMITTEES

### Quorum

The quorum shall be three members.

### Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
  - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
  - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II\* listed buildings, (except matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or

partner);

7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;
8. Applications which, in the opinion of the Service Director, Development and Planning /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Development and Planning/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
11. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
  - (a) the Service Director Development and Planning/Head of Service Development Management would not recommend it for approval; or
  - (b) the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
    - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
    - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.



London Borough of Islington

## Planning Committee - 13 October 2015

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 13 October 2015 at 7.30 pm.

**Present:**           **Councillors:**       Kat Fletcher (Vice-Chair), Klute (Vice-Chair), Convery, Ismail, Nicholls, Poyser and Spall  
**Also Present:**       **Councillor:**        Michelline Safi Ngongo

### Councillor Martin Klute in the Chair

**134**        **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Chowdhury, Gantly and Khan.

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

There were no substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 8 September 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**140**        **WHITEHALL PARK SCHOOL, ASHMOUNT ROAD, LONDON N19 3BH (Item B1)**

Demolition of the existing former Ashmount Primary School building and erection of a new 3 storey, flat roofed school building to accommodate the Whitehall Park School including ancillary play space.

(Planning application number: P2015/1089/FUL)

In the discussion the following points were made:

- The planning officer advised that following legal advice, Condition 22 should be converted into the Section 106 agreement rather than stand as a condition. Also the number of trees proposed to be planted (28) should be inserted into the wording of Condition 14.
- The planning officer stated that a late objection had been received from the Islington Society. A response to the points raised had been circulated to members and was read out at the meeting. A copy would be interleaved with the agenda.

## Planning Committee - 13 October 2015

- In summary, the officer advised that the opinions and advice of English Heritage as a national decision making body were material considerations even if they contradicted officers' advice at that time (2005); the curtain walling was the primary interest, not the plan form or setting; the deterioration of the curtain walling was a significant factor in assessing the building's quality and its fitness for purpose as a school had to be taken into consideration. Given that the English Heritage letter confirmed that the building was failing, it was officers' advice that this should be given considerable weight as a deciding factor.
- The planning officer clarified that officers had not concluded that the buildings only interest lay in its cladding system, but that its most striking claim to significance lay in that cladding system, as per English Heritage advice. Officers still recognised that the loss of the building would cause harm to the conservation area, but that the degree of harm was thus reduced from substantial harm (Design and Conservation view) to less than substantial harm. If members felt that the loss of the building would cause substantial harm, then the test would still be "that the substantial harm was necessary to achieve substantial public benefits that outweighed that harm of loss" (NPPF paragraph 133).
- The planning officer confirmed that it was assumed that the school would manage the community use (as they would be party to the Section 106 agreement) but if an alternative manager was proposed, the detail would be secured in the community use agreement.
- The Inclusive Design Officer's comments were considered.
- It was noted that the application had twice been considered by the Design Review Panel during the design process.
- The building was locally listed but not listed by English Heritage.
- There were 31 trees on the site. 9 TPO trees would be removed plus 6 non-TPO trees (but protected by virtue of being within a conservation area) and 28 would be planted.
- In response to a suggestion that the school's circulation areas could be larger to avoid congestion, the headteacher stated that the school had prioritised having as large as possible teaching spaces and this was also partly due to the constrained site area.
- The Chair advised that there was a need to balance the loss of a building of architectural significance against the building of a new school with modern and high quality teaching spaces. The government had required a school to be built on the site and the council had plans to use another part of the site for social housing. The proposal would result in the intensification of the use of the site.
- The metal cockerel would be retained.

Councillor Spall proposed a motion to restrict the hours of use of the rooftop playground to between 8am and 8pm. This was seconded by Councillor Fletcher and carried.

### **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 securing the heads of terms as set out in the case officer's report and subject to the conditions set out in the case officer's report with conditions 14 and 22 amended as above plus an additional condition to restrict the hours of use of the rooftop playground to between 8am and 8pm, the wording of which was delegated to officers.

**WORDING DELEGATED TO OFFICERS**

This wording has been provided by officers following the meeting and is included here for completeness.

**MINUTE 140**

**WHITEHALL PARK SCHOOL, ASHMOUNT ROAD, LONDON, N19 3BH**

**CONDITION:** The two rooftop playground areas hereby approved shall only be used between the hours of 8am and 8pm on any day.

**REASON:** In the interests of balancing making the optimum use of the play areas within the site for children and wider community benefit against the need to protect nearby residential amenity to an appropriate level.

The meeting ended at 8.30 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

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	17 November 2015	<b>NON-EXEMPT</b>

Application number	P2015/2259/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	N/A
Conservation area	None
Development Plan Context	Central Activities Zone, City Fringe Opportunity Area, Employment Priority Area, Bunhill & Clerkenwell Core Strategy Key Area
Licensing Implications	Culmative Impact Area
Site Address	205 Old Street, London, EC1V 9QN
Proposal	Demolition of existing single storey Post Office building and erection of a new two storey building comprising of a flexible retail (A1-A3) unit and new Post Office (A1) and associated back of house operations.

Case Officer	Colin Leadbeatter
Applicant	Helical Bar Plc
Agent	DP9 Ltd

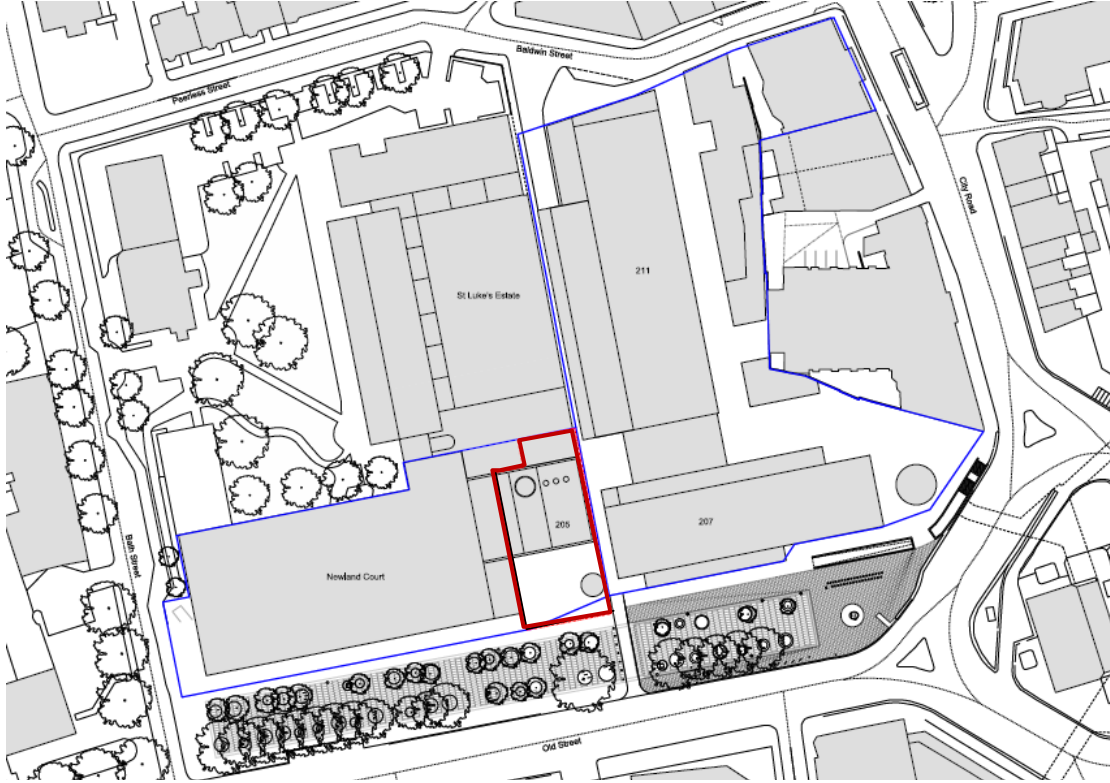
### 1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 and

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

**2. SITE PLAN (site outlined in red)**



**3. PHOTOS OF SITE/STREET**



*View from the Promenade of Light (Old Street)*



*View from adjacent building at 211 Old Street across existing Post Office roof*



*View over existing servicing entrance, and over green space adjacent to Bath Court*

#### **4. SUMMARY**

- 4.1 The redevelopment of 207 & 211 Old Street (and Empire House) was originally granted planning permission under application reference P2013/1667/FUL on the 13<sup>th</sup> December 2013 (as amended by P2014/3081/S73 and P2015/0824/S73). Number 205 Old Street falls under the same land ownership, and constitutes part of the wider site as outlined in Site Allocation BC 23 of the Finsbury Local Plan. The applicants originally intended for 205 Old Street to form part of the 2013 submission, but ongoing discussions with the Post Office resulted in this part of the application site not being included.
- 4.2 During pre-application discussions the Local Planning Authority emphasised to the applicant that the loss of the Post Office on this site would be resisted due to the potential loss of an important public service. This application seeks to demolish the existing building in order to provide a larger replacement building to house a replacement Post Office, and a further retail unit over one or two floors. Policies BC 3 (Old Street) and BC 8 (Achieving a Balanced Mix of Uses) of the Finsbury Local Plan (2013) support the provision of retail uses fronting Old Street, along with the site allocation BC 23 which specifically seeks redevelopment of the site with retail units to be provided fronting Old Street, as well as the retention of the post office which this scheme achieves.
- 4.3 The proposed building would be two storeys in height, consisting of a lower ground floor, ground floor and mezzanine level, which would be one storey taller than the existing building. While only one additional storey is being proposed, due to the height of the existing building this would only equate to 1.7m of additional height. When considered against the heights of the existing buildings either side of the proposed development, this increase in height is considered to be acceptable in townscape terms.
- 4.4 The general exterior design and finish of the proposed building fronting Old Street would follow that previously approved for 207 Old Street and the new-build 'studio' buildings. In this regard, the detailed design of the building is considered to be of a high quality and appropriate to its context.
- 4.5 The proposed uses and increase in scale and bulk of the proposed development are considered to be acceptable with regard to the amenity of neighbouring residential properties due to the increase in height of the development having only a marginal impact in terms of outlook and sense of enclosure to two residential units at first floor level of the adjacent Newland Court. The proposed use is considered to be acceptable as this would front Old Street and would face away from residential units, with activity within acoustically shielded. Additionally, due to the potential for cumulative impacts of A3 uses, and the close proximity of residential properties, and hours of operation condition to restrict the hours of a possible A3 use is recommended to protect residential amenity.
- 4.6 The proximity of the application site to Old Street Underground Station, along with National Rail Links, with a number of bus routes running past the site and good cycling and pedestrian links makes the site ideal for a more intensive



development. It is considered the public transport network as existing can adequately support the increased level of visitors to and from the site, along with providing adequate access for delivery and servicing, along with an acceptable level of cycle parking (along with an off-site contribution for public cycle parking facilities). The proposed A1/A3 (and retained Post Office) land use is considered to be compliant to local, regional and national policy including London Plan Policies 2.12, 4.7 and 4.8, Islington Core Strategy Policies CS7 and CS14, Development Management Policies DM2.1, 2.2, and 4.3 along with Finsbury Local Plan Policies BC3 and site allocation BC23, with the retail functions at ground and first floor level supporting the predominantly business function of the area.

- 4.7 The proposed development is considered acceptable subject to the applicant entering into a Section 106 agreement to secure the heads of terms to mitigate the impacts of this development. Conditions are recommended to secure compliance with planning policy and ensure that the operation of the site does not adversely affect the functioning or amenity of the surroundings.
- 4.8 As well as the above, the proposals are considered to also comply with adopted national, regional and local planning policies, including the National Planning Policy Framework, Policies 2.12 (Central Activities Zone – Predominantly Local Activities), 4.1 (Developing London’s Economy) and 4.7 (Retail and Town Centre Development) of the London Plan (2015), Policy CS 8 (Enhancing Islington’s Character), CS 10 (Sustainable Design), CS 14 (Retail and Services) and CS 18 (Delivery and Infrastructure) of the Islington Core Strategy (2011), Policy DM2.1 (Design) and DM4.3 (Location and Concentration of Uses) of the Islington Development Management Policies (2013).

## **5. SITE AND SURROUNDING**

- 5.1 The site comprises of 205 Old Street which falls adjacent to the west of 207 and 211 Old Street. The site is bounded to the north by Bath Court (part of the St Luke’s Estate), to the east by 207 and 211 Old Street with City Road 100m away, to the south by Old Street (with Old Street roundabout to the immediate south-east corner of the site) and Newland Court of the St. Lukes Estate to the west. The site does not fall within a conservation area, but is bounded by the Moorfields Conservation Area to the east and north east and the Bunhill Fields and Finsbury Square Conservation Area to the south.
- 5.2 The site also includes a single storey cylindrical flat-roofed brick and concrete ‘rotunda’ to the front forecourt which currently houses an escape stair from the basements of 205, 207 and 211 Old Street below.
- 5.3 The site is currently set back from the main frontage of a retail parade to the west (which fronts the Promenade of Light), it is set in by 13m with an underutilised space to the front of it. Newland House sits above the retail parade.

- 5.4 An existing service/access road divides the proposal site and 207 Old Street to the east.
- 5.5 The site falls adjacent to the Moorfields Conservation Area, which was formed in 1990 and is centred on the Islington side of City Road and some buildings in secondary streets behind. The architecture of the conservation area is mainly comprised of late Victorian and Edwardian commercial buildings that rise up to 7 storeys. More recent planning consents for taller buildings mean the character of the surrounding area is likely to change somewhat in the next few years, with work now well underway on the White Collar Factory (the former Transworld building). The best of the earlier Victorian and Edwardian predominantly red-brick buildings is the Grade II listed former Leysian Mission falling to the east of the application site.
- 5.6 The Bunhill Fields and Finsbury Square CA was first designated in 1987 and extended in 1998 and again in 2002. Its character is derived from a mixture of large-scale office buildings around Finsbury Square close to the City borders and low-rise former warehouse and residential properties in the streets near the Old Street Roundabout. It also contains some large green open spaces including Bunhill Fields historic burial ground, which is owned by the City of London, Finsbury Square, which was first developed in 1777, and the playing fields of the Honourable Artillery Company.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The proposal includes the complete demolition of the existing above-ground elements of 205 Old Street which comprise of a single storey building housing the existing post office and a single storey spherical rotunda currently housing an escape stair, and the construction of a two-storey building (with green roof). The building is designed to have a fully glazed front elevation facing onto Old Street, with a single storey metal-clad side addition linking the proposed building to 207 Old Street (accommodating two ATM's and two post boxes).
- 6.2 The proposed development would comprise of two retail (Class A1) units, one housing the retained Post Office, and one to be let or sold to a private tenant as either an A1 or A3 use, with an internal bicycle store at basement level and a rear servicing yard to be shared with 207 Old Street.

## **7. RELEVANT HISTORY:**

- 7.1 Since the Post Office was built in the 1960's the Council has processed only a handful of applications with regard to the host property, mostly with regard to signage and the installation of an ATM. It is not considered there is any specific planning history that is relevant to this application, with the exception of the adjacent site at 207 – 211 Old Street and its recent permissions as outlined below:
- 7.2 P2013/1667/FUL (approved 13/12/2013): Extensions and alterations and associated re-cladding to 207-211 Old Street,(including additions at roof level)

refurbishment and change of use of Empire House to provide A3/A5 restaurant use at basement and ground with office (B1)/Hotel (C1)/ private members club(Sui Generis) above, creation of part 2, part 3 storey buildings to provide additional B1 and A1,A2, A3, A4, floorspace, and creation of new pedestrian link from Old Street to Baldwin Street with associated landscaping and associated works.

- 7.3 P2014/3081/S73 (approved 28/11/2014): Material minor amendment of planning permission P2013/1667 dated 13 December 2013. Amendments include: Amalgamation and change of use of two office units (B1a) to restaurant (A3) at 211 Old Street; changes to green/brown roofs and soft landscaping; variations to studio building entrance; addition of terrace at ninth floor and reduction in height of parapet to 211 Old Street; variations to elevations of studio buildings and 211 Old Street; change of material from glass to brick to new office building corner; and variations to courtyard layout.
- 7.4 P2015/0824/S73 (approved 04/11/2015): Material minor amendment of planning permission P2013/1667/FUL dated 13 December 2013 (as amended by P2014/3081/S73 on the 28th November 2014. Amendments include: design changes to the principle elevations of 207 Old Street, an increase of height of the overall building by 525mm, a reduction in the projection of the extensions to 207 Old Street as approved, a larger plant screen at roof level, and associated alterations including changes to the pedestrian 'cut-through' to 207 Old Street.

#### **ENFORCEMENT:**

- 7.5 None

#### **PRE-APPLICATION ADVICE:**

- 7.6 Q2014/0687/MJR: The principle of retail on this site is supported by the site allocation. Policy BC8 of the Finsbury Local Plan encourages a range of retail, leisure or community facilities on ground floor frontages facing onto Old Street. Site allocation BC23, which the site falls within, highlights that redevelopment should retain the Post Office with retail uses at ground and basement. There was therefore no objection to the principle of retail use – the key issue was the size and type of retail to be provided, and securing the retention of the Post Office. The pre-application advice also asked the applicants to investigate the use of any upper storeys for B1(a) floorspace, however it was noted that the overall redevelopment of 207 – 211 Old Street is already delivering over 10,000m<sup>2</sup> of additional B1(a) floorspace.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 249 adjoining and nearby properties at Bath Court, Newland Court and Old Street on 04/09/2015. A site notice and a press advert were displayed on 04/09/2015. The public consultation of the

application therefore expired on 01/10/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of 7 responses had been received from the public with regard to the application all of which were objections. Additionally, a petition with 43 signatories, mainly from residents of Bath Court was received on 6 November 2015, hand delivered to the office. The issues raised can be summarised as follows (with paragraph numbers where those issues have been addressed in brackets):

- Increased sense of enclosure to Newland Court (addressed in paragraph 11.45 – 11.46 of this report);
- Proposed use as retail/restaurant (see paragraph 11.7 – 11.17);
- Height (see paragraph 11.23);
- Overlooking (see paragraph 11.46);
- Objection to the proposed character and appearance of the development (see paragraph 11.18 – 11.27);
- Potential Plant Noise/Location of fixed plant (see paragraph 11.47-11.48);
- Closing of existing servicing road (see paragraph 11.69);
- Construction Noise (addressed in paragraph 11.50 of this report); and
- Lack of consultation to some nearby residential properties:

*Response: The Local Planning Authority made every effort to consult all addresses within Bath Court. The Local Planning Authority also erected a site notice (erected 04/09/2015) and advertised the proposals in the press (in the Islington Gazette on the 08/09/2015). Discussions were also held with the chair of the Resident's Association, Ray O'Halloran.*

### **External Consultees**

- 8.3 **Historic England** 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.
- 8.4 **Metropolitan Police** (Crime Prevention) no response to consultation.
- 8.5 **Thames Water** raise no objection subject to an informative being added with regard to water pressure.

- 8.6 **Transport for London** raise no objection subject to conditions being attached to any planning permission seeking a Construction Management Plan and Delivery and Servicing Management Plan to be submitted and approved by the Local Planning Authority prior to works commencing on the application site in consultation with TfL TLRN.
- 8.7 **Royal Mail** (Post Office) have confirmed in writing through the application process that the proposals are in line with their discussions with the landowners.

### **Internal Consultees**

- 8.8 **Access Officer** has raised concerns on a number of issues, please see access section in the body of this report (para 11.31).
- 8.9 **Design and Conservation Officer** raised no objection.
- 8.10 **Energy Conservation Officer** raises concerns that the proposals do not adequately address a potential connection to a District Heat Network.
- 8.11 **Public Protection Division (Noise Team)** raises no objection subject to a condition being added in order to mitigate any noise/nuisance from fixed plant and/or extraction systems.
- 8.12 **Public Protection Division (Licensing)** have confirmed that the hours of operation recommended to be conditioned by the LPA for the A3 restaurant unit fall within the adopted Licensing core hours as set out in Islington's Licensing Policy 2013 – 2017, and raise no objection.
- 8.13 **Public Protection Division (Land Contamination)** raised no objection.
- 8.14 **Spatial Planning and Transport** (Transport Officer) provided no response to consultation.
- 8.15 **Sustainability Officer** raises no objections subject to reasonable conditions.
- 8.16 **Planning Policy** raise concerns with regard to the quantum of retail floorspace to be provided.

## **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.

- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

### **Development Plan**

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone
  - Employment Priority Area (General)
  - City Fringe Opportunity Area
  - Site Allocation BC 23 (Copy Provided at Appendix 3)

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

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

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

- 10.1 An EIA screening was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011). No formal decision has been issued to this effect.

## **11. ASSESSMENT**

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

- Land Use;
- Design and Conservation;
- Accessibility;
- Neighbour amenity;
- Sustainability, Energy efficiency and renewable energy;
- Highways and transportation implications;
- Planning Obligations.

## **Land-use**

### **Employment floor space:**

- 11.2 The site is located within an Employment Priority Area (General) where Core Strategy policy CS13 and Finsbury Local Plan policy BC8 safeguard existing employment floor space and encourage new employment floorspace (particularly business floorspace) to locate in the CAZ where access to public transport is greatest. New business floorspace is required to be flexible to meet future business needs and shall include the provision of a range of unit types and sizes, including those suitable for Small/Medium Enterprises (SMEs).
- 11.3 Finsbury Local Plan Policy BC8 states that proposals should incorporate the maximum amount of business floorspace reasonably possible on the site. However, it then adds that the employment floorspace of a development should not be unfettered business floorspace (B1a) but where appropriate must also include retail or leisure uses at ground floor alongside a proportion of non-B1a or business-related floorspace and/or office B1a or retail floor space suitable for accommodation by SMEs and/or affordable workspace.
- 11.4 The proposed development consists of one A1 unit and one A1/A3 unit. Whilst it would not provide any additional office floorspace it is considered that as the overall redevelopment of 207 – 211 Old Street will provide over 10,000m<sup>2</sup> of additional B1(a) floorspace the provision of further office floorspace at 205 Old Street is not in this instance necessary to meet the overall aims of the spatial policies, nor the site allocation (BC 23).
- 11.5 In accordance with policy BC8 the proposal would introduce retail use at ground and first floor when considered in the context of the wider site allocation provides a range of facilities that are considered to be supportive and complimentary to the primary business role of the area. The increase in density together with the potential mix of uses (A1/A3) and high level of public access to the site would ensure that the building would be flexible to future business needs and would not compromise economic function/growth. In addition to this, the proposal would increase the level of employment density of the site compared to the existing building.

### **Principle of Post Office, A1 and A3 Uses**

- 11.6 The existing land use of the site falls within an A1 use class and currently operates as a Post Office.

- 11.7 The proposed development would constitute provide two units, one A1 unit housing a replacement Post Office (325.12m<sup>2</sup>), and a further flexible A1/A3 unit measuring 433m<sup>2</sup>, or up to a maximum 897m<sup>2</sup> if an optional mezzanine floor is added.
- 11.8 The application site falls within site allocation BC 23 of the Finsbury Local Plan 2013. While the majority of the site has the benefit of planning permission for a comprehensive redevelopment (which at the time of writing was nearing completion of Phase 1, with Phase 2 to commence in early 2016), the Post Office site has until now been excluded from proposals. The site allocation seeks a new, high quality building in this location with retail units provided at ground floor to provide an active frontage to Old Street. The site allocation also seeks the retention of the Post Office use on the site.
- 11.9 The Post Office has been consulted through the evolution of the proposals and this subsequent application for planning permission and is to be retained in accordance with BC 23. The proposed development would result in a slightly smaller Post Office unit than existing from 486m<sup>2</sup> to 325m<sup>2</sup>, however it is considered (and has been confirmed by the Post Office) that the design of the proposed unit would make better use of the area available to efficiently provide a service to customers, as well as back of house operations. The scheme design has been informed by the Post Office's trading requirements. It is considered that as the Post Office is being retained, and a contemporary development is likely to provide an updated offer to customers, the reduction in floorspace is considered to be acceptable.
- 11.10 The proposed land use is also considered to comply with Policy BC 3 (Old Street) of the Finsbury Local Plan as the proposed use would specifically address part E of the policy which seeks a range of retail facilities on ground floor frontages facing Old Street.
- 11.11 While the Council's Policy Team has raised concerns with regard to the quantum of retail floorspace proposed and its potential impact on nearby Town Centres (Angel) and Local Shopping Areas (Whitecross Street) it is considered that a single retail unit (the other rehousing the Post Office) would be acceptable in this location due to the predominantly retail function of the Promenade of Light, along with the requirements set out by the Site Allocation (BC 23), including the site's location within the CAZ. It should be noted that the overall site for 207 – 211 Old Street is predominantly made up of A3/A4 units at ground floor level fronting Old Street, and therefore the presence of the A1 retail units on this part of the site would offer the commercial floorspace sought by the Finsbury Local Plan.
- 11.12 With regard to the possible A1/A3 unit, while the principle of A1 use is broadly accepted, Development Management policy DM4.2 states that night-time economy uses are appropriate within Old Street (see para 4.16 of the DMP where it states entertainment and night time uses will be generally directed towards Town Centres alongside parts of the Central Activities Zone where identified in policy BC8) and policy BC8 of the Finsbury Local Plan states that new entertainment uses will only be allowed within Employment Priority Areas, as is the case here. Policy DM4.3 establishes where these uses are



appropriate, stating that restaurants, drinking establishments and similar uses should not have a negative cumulative impact due to an unacceptable concentration of such uses in one area and should not cause unacceptable disturbance or detrimentally affect the amenity, character or function of an area. It should be noted that the site falls within a Cumulative Impact Area, as designated under Licensing Policy where there is an identified abundance of licensed premises. The Council's Licensing team were consulted as part of the application process and confirmed that the proposed restricted opening hours recommended by the Local Planning Authority for the A3 unit fall within the Licensing core hours as set out in Islington's Licensing Policy 2013 – 2017, and raise no objection.

- 11.13 While the previous use of the site did not include any dining facilities the proposal would introduce one possible café/restaurant which would constitute a night-time economy use. While this would cumulatively increase the number of night time economy uses within the locality, it is considered the proposal would be complementary to the retail function of the Promenade of Light by encouraging a possible food and beverage offer to the parade.
- 11.14 Additionally the proposal would provide activity to the street frontage and introduce additional publicly accessible commercial spaces. As such, the proposal would not result in an unacceptable concentration of such uses in this area and the proposed uses would be in keeping with the character and function of the area. Policy DM 4.2 and 4.3 also seek to ensure restaurant uses do not cause unacceptable disturbance or detrimentally affect the amenity, character and function of the area. This is addressed further in para 11.49.

#### Conclusion:

- 11.15 The proposed change of use at the site would ensure the continued occupation and operation of the Post Office and the redevelopment of this underused and inefficient site.
- 11.16 In accordance with Employment Priority Area (General) and CAZ policy aims, as well as the site allocation, the proposal would result in a complimentary use to the nearby employment floor space surrounding the site, introducing uses complimentary to the primary business function of the area. Additionally, the proposed retail/restaurant uses are not considered to represent an over concentration of uses subject to details hours of operation conditions to protect residential amenity.
- 11.17 As such, it is considered that the proposed change of use is acceptable in land use terms, subject to an assessment of all other relevant policy, and any other relevant material planning consideration.

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

- 11.18 Proposals for any new development in this location are required to achieve excellent quality designs in order to meet the requirements of Site Allocation

BC 23 (a high quality building will be sought in this location), and policy BC 3 (buildings of a high quality architectural design) of the Finsbury Local Plan 2013 and Policy DM2.1 (all forms of development are required to be of high quality) of the Islington Development Management Policies 2013.

- 11.19 Originally constructed in the 1960's the Old Street Post Office is a single storey (though with a grand order height of just under 8m) building set back from Old Street and the Promenade of Light by a 13m deep forecourt. The existing building has not been significantly altered since its construction, and is now in need of considerable refurbishment in order to bring the post office into sustainable use. The existing building makes an inefficient use of space, and the forecourt is currently underused, creating a break in the building line along Old Street, while offering a secluded area which suffers from instances of antisocial behavior and crime in the hours of darkness.
- 11.20 This unfortunate under-use of a significant, readily-accessible central London site could be remedied by refurbishment or redevelopment. This provides an opportunity to bring a prominent and significant site into sustainable use, whilst improving the streetscene along with providing a more efficient post office and an improved retail/dining offer to the Promenade of Light. The principle of redevelopment is therefore welcomed in design terms.
- 11.21 The proposals are to demolish the existing building and replace it with a two storey (with lower ground, ground floor and an optional mezzanine level [depending on tenant requirements]) flat roofed and glass fronted building with the same building line as the adjacent row of shops fronting onto the Promenade of Light.



#### Site Layout

- 11.22 The existing retail frontage of 205 Old Street is considerably set back from the neighbouring retail units, which currently creates an inconsistent retail

frontage for the parade. The proposals seeks to align the frontage of the retail units, which would enhance the visual appearance of the street, while removing a low quality and poorly lit forecourt. The proposed roof of the building projects forwards to create a canopy which would be of a similar depth as the canopy covering the adjacent promenade of shops, tying the proposed development in with the existing neighbouring buildings while offering some shelter to pedestrians from adverse weather conditions.

#### Height and Massing

- 11.23 The height of the proposed building would be 1.7m taller than the existing building on the site reaching 9.2m in height. The neighbouring buildings either side of the proposed development are of a much more significant height, with Newland Court comprising of 9 storeys to the west, and 207 Old Street at 15 storeys (but with permission to extend to 18 storeys) to the east. The proposed two storey building would read as a standalone unit, but would be tied into the overall 207 – 211 Old Street development through the use of similar design and materials, whilst maintaining an appropriate gap between 207 Old Street with a single-storey link. The proposed development has been designed with consideration to the neighbouring residential windows to Newland Court in mind, projecting only an additional 1.7m some 6m away from the nearest residential window. It is considered that the proposed development would be appropriate within the context of the streetscene, and would be of a scale to compliment surrounding buildings.

#### Architectural Detailing and Materials

- 11.24 The design and appearance, materials and finishes of the proposed building would match those already approved for the 207 – 211 Old Street development. It is considered that the proposed design of the building would comply with the site allocation (BC23) by providing a new high quality building with sensitive design and massing in order to protect the St Luke's Estate. It is also considered that the high quality design would satisfy Policy BC 3 of the Finsbury Local Plan by providing a building of a high quality architectural design which relates positively to its surroundings, and improves the character, quality and identity of the Promenade of Light. It is also considered that Policy DM2.1 of the Islington Development Management Policies is met by providing a high quality design which incorporates inclusive design principles and makes a positive contribution to the local area.
- 11.25 The front elevation of the proposed development would feature full height glazing, creating an active frontage to Old Street. The proposed glass façade/building line would step back to match the building line of 207 Old Street, which would link views through the colonnade of the completed 207 Old Street, making the main entrance to the post office visible from the roundabout and the doors themselves providing natural surveillance over the proposed ATM and post box location.



- 11.26 The unglazed element of the east façade is proposed to be clad with a folded zinc cladding with vertical seams, of a colour to compliment that approved for the steel cladding to 207 - 211 Old Street. While this material is considered to be acceptable in principle, a condition would be attached to any approval seeking further details and samples of the cladding to be used (Condition 3).
- 11.27 The proposed glazing treatment facing onto Old Street would feature the same Glulam framed glazing product with timber reveals as has previously been approved and features on the Studio Buildings to the rear of 207 Old Street, creating a sense of a continuing design ethos for the area as a whole.

#### Archaeology

- 11.28 Historic England have confirmed that the desk based archaeological assessment provided with the application is sufficient.

#### Other Matters

- 11.29 There is an existing rotunda to the forecourt of the post office which is proposed to be demolished, which will result in the loss of an emergency escape stair to the existing basement. The existing stair would no longer be required as a result of the changes at basement level previously approved under the wider redevelopment of the site, with alternate escape routes provided to the rear of the development. It is considered that as the existing rotunda offers no streetscape merit, it's demolition is considered to be acceptable.

#### Accessibility

- 11.30 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard.

- 11.31 In terms of the internal layout of the retail units, these are considered to be purely indicative at this stage. The Post Office and separate retail unit will engage their own architect to complete the fit-out.
- 11.32 The Council's Access Officer raised concerns relating to the WC in the A1/A3 unit, the applicants have confirmed that the WC in the larger unit will be revised during the detailed design phase and Part M requirements of the Building Regulations will be fully addressed, a condition (Condition 5) is recommended to secure this.
- 11.33 While the Council's Access Officer raised concerns regarding the disabled access to the rear service yard (due to the gradient of the ramp proposed) it should be noted the ramp to the rear of the building is for servicing and delivery purposes only (for example, loading/unloading retail stock pallets etc.). The level access into the retail units is provided at the front, main entrance. Due to site constraints, the service ramp cannot be reduced in gradient any further without either blocking the existing fire exit to neighbouring commercial units in the basement (Gymbox) or taking further space away from Newland Court service yard.
- 11.34 It is considered that while the access arrangements are generally acceptable, a condition should be attached to any decision requiring detailed plans relating to level and inclusive access (Condition 5).

### **Landscaping and Trees**

- 11.35 The proposed development would not create any new landscaped areas, and would not remove nor replace any existing trees.
- 11.36 Notwithstanding this, the applicants have as a result of a request from officers agreed to finance and carry out some improvement works to an existing terrace which is currently used by the Newland House Residents Association as a Community Centre. These improvements would include works to make good the surface of the terrace, along with some planting in order to soften the appearance of a 1.7m wall which would be erected 6m from the windows to the community centre and one residential unit. The details of these works are to be secured via a clause in the Section 106 agreement.

### **Neighbouring Amenity**

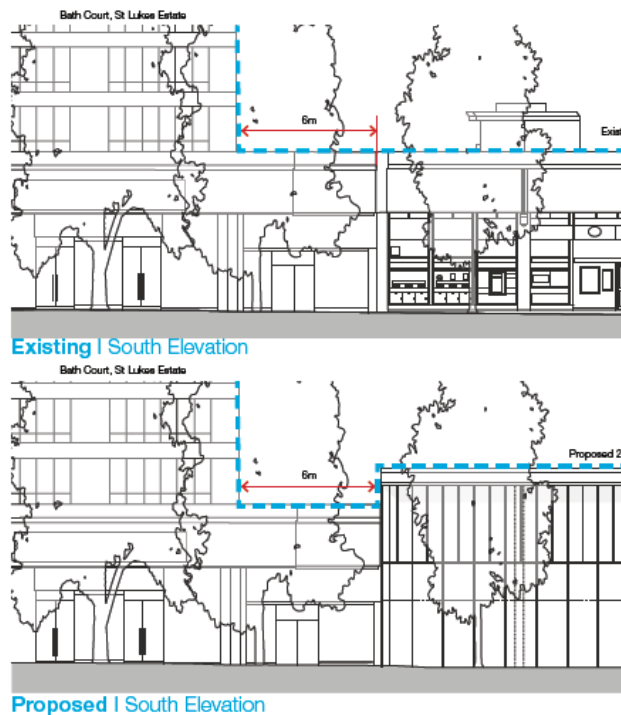
- 11.37 The existing building on the application site measures 7.6m in height (plus two existing roof additions bringing the total height to 9.9m from ground level), and the proposed building would be a total of 9.2m high with a flat roof and no additions at roof level. The proposed development would bring the building line forward towards Old Street, increasing the mass and volume of the building. It is considered that this increase in height would be perceptible from properties within Newland Court and Bath Court in the neighbouring St Luke's Estate.

- 11.38 The applicants have carried out a Daylight and Sunlight report to assess the potential impact of the increased mass of the building with regard to the windows serving habitable rooms of neighbouring residential properties.
- 11.39 Daylight and Sunlight: The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 11.40 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);
- And
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.
- 11.41 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*
- In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*
- 11.42 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 11.43 The applicants have tested the daylight and sunlight of 1 to 108 Newland Court, and at the Council's request windows serving the closest habitable rooms to the proposed development in Bath Court.
- 11.44 Every window surveyed passed the BRE's Vertical Sky Component (VSC) tests, and the rooms they serve also passed the Daylight Distribution tests. All

windows surveyed also passed Annual Probable Sunlight Hours (APSH) tests. It is considered that the proposal meets the requirements of the Building Research Establishment guidelines, and are therefore considered acceptable with regard to daylight and sunlight.

Outlook, Sense of Enclosure and Overlooking / Privacy

11.45 The proposed development would be 1.7m taller than the existing building (excluding the existing roof additions). There is an existing community centre and two residential units which will in effect have a 1.7m wall erected 6m away which would not have been present previously. This is demonstrated in the image below:



11.46 It is acknowledged that while the proposal would introduce effectively a 1.7m high wall above an existing parapet located 6m away from a number of windows serving habitable rooms these windows would still retain adequate levels of outlook with views upwards and over the proposed building, and would still allow large amounts of open sky to be visible (as illustrated by the BRE daylight results). While there will be an increased sense of enclosure experienced by these two residential units, it is considered the proposed increase in height of the development would not have a sufficient negative impact on the amenity of the affected units to warrant a refusal of planning permission. Furthermore, the S106 secures a scheme to improve the space between Newland Court and the proposed building including possible planting along the proposed 1.7m wall. It should also be noted that there are no windows proposed to the side or rear elevations of the proposed building, as such no overlooking will be experienced by nearby residential properties.

## Noise

- 11.47 The proposed development is unlikely to have any significant negative impact on the amenity of neighbouring residential properties with regard to an increase in noise, due to the orientation of the building facing out onto Old Street. There are no windows proposed to the west elevation of the building, nor is there proposed to be any access to the flat roof (other than to access the community centre terrace from Newland Court), except for essential maintenance.
- 11.48 A condition is proposed (Condition 15) to seek noise details of any roof-top plant and/or mechanical extraction/ventilation, which will be required to operate within specific acoustic parameters as set out by the Council's Environmental Health team.
- 11.49 Opening hours should a restaurant use take up the flexible A1/A3 unit would also be restricted by condition (Condition 19) in order to ensure there would be no undue impact on neighbouring residential properties. These would be limited to between 8am – 9pm Sunday – Thursday and Public Holidays, and 8am – 10pm Saturdays and Sundays. Whilst other A3/A4 units within the wider 207 – 211 Old Street development have been granted longer hours, these hours of operation restrictions are considered necessary due to the very close proximity of numerous residential properties. Restrictions on the times of deliveries and servicing are also proposed (Condition 22) to between 7am – 8pm Monday – Friday, and 8am – 8pm on Saturdays, Sundays and Public Holidays. Transport for London has sought a condition to be added to any planning permission for a Delivery and Servicing Management Plan, which will be sought by Condition 22.
- 11.50 A number of objectors have raised construction noise as a reason that the proposals should be refused, however it should be noted that nuisance and noise caused during construction cannot be a reason for refusal, but mitigating measures are proposed. The applicant is encouraged to utilise contractors accredited under the Considerate Constructors Scheme, and has agreed to abide by the Code of Construction Practice (under the S106 agreement) as well as pay the Council a £1529.00 monitoring fee. Furthermore a condition (Condition 21) is recommended to secure details of how construction will be carried out in order to minimise impacts on residents.

## Sustainability

- 11.51 The Core Strategy requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction



Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

- 11.52 An Energy and Sustainability Statement was submitted with the application. It confirms that a BREEAM “Excellent” rating could be achieved for the new build, which is welcomed and complies with policy DM7.4 – Sustainable Design.
- 11.53 An appropriate condition relating to the green performance and procurement of materials is recommended (Condition 3).
- 11.54 While the applicants have proposed a green and/or brown roof across the majority of the flat roof proposed for the development, further details will be required with regard to the specific design relating to Sustainable Urban Drainage Systems (SuDS) and rainwater/greywater harvesting. A condition (Condition 13) is proposed to seek these details prior to commencement of works to the superstructure of the development.

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

- 11.55 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 11.56 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).
- 11.57 Detailed thermal modelling has been carried out with regard to the materiality of the facades of the proposed development, and the proposed design attempts to optimize the glazing to the front elevation for balancing heating and cooling loads. The applicants have also provided a Green Performance Plan to demonstrate efficient fabrics are being proposed for external and internal elements of the proposed construction.
- 11.58 The applicants have also proposed 65m<sup>2</sup> of Photovoltaics to be installed at roof level which is welcomed by the Council’s Energy Officers, however this has not been shown on the proposed roof plan. A condition is recommended seeking details of the location, design and method of installation of this apparatus (Condition 12).

- 11.59 The remaining heating and cooling of the premises is proposed to utilise a CHP along with mechanical plant. While the Council recognizes and accepts the 27% reduction in total carbon emissions for the proposed development, it is considered that further steps could be taken.
- 11.60 The current proposals for the development do not include a connection to the Bunhill Decentralised Energy Network. This is considered to be unacceptable, and a requirement under the Section 106 agreement is proposed to seek a full feasibility study to be carried out in consultation with the Council's DHN Officer and Energy Team with a view for the development to connect to the network.
- 11.61 The applicants have agreed a Carbon Offsetting contribution in line with the Council's Planning Contributions SPD of £56,120.00 to be secured within a S106 agreement.

### **Highways and Transportation**

- 11.62 The site has a PTAL rating of 6a, which is 'Excellent'. Old Street Station is located within 300 metres of the site, while Barbican and Farringdon Tube Stations are located in close proximity, bus routes run along the surrounding roads and a significant number of TfL Cycle Hire points are available nearby.
- 11.63 Public Transport Implications: The proposal would result in an uplift in floor space of up to 739 square metres and would introduce retail and/or restaurant floor space as well as the retention of the Post Office use. While there would be multiple users of the building, which could potentially increase the actual intensity of the use of the site, due to there being no on-site car parking and the high PTAL level of the site, the proposal would not detrimentally impact upon the surrounding transport infrastructure. A Travel Plan is secured in the Legal Agreement.
- 11.64 Pedestrian Access: The site is incredibly well served by existing pedestrian links including the Promenade of Light. Bringing the building line of the development forward to meet that of the adjacent parade of shops would enhance pedestrian access to the site, and would also allow for level access to the proposed retail/A3 unit and post office, which currently has a single step to its entrance.
- 11.65 Vehicle Parking: The site does not include any off-street car parking and none is proposed, in accordance with Development Management policy DM8.5.
- 11.66 Cycle Parking: Policy DM8.4 and Appendix 6 of the Development Management Policies set out the minimum cycle parking standards for development proposals. Cycle parking should be covered and secure and 'end of trip' facilities provided such as showers and locker facilities.
- 11.67 The applicants have proposed 8 cycle spaces for staff use located within the internal service yard, and a further 28 cycle spaces secured through a Section 106 agreement for provision within the Promenade of Light which would meet the Council's policy requirements for cycle parking under Appendix 6 of the

Islington Development Management Policies. This is considered to be acceptable due to the lack of available level-access basement space for the storage of bicycles, along with staff being able to access the wider 300 space bicycle store in 211 Old Street.

- 11.68 This is considered to be acceptable, and it is noted that the site has an 'Excellent' PTAL rating and is served by an abundance of public transport options, including a TfL Cycle Hire with 125 bicycle racks located only 25m from the application site.
- 11.69 Delivery and Servicing Arrangements: This is proposed to be facilitated through a dedicated entrance on the northern side of the development, sharing arrangements with the wider 207 & 211 Old Street site. The proposal also includes the closure of an existing servicing route between Old Street and the application site across the Promenade of Light. The closure of this servicing access is considered to be acceptable as it is not an adopted Islington road, and would improve pedestrian safety on the Promenade of Light. Servicing to the site from the existing servicing bay for 207 – 211 Old Street is considered to be acceptable as vehicles would not need to move across this important pedestrian route.
- 11.70 Although the applicant has not yet secured an operator for the site, a draft Delivery and Servicing Plan has been submitted as part of the Transport Assessment. This details that deliveries and servicing would be maintained in the current location to the rear of the post office. The draft document proposes that the majority of deliveries would be between 0800 hours and 1800 hours to minimise disruption to neighbouring occupiers. This would be in accordance with existing time restrictions for 207 Old Street, and the Council's Acoustic Officer has previously noted that these hours would be acceptable.
- 11.71 A condition (Condition 22) is recommended requiring a detailed Delivery and Servicing Plan to be submitted to and approved in writing by the local planning Authority prior to the first occupation of the A1/A3 unit.
- 11.72 Construction: The legal agreement ensures that the proposal would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee (further details provided in the neighbour amenity section).

### **Contaminated Land**

- 11.73 It is not expected that the site falls on contaminated land due to the nature of the historic use of the application site, and no conditions have been requested by the Pollution Officer.

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

- 11.74 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of

accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

11.75 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.

11.76 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.

11.77 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.

11.78 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.

#### 11.79 Agreed Heads of Terms

The agreed Heads of Terms are set out at Appendix 1, Recommendation A of this report.

#### **National Planning Policy Framework**

11.80 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. In the final balance of planning considerations officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

## 12. **SUMMARY AND CONCLUSION**

## **Summary**

12.1 A summary of the proposals is set out at paragraphs 4.1 to 4.8 of this report.

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

1. 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.
2. Compliance with the Code of Employment and Training.
3. Facilitation, during the construction phase of the development, of the following number of work placements: Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/15). If these placements are not provided, LBI will request a fee of £5000.00.
4. Compliance with the Code of Local Procurement.
5. Compliance with the Code of Construction Practice, including a monitoring fee of £1,354.00, 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.
6. The provision of an additional number of accessible parking bays: 1, or a contribution towards bays or other accessible transport initiatives of: £2000.00
7. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £56,120.00.
8. 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.

9. Submission of a Green Performance Plan.
10. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
11. A contribution towards Crossrail of : £78,120.
12. Roof terrace adjacent to St Luke's community centre - works to the sum of £10,000. Details of the scope of works to be carried out shall be consulted on with the St Luke's Estate Community Centre and nearby residents, and the final proposal submitted to and approved by the Local Planning Authority prior to superstructure works commencing on the site. The works are to be carried out prior to first occupation of the retail units.
13. The installation of 28 secure cycle stands (cost to be agreed).
14. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within an agreed PPA timescale, 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 the heads of terms as set out in this report to Committee.

## **RECOMMENDATION B**

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

### **List of Conditions:**

<p><b>1</b></p>	<p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall begin no later than the of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<p><b>2</b></p>	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement, Daylight and Sunlight Report (including Daylight and Sunlight Addendum Report), Archaeological Assessment dated August 2015, Transport Statement TPLO1136/TS, Site Waste Management Plan dated August 2015, Framework Travel Plan TPLO1136/FTP, Energy and Sustainability Statement 111750/KA/141201, Green Performance Plan 111750/EV/150927, Preliminary Ecological Appraisal dated August 2015, 13070_60_A_[01]_P098 Rev P01, P099 Rev P01, P100 Rev P01, P102 Rev P01, P200 Rev P01, P201 Rev P01, P300 Rev P01, 13070_60_A_[00]_P098 Rev P01, P099 Rev P01, P100 Rev P01, P101 Rev P01, P101B, P200 Rev P02, P201 Rev P01, P300 Rev P02.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
<p><b>3</b></p>	<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) Any solid brickwork (including brick panels and mortar courses) (if applicable)</li> <li>b) render (including colour, texture and method of application) (if applicable);</li> <li>c) External cladding (including material, colour, texture and method of application);</li> <li>d) window treatment (including sections and reveals);</li> <li>e) roofing materials;</li> <li>f) balustrading treatment (including sections);</li> <li>g) any other materials to be used.</li> <li>h) A green procurement plan.</li> </ul> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<p><b>4</b></p>	<p><b>Roof-level structures</b></p> <p>CONDITION: Full details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure</p>



	<p>works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) lift overrun</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>5</b>	<b>Access</b>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> <li>a) Refuge Areas on all upper and lower floors;</li> <li>b) Cycle storage and changing facilities including: <ul style="list-style-type: none"> <li>i) Provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection);</li> <li>ii) Stair link between ground floor cycle storage and upper floor changing facilities to be inclusive and in accordance with design guidance; and</li> <li>iii) Route to and arrangement of the wheelchair accessible shower facility, including a WC.</li> </ul> </li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>6</b>	<b>District Heat Network</b>
	<p>CONDITION: If a connection to a neighbouring District Heat Network is found to be unfeasible, details of how any communal boiler and/or associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The communal boiler and associated infrastructure shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and so that it is designed in a manner which allows for the future connection to a district system.</p>

<b>7</b>	<b>Energy Reduction</b>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) (including solar PVs), which shall provide for no less than 38.6% on-site total CO<sub>2</sub> reduction as compared to the 2006 Building Regulations (Part L) detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer feasible, then a revised scheme of renewable energy provision, which shall provide for no less than 38.6% CO<sub>2</sub> reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. Those details shall include:</p> <ul style="list-style-type: none"> <li>a) the resulting scheme, together with any flue/stack details, machinery/apparatus location, specification and operational details;</li> <li>b) a management plan and maintenance strategy/schedule for the operation of the technologies;</li> <li>c) (if applicable) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary);</li> <li>d) (if applicable) a noise assessment and air-quality assessment regarding the operation of the technology; and</li> <li>e) (if applicable) confirmation that ground source heat pumps and ground source cooling system shall be a 'closed loop' system and shall not tap or utilise ground water / aquifer.</li> </ul> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>8</b>	<b>Vehicular Facilities Provided</b>
	<p>CONDITION: The development shall not be occupied unless and until the servicing area for loading/unloading, turning, parking and vehicular access facilities as shown on the plans hereby approved have been constructed, made available for their intended use and appropriately line-marked and/or signs erected.</p> <p>Those vehicle facilities shall be maintained as such thereafter and retained for the purposes so approved only.</p> <p>REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
<b>9</b>	<b>Cycle Storage</b>
	<p>CONDITION: The internal bicycle storage area(s) hereby approved shall be covered, secure and provide for no less than 8 bicycle spaces as well as the provision of showering, changing and locker facilities.</p>

	<p>The approved bicycle storage details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>10</b>	<b>Amalgamation of Retail Units</b>
	<p>CONDITION: The ground floor retail (use class A1-A3) units hereby approved shall not be amalgamated or divided.</p> <p>REASON: The consideration of the acceptability of the retail units was based on the proposed size of units as shown on the approved plans; the amalgamation or further subdivision of the units is likely to have operational, transportation, security and amenity implications, which should be the subject of consultation and a relevant planning application.</p>
<b>11</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM (2011) rating of no less than 'Excellent'.</p> <p>A Green Guide shall be provided to future retail tenants to inform them of the measures they will need to incorporate as part of the fit out process to further enhance the environmental performance of the units.</p> <p>A copy of the Green Guide shall be provided to the Council prior to occupation of any of the retail units.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>12</b>	<b>Green / brown Roofs and Photovoltaics</b>
	<p>CONDITION: Full details of green and brown roofs along with the location and design of at least 65m<sup>2</sup> of Photovoltaics as set out in the Energy Statement hereby approved shall be submitted to and approved by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The details of the biodiversity (green/brown) roof(s) shall include confirmation that they will be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan 1370_A_(00)_P102 and P300 hereby approved; and</li> <li>c) planted / seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof(s) shall not be used as amenity or sitting out spaces of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p>

	<p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>13</b>	<b>Sustainable Urban Drainage System</b>
	<p>CONDITION: No development shall take place unless and until a detailed implementation, maintenance and management plan of the approved sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:</p> <ol style="list-style-type: none"> <li>I. a timetable for its implementation, and</li> <li>II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</li> </ol> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding. This is required as a pre-commencement condition in order that the detailed design of the building does not overlook the required SuDS features.</p>
<b>14</b>	<b>Nesting Boxes</b>
	<p>CONDITION: No less than 3 (total) bird and bat nesting boxes / bricks shall be installed on the development hereby approved.</p> <p>The nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>15</b>	<b>Plant and Extraction</b>
	<p>CONDITION: Details of the design and installation of new items of fixed plant and/or mechanical extraction/ventilation shall be submitted and approved by the Local Planning Authority prior to first occupation of the unit to which they relate, and be such that when operating the cumulative noise level Laeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level LAF90 Tbg.</p>

	<p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>Any mechanical extraction/ventilation must be designed and located in such a way to ensure no negative impact on the amenity of nearby residential properties.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>16</b>	<b>Vibration</b>
	<p>CONDITION: Internal vibration levels shall not exceed the category of “low probability of adverse comment” in Table 7 of Appendix A of BS 6472:2008.</p> <p>REASON: To ensure that the development does not have an adverse impact on amenity and / or quality of business accommodation, and neighbouring residential properties.</p>
<b>17</b>	<b>Noise</b>
	<p>CONDITION: Groundborne noise shall not exceed 40dB LAmax Slow as measured in the centre of any room.</p> <p>REASON: To ensure that the development does not have an adverse impact on amenity of nearby residential properties.</p>
<b>18</b>	<b>Lifts</b>
	<p>CONDITION: All lifts serving retail floorspace hereby approved shall be installed and operational prior to the first occupation of the retail floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the retail floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>19</b>	<b>Retail Opening Hours</b>
	<p>CONDITION: The ground and first floor retail uses (A1) hereby approved shall not operate except between the hours of 08:00 and 23:30 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>The ground and first floor café/restaurant uses (A3) hereby approved shall not operate except between the hours of 08:00 and 21:00 hours Sunday - Thursday (and public holidays), and 08:00 and 22:00 hours Fridays and Saturdays.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity, and to ensure the operation of any café/restaurant units do not unduly and/or cumulatively impact on the amenity of neighbouring residential amenity, in accordance with Policy DM4.2 of the Islington Development Management Policies 2013.</p>
<b>20</b>	<b>Shopfront Glass</b>
	<p>CONDITION: The window glass of all ground floor retail units shall not be painted,</p>

	<p>tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>21</b>	<b>Construction Management Plan &amp; Construction Logistics Plan</b>
	<p>CONDITION: No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The CMP and CLP shall update the Draft Construction Management Plan as submitted as part of the application hereby approved, while also providing the following additional information:</p> <ol style="list-style-type: none"> <li>1. identification of construction vehicle routes;</li> <li>2. how construction related traffic will turn into and exit the site</li> <li>3. details of banksmen to be used during construction works</li> <li>4. the parking of vehicles of site operatives and visitors;</li> <li>5. loading and unloading of plant and materials;</li> <li>6. storage of plant and materials used in constructing the development;</li> <li>7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>8. wheel washing facilities;</li> <li>9. measures to control the emission of dust and dirt during construction;</li> <li>10. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <p>The report shall assess the impacts during the construction phases of the development on the Transport for London controlled City Road and Old Street, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In order to secure highway safety and free flow of traffic on City Road and Old Street, local residential amenity and mitigate the impacts of the development. This condition is pre-commencement in order to ensure the potential impacts on the road network and the safety of pedestrians, along with the amenity of neighbouring residential properties, are properly considered prior to building works commencing.</p>
<b>22</b>	<b>Delivery and Servicing Management Plan</b>
	<p>CONDITION: A delivery and servicing management plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL, prior to the first occupation of the development.</p> <p>The plan shall include details of all servicing and delivery requirements including:</p>

	<p>a) waste and recycling collection; and b) how safe access to and from the disabled parking bay shall be provided and managed.</p> <p>All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of:</p> <p>Monday - Friday 08:00 to 20:00; and Saturdays, Sundays and Public Holidays 08:00 to 20:00</p> <p>The development shall be carried out strictly in accordance with the details so approved.</p> <p>REASON: In order to secure highway safety and free flow of traffic on Old Street, City Road and Baldwin Street, protect local residential amenity and mitigate the impacts of the development.</p>
<b>23</b>	<b>Recycling/refuse storage provision and management</b>
	<p>CONDITION: Full details of refuse/recycling storage locations, dimensions, and management shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The approved details shall be installed prior to the first occupation of the development and collection and management practices be carried out in accordance with the details so approved permanently thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>24</b>	<b>No external piping</b>
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>

**List of Informatives:**

1	<b>S106</b>
	<p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

2	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'  A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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>  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Roller Shutters</b></p> <p>ROLLER SHUTTERS  The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
5	<p><b>Thames Water</b></p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>



## **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.

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

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

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

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

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.9 Overheating and cooling

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

### **6 London's transport**

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

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

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

## **8 Implementation, monitoring and review**

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

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

#### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

#### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

#### **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

#### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements

**DM7.2** Energy efficiency and carbon reduction in minor schemes

**DM7.3** Decentralised energy networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

#### **Shops, culture and services**

**DM4.1** Maintaining and promoting small and independent shops

**DM4.2** Entertainment and the night-time economy

**DM4.3** Location and concentration of uses

**DM4.5** Primary and Secondary Frontages

**DM4.7** Dispersed shops

**DM4.8** Shopfronts

#### **Transport**

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

**DM8.6** Delivery and servicing for new developments

#### **Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## D) Finsbury Local Plan June 2013

**BC8** Achieving a balanced mix of uses

**BC10** Implementation

**BC23** Site Allocation: 207 – 211 Old Street

### 5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Central Activities Zone (CAZ)	Employment Priority Area (General)
City Fringe Opportunity Area (London Plan policy 2.13 and ref 1, table A1.1 in Annex 1)	Site Allocation BC23: 207-211 Old Street Central London Area

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

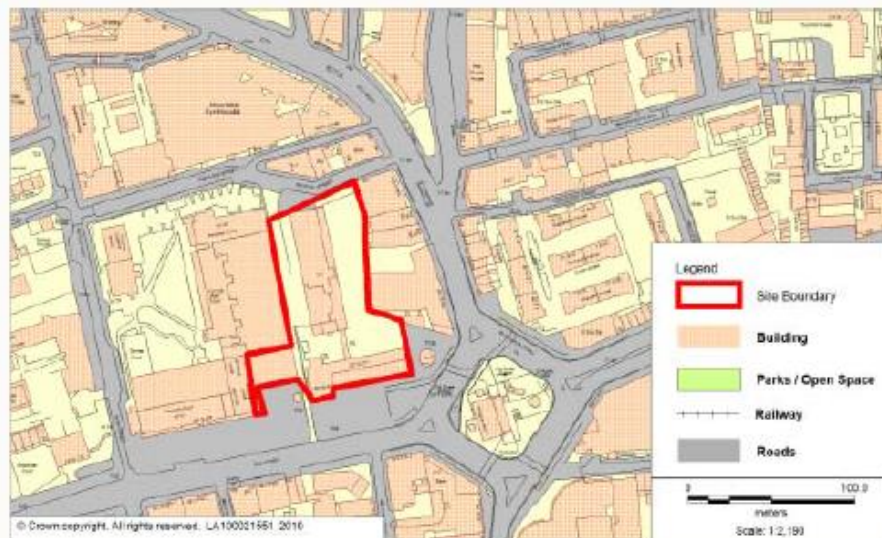
#### **London Plan**

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

## APPENDIX 3: Site Allocation (Finsbury Local Plan 2013)

### Site BC 23

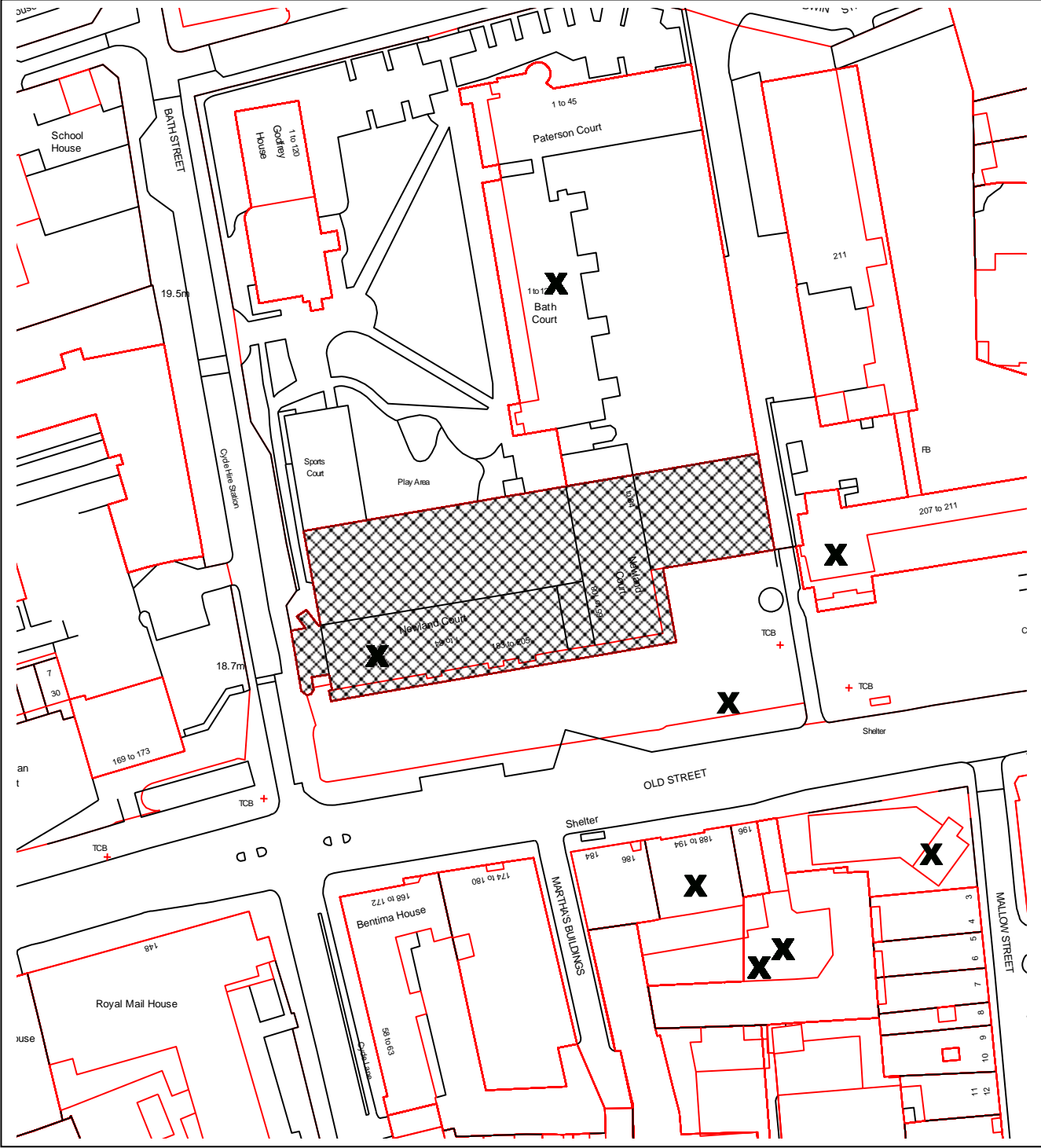
207-211 Old Street



Address, location, postcode	207-211 Old Street (northwest corner of roundabout), EC1V 9NR
Ownership	Old Street Ltd
Approximate size of site	8,270m <sup>2</sup>
Current/previous use	Offices
How was the site identified and relevant planning history	Redevelopment of the site has previously been the subject of pre-application interest and discussions. Site identified in the London SHLAA, and the Bunhill and Clerkenwell Urban Design Study (site 04)
Allocation and justification	<p>Redevelopment of site to provide a commercial-led mixed use development, including the retention of the Post Office, with retail uses at ground floor/basement and large floorplate office accommodation, alongside commercial and retail floorspace for smaller businesses. An element of residential uses may also be appropriate.</p> <p>Open space should be provided on site, including through-site pedestrian links to City Road and Baldwin Street, where appropriate.</p>

	<p>The site lies within the CAZ, in close proximity to Old Street station, with excellent accessibility and with frontage onto Old Street. Refurbishment or redevelopment presents an opportunity to substantially improve the quality of the local environment. Any public realm improvements should complement the Promenade of Light.</p>
Design considerations and constraints	<p>A new, high quality building will be sought in this location. Retail units should be provided at ground floor to provide an active frontage to Old Street. Basement connections to the station should be considered (see also Site BC24). Sensitive design and massing of the building is required, in order to protect the residential amenity of the adjacent St. Luke's Estate.</p> <p>Tall buildings (of 30 metres or higher) may be appropriate on some parts of the site, subject to meeting the criteria set out in Policy BC9.</p> <p>The site lies within 150 metres of the developing Bunhill Decentralised Energy network. Provision of a decentralised energy hub and/or connection to a neighbouring network should be explored.</p> <p>The site is adjacent to the Bunhill Fields/Finsbury Square and Moorfields Conservation Areas, and Grade II Listed Imperial Hall. Proposals should conserve and enhance this heritage setting.</p> <p>The site is within a Local Flood Risk Zone and is at risk of significant/extreme flooding. Proposals will therefore be required to further assess and mitigate this risk. Detailed guidance is set out in the Development Management Policies.</p>
Cross-references	Policy BC3; Public space priority projects 19 and 20
Estimated timescale	2016 to 2021

# NORTHGATE SE GIS Print Template



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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>AGENDA ITEM NO:</b>
<b>Date:</b>	17 <sup>th</sup> November 2015	<b>NON-EXEMPT</b>

Application number	P2015/1204/FUL
Application type	Full Planning
Ward	Caledonian
Listed building	NA
Conservation area	NA
Development Plan Context	Locally significant industrial site Local Views (LV7) Kings Cross and Pentonville Rd Key Area (CS6) Article 4 Direction: B1a (office) to C3 (residential)
Licensing Implications	None
Site Address	22- 23 Tileyard Road, London, N7 9AH
Proposal	Re-configuration and refurbishment of existing two storey office building, a three storey roof extension and five storey side extension to create a total of 2,072sqm (GIA) of Class B1 space (net increase of 1,159 sqm (GIA) of accommodation).

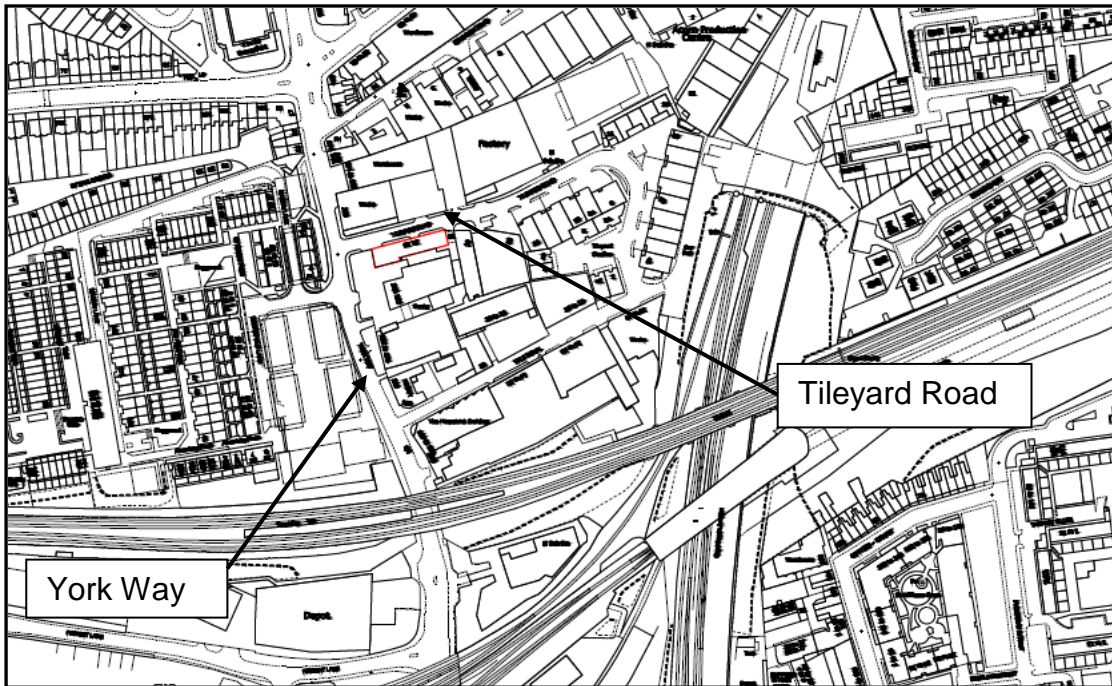
Case Officer	Sarah Wilson
Applicant	City & Provincial Properties Plc
Agent	CMA Planning: Charles Moran

### 1. RECOMMENDATION

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

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

2. **SITE PLAN (site outlined in red)**



3. **PHOTOS OF SITE/STREET**



Tileyard Road (front) elevation



View along Tileyard Road, with the existing service bay to the right. York Way sits to the far right of site the right.



View from the site to the east and rear of the application site, looking at the rear elevation of the building.

## 4. SUMMARY

- 4.1 The proposed change of use from existing B2 (general industrial – as considered by the Council) or from B1c use class (as considered by the applicant) to use class B1a office floorspace has been demonstrated as permitted development and a certificate of lawful use has been issued. The applicant has indicated in their updated application form that this change has been implemented. As such, there is no policy objection to this proposal. The proposed increase by 1,152sqm of floorspace at this site for office use accords with planning policies that seek to increase employment opportunities within the borough. Additionally, the proposal delivers a small workspace unit that would measure 56sqm and provide for small enterprises and is designed in a manner to remain independent. The proposal therefore accords with policies CS13 (Core Strategy), DM5.1, DM5.2 DM5.3 and DM5.4 (Development Management Policies).
- 4.2 The proposed design of the building retains the existing two storey building of historic merit and whilst the resulting 6 storey height is taller than its immediate surroundings, the height is considered to sit comfortably within the emerging context along York Way and not entirely out of odds with some of the 4 storey buildings within the industrial area. The design would utilise materials that feature within the industrial area and are detailed to help the extensions both accord with the existing building and to the detailing within the industrial estate. Additionally, the proposal would provide level access throughout and would be highly accessible particularly in comparison to the existing building. In this regard, the proposal is considered to be of high quality and contextual and to meet with policies CS7 (Core Strategy), DM2.1 and DM2.3 (Development Management Policies).
- 4.3 The proposal would introduce some impacts on daylight receipt to the consented Maiden Lane Estate opposite on York Way. The losses are for the most part marginally above the BRE Guidelines and Camden Council, where the properties lie, has written in to state that they do not consider the impacts to those residents to be material. In this regard, the impacts are considered to generate some harm but not to such a degree as to warrant a refusal of the scheme, or a reduction in its scale or massing.
- 4.4 The proposed energy strategy is to build an efficient building (fabric) and secure a 35.9% reduction in regulated CO2 emissions and a total emissions reduction of 18.6% (against 2013 Building Regulations) which is supported. Non-provision of CHP is supported as the use does not present the demand, ventilation is supported given the conclusions of the overheating report, with the heating, ventilation and air conditioning (HVAC) system for the site will include a Low Temperature Hot Water circuit, served by gas boilers. A solar PV system (25sqm) is also proposed and supported. The remaining CO2 emissions are agreed to be off-set with a financial contribution of £79,672.
- 4.5 The scheme would be designed to achieve BREEAM Excellent, and planning conditions secure on-site planting and greening, bird and bat boxes and exploration of a sustainable urban drainage strategy (or if not found feasible then a financial contribution in-lieu of such provision). These measures secure

policy compliance and deliver a sustainable development that promotes biodiversity, water conservation and efficiency of developments.

- 4.6 The proposed development would result in a reduction of service vehicle movements to the site owing to the change from B2 use class to B1 use class, even taking into consideration intensification. The applicant has demonstrated with swept path diagrams that servicing can take place safely, however a condition is still recommended to secure this detail including times of servicing etc. Cycle parking and refuse storage meet policy requirements and would be shared by the main building and the small workspace unit. Construction details would be secured via condition. The proposal is acceptable in highways terms and accords with policies CS10, DM8.2, DM8.4, DM8.5 and DM8.6.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is located on the south-western end of Tileyard Road, very close to where it meets York Way. York Way marks the western edge of the borough boundary with Camden at this point, and runs from Kings Cross to Tufnell Park. The existing building on the site is a two storey industrial brick building with a pitched hip slate roof. There are later extensions to either end of the building that internalised the original external staircases. A small hardstanding yard is located within the site to the west of the building. The existing building is not locally or statutorily listed, nor is the site located within a conservation area.
- 5.2 The existing load-bearing masonry building includes a full basement storey with bricked-up high-level ventilation windows on the rear (south) elevation. The existing suspended ground and first floors are formed in clinker concrete and steel filler joists spanning between downstand primary steel beams that are propped by cast iron internal columns. The north façade fronts Tileyard Road and is punctuated by a steady rhythm of small windows.
- 5.3 Adjacent to the site to the west, is an undeveloped car parking area associated with Fayers Plumbing and Building Supplies. That building is two storeys in height and sits directly south of the application site and has a secondary access down the eastern side of the application site. Immediately adjacent to the east is a 2 storey building that appears to accommodate a catering business, with a vehicle route beneath its first floor immediately adjacent the application site. Slightly further along, buildings rise to 3 storeys in height on the same side of the road and 4 storeys on the opposite.
- 5.4 To the north of the site, on the opposite side of Tileyard Road, fronting York Way there is a 2 storey industrial building with a small pitched second storey floor and a large car park behind it with access from Tileyard Road. Opposite the site on York Way within the boundary of Camden Council, the Maiden Estate will be composed of 7 storey residential buildings for the most part (currently under construction) with a single 20 storey tower opposite the junction with Vale Royal.

- 5.5 The site is located within the Vale Royal/ Brewery Road locally significant industrial area, which is characterised by low rise buildings with an ad-hoc redevelopment and a robust industrial feel. The Maiden Lane Estate is located west of the application site in Camden.
- 5.6 South of the site is the Kings Cross regeneration area (within Camden) consisting of taller buildings.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application proposes to change the use of the existing building from a print works company (B2 use class) to office use (B1a use class). The proposal also seeks to secure permission for a three storey extension across the whole of the existing building, and a 5 storey side extension.
- 6.2 The existing building has a floorspace of 993sqm whereas the final floor area of the completed building would be 2,072sqm, resulting in an increase of 1,079sqm. The applicant proposes a small independently accessed workspace unit suitable for a small unit measuring 56sqm.
- 6.3 The proposal seeks to make good the existing (London stock) brickwork of the retained part of the building and replace windows at the ground and first floor level, dropping the cill heights to enable more light into the building (to match the size and fenestration patterns of the existing). Corten steel framed windows are proposed for the ground and first floors.
- 6.4 The proposed second and third floor extensions proposed above would be constructed of corten steel. The top storey is designed to have a pitched roof finished in dark metal, with a partially screened amenity space to the rear of the roof space.
- 6.5 The 5 storey side extension would be constructed of brick at ground and first floors to replicate the existing building, corten steel for two floors above that and the dark metal cladding for the top floor. The flank elevation wall facing towards York Way would be constructed of brick – to match the existing building. That brick elevation would be constructed with stepping and stacking of the bricks to add relief to the façade. The applicant is exploring the possibility of inserting lettering into the brickwork stating 'Tileyard'.
- 6.6 The proposal introduces a new main entrance into the western-most end of the existing building, and a secondary entrance slightly further to the west, within the extension. To the eastern end of the building a dedicated cycle entrance is proposed (sliding door), leading to a dedicated cycle lift taking cycles to the storage area in the basement. Adjacent to this, it is proposed to position the sliding door to the refuse store. Cycle parking spaces for 29 cycles, wheelchair accessible showers and WCs and various locations for the placement of plant are also to be located at basement level.

### **Revision 1**

6.7 20 July 2015: Amended drawings to alter the design of the proposed extensions in order to address objections from the Design and Conservation Team. The amendments included:

- Alterations to the window sizes at the top floor;
- Alterations to the window configurations at second and third floors;

### **Revision 2**

6.8 19 August 2015: Amended drawings and Design and Access Statement received in order to address concerns raised by the Accessibility Officer and Design and Conservation officer. The amendments included:

- Accessibility: Provision of additional EVAC (refuges) to enable mobility impaired fire / emergency escape for more than one disabled person per floor;
- Provision of mobility scooter storage and charging facilities;
- Increase in size of the wheelchair accessible WC and addition of a wheelchair accessible shower.
- Design: Amendments to the window design at second and third floors to introduce triple divisions to help them respond to the window widths of the existing (retained) ground and first floor windows of the building.
- Reorganisation of the internal floor layouts at basement and ground floor levels, including the introduction of an ancillary gallery space.

### **Revision 3**

6.9 26 October 2015: Amended ground floor plan and front elevation to introduce a new micro workspace unit with its own separate entrance from Tileyard Road measuring (46.5sqm), amounting to 5% of the NIA uplift of floor area within the scheme. The front elevation was also amended to introduce a separate entrance door to this small unit.

### **Revision 4**

6.10 2 November 2015: Amended ground floor plan and front elevation to increase the size of the micro workspace unit so as to measure 5% (GIA) of the uplift of the total floor area (56sqm). The proposal identifies a single unit, measuring 56sqm with its own individual entrance. No further changes to the front elevation were made further to the 26 October revisions, however a rear window has been shown to be blocked up in order to accommodate an internal dividing wall in its position.

6.11 Also corrected floor space figures (design development had seen wall thicknesses increase and therefore the overall floorspace figures adjust from

2,152sqm (initially stated on application forms) to 2,072sqm (as stated on updated application forms). The uplift floorspace therefore measures 1,079sqm.

## **7. RELEVANT HISTORY:**

7.1 The following application history is considered relevant to this proposal:

### **PLANNING APPLICATIONS:**

7.2 P2015/2933/COL: Certificate of Lawful Development (Proposed) for: Use of the building as offices (use class B1a). **GRANTED** 27.08.2015.

### **PRE-APPLICATION ADVICE:**

7.3 Q2015/1845/MJR – Pre-application advice for roof extensions.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 5 adjoining and nearby properties at Tileyard Road, York Way and Vale Royal on 29 April 2015. A site notice and press advert were displayed on 7 May 2015. The public consultation of the application therefore expired on 28 May 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **External Consultees**

8.3 **Thames Water** raised no objections to the proposals, subject to informatives and conditions that are listed to the rear of this report. Thames Water does identify that public sewers run close to this site and therefore piling details would need to be approved prior to works commencing, and further details are given in relation to surface water drainage and other approvals in relation to the sewer.

8.4 **Camden Council** responded to the consultation to advise that they did not consider the proposals to generate a material adverse impact on the amenity of the Camden residents in Maiden Lane Estate, nearby commercial properties, nor adversely affect the nearby conservation area. They did request that a Construction Management Plan be secured as part of any permission that might be granted.

8.5 **London Fire and Emergency Planning** advised that fire brigade access must be available to the perimeter of the buildings. The Authority recommends that sprinklers are considered for new developments.



## **Internal Consultees**

- 8.6 **Access Officer** welcomed the amendments made by the applicant in response to their original concerns. Concern is still raised regarding disabled persons' fire evacuation. Conditions are requested in relation to i) the size of the WC/ shower and ii) storage for mobility scooters. Amended plans were received 20 August 2015 to address these last points.
- 8.7 **Design and Conservation** raised no objections to the proposed height of the building but did raise concerns regarding how the extension integrates with the existing building (which has some historic interest). Concerns were also raised that the windows to the third and fourth storeys still didn't work – still needing to better integrate the fenestration throughout the elevation, and provide a rhythm that accords with the original windows at ground and first floors and less emphasis to the middle section of the building. Amended drawings were received from the applicant on 20 August to address these final concerns.
- 8.8 **Energy Conservation** in general supported the details provided within the applicants Energy Statement after a number of various clarifications and discussions. Conditions and s106 clauses are recommended to secure the energy efficiency savings and CO2 off-set contribution.
- 8.9 **Public Protection Division (Air Quality)** provided no response.
- 8.10 **Public Protection Division (Noise Team)** requested conditions to be imposed including design and installation of fixed plant (noise levels) and a condition relating to construction management details.
- 8.11 **Public Protection Division (Land Contamination)** advised that the site is not listed on the CL database. Additionally, it's a commercial building covered with hardstanding so a contaminated land condition is considered unnecessary.
- 8.12 **Highways** requested further information including a swept path analysis drawing showing a HGV in the parking places highlighted in the TSS with parking in the bays opposite. Dimensions must also be provided of the whole road width, width of bays and width of running lane and select a fire appliance or refuse vehicle from the palette for the running lane user. More general details of the deliveries themselves was also requested, particularly relating to the likely deliveries by HGV, dwell times and how would they get goods to the premises. Note: further information was received and a strategy for securing safe servicing was put to Highways Officers on 21 August 2015 advising that if no response had been received by 26 August 2015, then it would be taken that the proposed conditions and s106 items addressed outstanding matters. No response was received.
- 8.13 **Street Environment Division** requested that an updated Waste Management Plan be provided, including details of the amount of waste, where stored, how the waste is transported to the stores, the collection point and how the waste is transported to the collection point.

8.14 **Sustainability Officer** advised that the preference would be for the inclusion of a green roof to the development rather than a financial contribution in-lieu of sustainable urban drainage.

## **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. The National Planning Practice Guidance has also been considered with respect of these proposals.

### **Development Plan**

9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011 and Development Management Policies 2013:

- Locally significant industrial site
- Local Views (LV7)
- Kings Cross and Pentonville Rd Key Area (CS6)
- Article 4 Direction: B1a (office) to C3 (residential)

### **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 EIA screening was not submitted, however whilst the scheme is considered to fall into Category 2 Development (urban development) the site area and floor areas proposed within this scheme fall significantly below the thresholds and the site is not located within a sensitive area therefore does not necessitate an Environmental Statement. No formal decision has been made to this effect.

## 11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design and Heritage considerations
- Landscaping, Trees and Biodiversity
- Neighbouring amenity
- Highways and Transportation
- Energy efficiency, renewable energy and sustainability
- Planning obligations and CIL

### Land-use

11.2 The application site is located within the Vale Royal / Brewery Road Locally Significant Industrial Site and also within the Kings Cross Key Area. The site is not located within the Central Activities Zone. The existing building is currently vacant and is stated to have been vacant since 2011. Its previous use is stated by the applicant to be a former print works, which the applicant considers to fall within the B1c use class. However the Council is of the opinion that it falls within the B2 use class. There is no comprehensive planning history for the site that helps to determine this.

11.3 A print works can fall into either a B1c (light industrial) or a B2 (general industrial) use class. A B1c use class is normally a lighter industrial version of the B2, which can usually be located in a residential area. Given that this site is within a long established industrial area, it seems probable that the former print works could have fallen into the B2 use class.

11.4 Policy CS6D (King's Cross) of the Core Strategy confirms that the Vale Royal/Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.

11.5 Development Management Policies Document, policy DM5.3 - Vale Royal / Brewery Road Locally Significant Industrial Site is relevant to this site. Part B of the policy states that 'proposals that would result in a loss or reduction of floorspace in the B1c, B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence relating to the continuous marketing of vacant floorspace for a period of at least two years.

11.6 The policy goes onto the state at part (C) that the loss of or reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).

### Assessment – Loss of existing use

11.7 The applicant has not submitted any marketing information to support their application, despite the building being vacant since 2011. However the applicant has identified and made a case that the proposal to change the use

of the existing building (be it either B1c or B2 as its previous use) to office floorspace (B1a use class) would in fact be permitted development and that this should be considered an exceptional circumstance.

- 11.8 Permitted Development: Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 deals with changes of use.
- 11.9 Class I 'Industrial and general business conversions' relates to: Development consisting of a change of use of a building—
- (a) *from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule;*
  - (b) *from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.*
- 11.10 Taking the Council's view that the previous, lawful use of the building was B2 general industrial, it is clear that the proposed change of use to office use (B1a use class) meets the criteria of Schedule 2, Part 3, Class I(a) of the GDPO (above). There are no restrictions to the amount of floorspace that is permitted to change.
- 11.11 Taking the applicant's view that the use of the building was B1c (light industrial); the applicant, within their application for Certificate of Lawful Use (proposed), put the case forward that Section 55(2) of the Town and Country Planning Act 1990 confirms that a change in the primary use of land or buildings where the land before and after falls within the same use class, does not amount to development. This was agreed and the application was granted on 27 August 2015.
- 11.12 Section 55 relates to the meaning of "development" and "new development". Paragraph (2) sets out the 'operations or uses of land that shall not be taken to mean development for the purposes of the Act. Subsection (f) specifically states:
- "in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class".*
- 11.13 In this regard, changing from B1(c) to B1(a) does not constitute development and therefore does not require planning permission.
- 11.14 In light of the above, the loss of the existing use (be it B1c or B2 use class) cannot be resisted as it is permitted development and lawful as of the date of the Certificate of Lawful Use Application. The applicant has submitted an

updated planning application form that states that the change of use to office (B1a) has been implemented.

### Assessment of Proposed Use

- 11.15 The proposal is to retain the existing building and add three extra floors, plus a 5 storey side extension in order to deliver a total of **2,152sqm** of office floorspace (B1a use class), a net increase of 1,159sqm (GIA).
- 11.16 Notwithstanding the loss of industrial use (general – B2, or light – B1c) which can't be resisted because it is permitted development, policy DM5.3 looks to preserve business floorspace within the LSIS, with non-business uses resisted. The proposed use of offices is consistent with this and is policy compliant.
- 11.17 DM5.1, part F, sets out the requirements for the design of new business floorspace to allow for future flexibility. Paragraph 5.10 of Development Management Policies clarifies what will be expected in terms of flexible design features to help ensure adaptability to changing economic conditions and occupants (including small and medium businesses), this includes:
- Adequate floor to ceiling heights (at least 3 metres of free space);
  - Strategic lay-out of entrances, cores, loading facilities and fire escapes to allow a mix of uses.
  - Flexible ground floor access systems.
  - Good standards of insulation to mitigate against any future alternative uses in the building (See Energy section).
- 11.18 The proposed floor to ceiling heights range from 3.0m to 3.6m which is generous and meets the policy intent to ensure the floorspace is flexible. The basement level is only 2.2m floor to ceiling, however this is an existing level and the ground floor is to be lowered to secure level thresholds throughout the building. Whilst this is a shortcoming, the basement is only to be utilised for plant, cycle parking and shower facilities and is therefore acceptable.
- 11.19 The building's core is positioned so that each floor plate is able to be subdivided into two separate units per floor, making it possible to accommodate up to 10 separate businesses. The smallest of these would be in the region of 117.85sqm (one per floor), protecting the buildings future flexibility.
- 11.20 Small/ micro or affordable workspace: As part of any major office development the council will look to secure workspace suitable for small businesses – either through the way it is designed/managed (such as small unit sizes) or through securing affordable workspace (policies CS6, CS13 and DM5.4). Small workspace units are defined as between 50 and 90sqm and micro units between 10 and 50sqm. In terms of the uplift of floor area within

this proposal, a guide floorspace amount (5% of GIA) would equate to 53.95sqm.

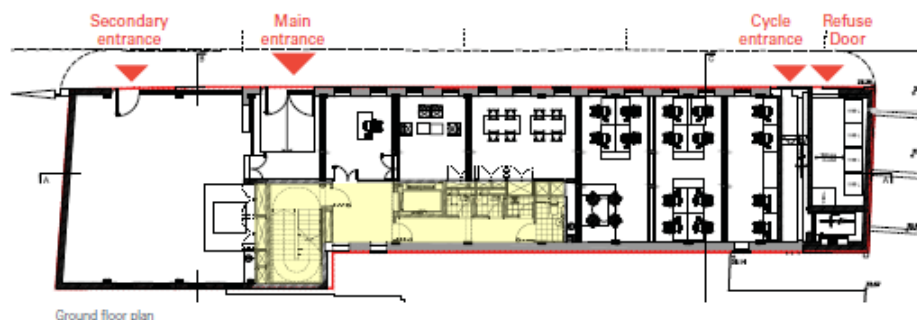
- 11.21 The applicant was initially unwilling to provide floorspace within the resulting building as suitable for either: micro / small units or an area of floorspace to be provided on affordable rent terms. However, revisions to the scheme have been made and the proposal now includes the creation of one unit suitable for small enterprises.
- 11.22 The unit is designed as a small unit, measuring 56sqm, designed with its own separate entrance from Tileyard Road, making it an individual, self-contained unit. In order to secure this, a condition is recommended (**condition 19**) stating that this unit shall be laid out in accordance with the details so approved and shall not be amalgamated with the remainder of the ground floor office unit. Additionally, this unit shall have access to the cycle storage and bin store of the main building and this access is secured by planning condition (**condition 20**). In this regard, the provision of a small unit meets the requirements of policy DM5.4 being affordable by virtue of its size.
- 11.23 Employment and Training Opportunities: Policy CS13C seeks to secure jobs and training opportunities, including apprenticeships for developments with uplift of 500sqm or more of business / employment floorspace. This development generates a requirement for a £11,590 financial contribution towards such measures and has been agreed by the applicant and would form part of the s106 agreement.
- 11.24 Additionally, the applicant has agreed to clauses within the s106 legal agreement including, the compliance with the Council's Code of Employment and Training and its Code of Local Procurement.
- 11.25 Onsite construction training opportunities: The same policy CS13C also seeks construction training opportunities. This development generates a requirement for a single work placement to last a minimum of 26 weeks, paid at the London Living wage at the least. In the event that the placement is not provided, a fee of £5,000 is sought in place. This has been agreed by the applicant and would form part of the s106 agreement.

### **Design, Conservation and Heritage Considerations**

- 11.26 The site is not located within a conservation area, nor are there any listed buildings in the vicinity of the site, nor is it within an archaeological priority area. The location is not especially sensitive, being within a locally significant industrial area. The existing building is considered to have inherent historical interest owing to its original use and the proposal to retain the existing structure and extend it is welcomed.
- 11.27 Core Strategy (2011) policy CS9 seeks to secure new buildings that are sympathetic in scale and appearance and to be complementary to the local identity. It acknowledges that high quality contemporary design can achieve this as well as traditional architecture. Development Management Policies (2013) DM2.1 sets out further detail on design expectations, including

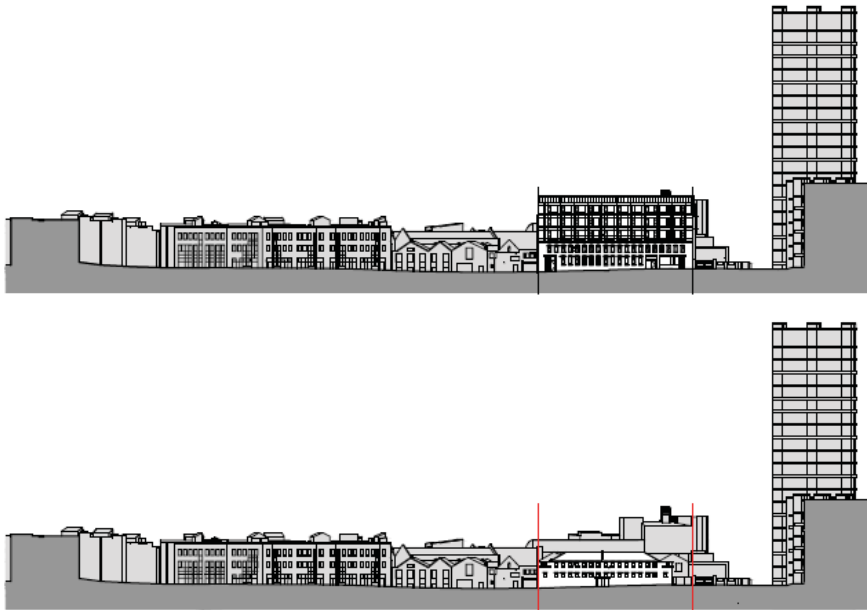
requiring development to respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character and locally distinctive patterns of development. The Islington Urban Design Guide (2006) is also of relevance.

- 11.28 The proposal seeks to retain the existing two storey brick built elevations, but introduce two new entrance doors, a set of doors for the refuse storage area and cycle parking storage. Additionally some amendments to existing window openings are proposed.
- 11.29 The new build proposal is to construct a 3 storey extension above that plus a 5 storey side extension that would be positioned on the western end of the site.
- 11.30 Site Layout: The retention of the existing building sets the footprint / building lines for the small extension to the building. The extension accords with the building line to the front. The rear building line steps slightly beyond the existing buildings rear line, but is considered appropriate. Windows are proposed along the boundary to the new extension and a condition is recommended stating that those windows would not prejudice the potential development of adjoining sites (**condition 18**). (Note this plan has been amended to provide a small workspace unit so is indicative only).



- 11.31 Height and Massing: The resulting proposal, reaching a total overall height of 5 storeys (20.4m) is considerably taller than the buildings within the Vale Royal / Brewery Road Locally Significant Industrial Estate. Buildings in the immediate vicinity of the site stand at 2, 3 or 4 storeys in height. However the nature of York Way is changing and it is accepted that buildings of closer to 6 storeys will be appropriate to the emerging context to York Way within Camden. Buildings at the opposite end of Tileyard Road on York Way, within the Maiden Lane Estate stand at 7 storeys.
- 11.32 Initially, it was sought to have the building step down to 4 storeys in height at its eastern end, towards its lower context. However that was likely to have resulted in an awkward resulting design above the retained existing building (two storey base). Given the further work to refine the buildings appearance, the height is considered (in the changing local context) and having regard to the breaking down on the buildings height and mass through detailed design, to be acceptable.

11.33 The image on the page overleaf shows an existing and proposed comparison of the wider view along Tileyard Road looking at the application site, with York Way on the right (illustrating the Maiden Lane Estate buildings).



11.34 Materials: The proposal is to be constructed of:

- Retained building (two storeys) brickwork to be made good and windows to be replaced, with lowered window cil heights (windows to be aluminium framed, double glazed and of a dark grey anodised finish);
- Ground and First Floors (of 5 storey extension): constructed to replicate the existing building at these levels (London stock brick), with windows to match;
- Second and Third floors: to be constructed of corten steel panels. Windows to be wider, but with window frames / divisions to match with the window placements in the floors below (aluminium framed, double glazed and dark grey anodised finish);
- Top floor: to be constructed of dark metal cladding system, with windows to accord with those in the lower two floors.
- The western façade was proposed to be constructed of brick, with steps, and stacking the bricks to provide a depth and interest. Graphic writing 'Tileyard' is proposed within the brickwork. The detailed design of the signage is yet to be developed, but it would be a contemporary design in cut brick set into the facade, that takes inspiration from the 'ghost' signage painted on industrial buildings.

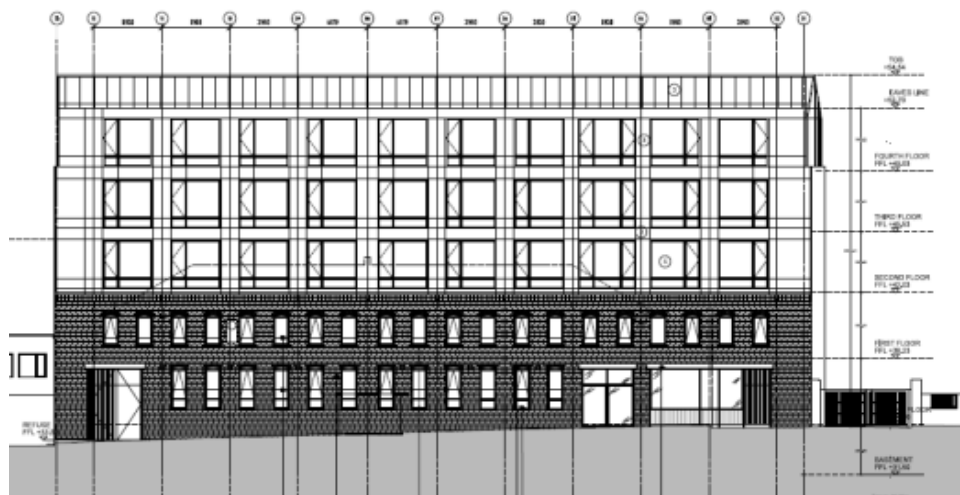
11.35 Initially, the Design and Conservation Officer raised concerns that the use of corten steel (second and third floors) failed to integrate with the existing



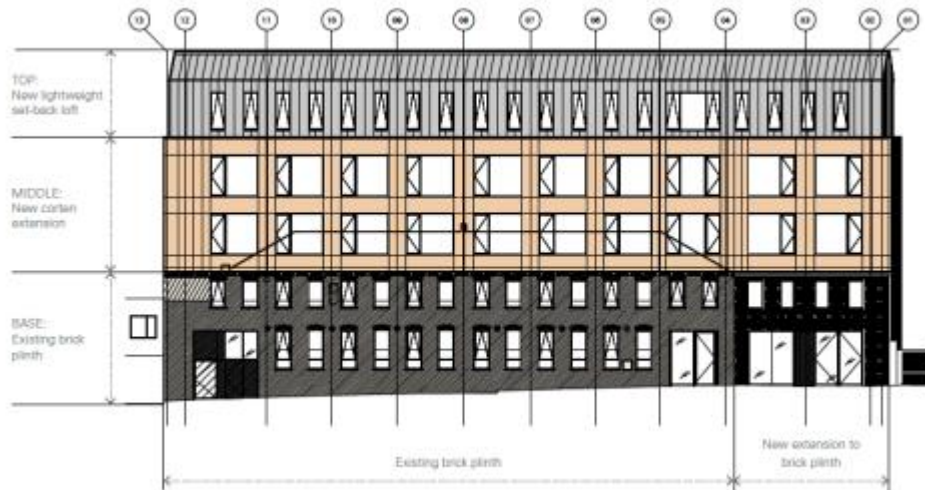
brickwork below. The architects responded advising that their approach had been one of identifying a strong base (retained building) middle (corten steel) and top (dark cladding system). The architect also justified their approach that they sought to avoid a pastiche replication of the existing building and instead to design extensions to positively mark the evolution of the building.

11.36 The Design and Conservation Officer now considers the proposed material strategy to be acceptable, subject to detailed conditions securing samples to be agreed (**condition 7**).

11.37 Windows: The initially proposed windows were considered by the Design and Conservation Officer to be “of a scale that alter the proportions of the building resulting in a top heavy appearance which is considered inappropriate. The lower levels with a much smaller fenestration pattern and overall scale are supporting the much larger storeys above, which is considered inappropriate in terms of design”. The initial proposal is illustrated below:



11.38 The scheme was amended to reduce the size of the windows in the top floor and to better respect general architectural hierarchy of windows moving to smaller windows moving up the façade of a building. That amended process is illustrated below:



11.39 Whilst the above amendments were felt to be an improvement, it was still felt by the Design and Conservation Officer that the middle floor windows still required further articulation, and would benefit from better referencing the narrower window widths above and below as a compromise on the size of windows had been agreed. In this regard, the image below illustrates how the middle floor windows were broken down into tripartite divisions. This change was also felt to retain references to the larger windows found in buildings within the surrounding industrial estate, and is the final proposal which is supported.

**Current Proposal:**



11.40 Local View LV7: Policy DM2.4. is clear that Protected Vistas and Local Views should be protected and enhanced. The site falls within Local View 7. The proposed height of the building would be 20.39m above pavement (ground) level (34.4 AOD). This has been reviewed as to whether the proposal would be likely to impact on the viewing threshold. The site is approximately 3.7km from the centre of St Paul's. Based on the view threshold for LV7 in this location the maximum height is 59.79m AOD. Given the ground level is 34.4, the maximum height of a building without encroaching onto the view would be around 25m. The proposal would therefore have no impact on this local view.

11.41 In summary, the proposed building is taller than its immediate surroundings, but at 6 storeys in height would not be out of place in the emerging context moving up York Way. There are no sensitive uses in the immediate area that this increase in height would harm. The design retains the existing building which is considered to have some historic merit and accommodates the additional floors in a manner that references both the retained buildings appearance and character as well as reflecting the character of the industrial surroundings. Subject to conditions to secure samples of materials, the design is considered to be of a high quality.

### **Accessibility**

11.42 The proposed development seeks permission for a wholly business use within this part retained and altered and extended building. The proposal has been amended during processing to enable the ground floor to be made flush or level with the pavement level outside and this significantly improves the accessibility and inclusivity of the proposal, additionally making it more flexible for future uses. Additionally, level access is provided to all cycling facilities including storage and showers including provision of a dedicated cycle lift, with adequate manoeuvring space for wheelchair users in front of it which is welcomed.

11.43 Amended plans were submitted to provide a policy compliant wheelchair accessible WC/ shower and introduce mobility scooter storage (or for charging). A condition (**condition 10**) is recommended to secure compliance with these details.

11.44 Fire evacuation: The proposal increases the floor area within the building, whilst at the same time it reduces the number of fire exit stair cores from two to one. The applicant advises the design has been fire engineered, however in order to address concerns raised by the Accessibility Officer, the plans were amended to provide two escape refuges per floor.

11.45 Accessible parking: a financial contribution of £4,000 in order to create two new accessible parking bays within the local streetscene or for the creation of other accessible transport initiatives is secured by agreement with the applicant, within the legal agreement.

### **Landscaping and Trees and Biodiversity**

11.46 The application site does not contain any tree planting or other soft landscaping within the site, nor are there any street trees adjacent to the site that could be impacted by the proposals. The application is accompanied by a Bat Survey report that has analysed the existing buildings potential for supporting bat roosts or other activity. A diurnal inspection was undertaken on 24<sup>th</sup> September 2014. A further survey was also undertaken to inform BREEAM ecology credits.

11.47 The results of the survey were that there were no signs of nesting birds, no vegetation and no connectivity to nearby semi-natural habitats. No evidence of bat activity or occupation was found in the building and potential for

roosting bats was considered to be negligible. No further surveys were recommended.

- 11.48 In order to protect birds that may be nesting in the building from construction works, a condition (3) is recommended to prevent any demolition or major refurbishment works from occurring within bird nesting season (March to August inclusive).
- 11.49 In order to maximise ecology credits (through BREEAM) the ecologist recommended (those appropriate are secured by **condition 12**):
- Installation of bird, bat and/or insect boxes at appropriate locations on the site;
  - Planting a single small tree in a tub / raised bed on the external terrace, either a: Olive, Cherry Crab, Jasmine or a Strawberry Trees; and
  - A mix of 9 flowering species and climbers and on trellising.
- 11.50 These measures, on this restricted site and development design are considered to maximise opportunities for greening and enhancing biodiversity at this site in accordance with policies CS15 (Core Strategy) and DM6.5 (Development Management Policies).

### **Neighbouring Amenity**

- 11.51 The application site is located within a locally significant industrial area and therefore the majority of surrounding buildings are in some form of commercial use. In this regard, those properties are not considered to be sensitive and are not considered for the purposes of amenity assessment.
- 11.52 However, the recently approved residential development known as Maiden Lane Estate is located on the opposite side of York Way, and those consented residential properties are considered with respect of the likely impact of this proposal on their future amenity.
- 11.53 Privacy and Overlooking: As the Maiden Lane Estate is located on the opposite side of York Way, Islington Planning policy considers that there is no unacceptable loss of privacy or overlooking that occurs across a public highway and in this respect the scheme is policy compliant.
- 11.54 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 11.55 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

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

*The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*

11.56 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room, it is commonly held that losses in excess of 50% NSL are not acceptable.

11.57 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

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

11.59 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

#### Sunlight and Daylight Losses for Affected Properties Analysis

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

- Maiden Lane Estate Blocks A, D and E.
- 2-16 Maiden Lane Estate

11.61 Sunlight: none of the properties face within 90 degrees of due south and therefore there is no requirement to test any windows for sunlight losses. The assessment below is therefore for daylight only.

11.62 Block A: has no failures for any of the daylight tests listed above.

11.63 Block D: at first floor level, this block has 5 windows that would marginally fail the BRE guidelines, with VSC losses of between 20.46% and 21.72%. The affected windows serve two bedrooms and one living room. The resulting

VSC is still very high being close to the 27% (which is considered particularly good daylighting).

- 11.64 There are three rooms affected in terms of Daylight Distribution, (R13/30 Bedroom) at first floor level which is stated to lose 36.25% of light within the room (but maintains complying VSC). However, this is a bedroom which has a lesser requirement for daylight than other rooms and is considered in this instance acceptable. A living room (R16/30) at first floor level is stated to lose 39.40% of its Daylight Distribution. The last room affected is a living room (R16/31) at second floor level that would lose 34.38% DD.
- 11.65 Block E: has three windows that marginally fail the VSC test ranging from 20.06 to 20.68% losses affecting two living rooms and a bedroom. These losses are considered acceptable. The block has 9 failures in relation to Daylight Distribution ranging from 28.83 to 55.56%. The BRE Guidelines set out the possibility of assessing a mirror image of development on opposite sides of a road to help inform acceptability of daylight impacts within more tightly woven urban forms. In this regard, the proposed 6 storey building would be one storey lower than the 7 storey Maiden Lane Estate opposite on York Way which (given the application site is set back one plot from the frontage to York Way), is considered to represent an appropriate townscape response, supporting the more flexibly approach to BRE impacts, as set out in the guidance.
- 11.66 Whilst the losses are high, the windows and rooms experience particularly unusual unrestricted access to daylight given the absence of any height along the Islington side of York Way. In this regard, the losses are not considered unacceptable.
- 11.67 Noise: The application is accompanied by a noise assessment that considers noise from local industry, but primarily impact from road traffic noise (York Way). The proposal seeks to locate plant on the roof, and assessments of noise were concluded not to impact on the locality due to the high level of background noise from York Way at a level of 52.8 dB LA90. However the ventilation / heat recovery units are suggested by the applicant to have appropriate sound attenuators on their inlet and discharge points to limit the noise to 65dN LWA at roof terminations, given the distance to the nearest residential. This limit was proposed as appropriate by the applicant. The Public Protection Officer has requested that a condition relating to fixed plant be imposed – this is recommended as **condition 9**.
- 11.68 Construction Impacts: The proposed development is likely to have impacts on the amenity and functioning of nearby occupiers. As such a condition is recommended to secure details of how the construction phase will minimise and mitigate any identified environmental impacts including noise, air quality, dust, smoke, odour vibration and TV reception impacts (**condition 5**).
- 11.69 The proposed development is located largely within an industrial estate with limited potential to impact on residential amenity. Where there are daylight impacts, this is largely as a result of the underdeveloped nature of the industrial estate creating an unusually high degree of existing daylight receipt

to the Maiden Lane Estate properties. Whilst the impacts appear great, room sizes are assumed for Daylight Distribution and actual VSC retained is high for an urban area. In this regard, the proposed impacts are in this particular instance considered acceptable.

## **Sustainability, Energy Efficiency and Renewable Energy**

### **Energy**

- 11.70 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 11.71 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (CS10).
- 11.72 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Development Management Policy DM7.3A requires all developments to be designed to be able to connect to a decentralised energy network (DEN) if/ when such a network becomes available. Specific design standards are set out in the councils Environmental Design SPD. DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major developments. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 11.73 The applicant proposes a reduction in regulated emissions of 35.9% and in total emissions of 18.6%, compared to a 2013 Building Regulations baseline. This exceeds the London policy requirement of 35% reduction in regulated emissions, but falls short of the Islington requirement of 27% reduction on total emissions. The Energy officer sought further clarification on this

performance level but concluded that these savings are supported and secured by **condition 8**.

- 11.74 Be Lean: The proposals seek to utilise efficient building fabric with the proposed U-values being: walls = 0.15, roof = 0.13, floor = 0.20 and glazing = 1.4. These values all represent good practice and are accepted. The proposed air tightness is 3m<sup>3</sup>/m<sup>2</sup>/hr @ 50pa. This is an appropriate number, since mechanical ventilation (with heat recovery) is to be used. The Energy Statement also proposes the use of LED lighting, alongside daylight sensor and PIR controls which is strongly supported.
- 11.75 Be Clean (Heating and Hot Water Systems and CHP): The energy statement rules out connection to a local heat network. There does not appear to be a network within 500m of the site and therefore, a connection is not required to be made. The next stage in the energy hierarchy is to consider on-site CHP. This has been ruled out on the basis that there is unlikely to be a sufficient heat demand for CHP to be viable which has been accepted by the Energy Team (as is often the case for office schemes).
- 11.76 The proposed heating, ventilation and air conditioning (HVAC) system for the site will include a Low Temperature Hot Water circuit, served by gas boilers. The energy statement mentions the possibility of future-proofing this part of the system for connection to a heat network. The King's Cross area is one which is seeing significant heat network development. In this regard, a condition is recommended to secure the future proofing of this system to be able to connect to future networks (**condition 15**).
- 11.77 Be Green (Renewable Energy): the proposal makes provision to include a solar PV system (25sqm stated as the area proposed) for the development and this is supported.
- 11.78 Overheating and Cooling: The applicant has carried out an overheating analysis that states that measures such as solar control glazing, exposed thermal mass, night cooling and the use of blinds to reduce heat gains - and these are supported. As it stands, the analysis indicates that mechanical ventilation and artificial cooling would be required for this site. We note that the mechanical ventilation system is specified to have heat recovery, which would be of most use during colder periods, and this is supported.
- 11.79 Artificial cooling via a refrigerant-based system is proposed. This system will have the ability to transfer heat from warmer to cooler areas of the building, at times of year when there would be simultaneous heating and cooling loads within the building. Heat is also provided via a LTHW circuit, supplied by gas boilers. The proposed cooling system is specified to deliver a 22°C internal temperature under current conditions and 23°C when modelled under future summer temperatures, which is also accepted.
- 11.80 CO<sub>2</sub> Off-setting: Based on the stated emissions of 86.6 tonnes and a rate of £920 / tonne, the development would attract an offset payment of £79,672 which is secured by legal agreement.



## Sustainability

- 11.81 BREEAM: The applicant submitted a BREEAM 2014 (New Construction) pre-assessment review for the scheme that concludes a total of 71.89% score could easily be achieved. This is an 'Excellent' rating. The Sustainability Officer raised concerns that this does not leave much margin; however the applicant has demonstrated potential to achieve 84.17% (which would still be Excellent – but a very comfortable score). A condition **(10)** is recommended to secure a minimum of BREEAM Excellent be achieved.
- 11.82 Sustainable Urban Drainage (SUDs): the applicant has not proposed a SUDs strategy, but has requested a condition that would enable the applicant to further assess the feasibility of attenuation tanks, blue or green roof (or both). The proposal retains the main structure of the existing building which presents some restrictions in what can be achieved via SUDs for this site. However a 5 storey side extension is proposed and there is opportunity to locate a storage / attenuation tank beneath that part of the site, taking run-off from the main building as well as the extension itself.
- 11.83 Policy (DM6.6) seeks for developments to reduce flows to a 'greenfield rate' of run-off (8 litres/second/hectare for Islington), where feasible. The volume required to be stored should be calculated based on the 1 in 100 year flood event plus a 30% allowance for climate change (worst storm duration). Where greenfield runoff rates are not feasible runoff rates should be minimised. The maximum permitted runoff rate will be 50 litres/second/hectare. In the event SUDs are not able to be secured on site, part D of the policy seeks financial contributions towards provision on off-site SUDs schemes. In the event no SUDs strategy was achievable on this site, a contribution of £22,800 would be secured via s106 legal agreement to spend on off-site measures.
- 11.84 In this regard, a planning condition is recommended to be agreed in writing prior to commencement of any works on the site, detailing a SUDs attenuation proposal beneath the 5 storey extension to take water from the whole of the development (**condition 6**). In the event SUDs on site proves unfeasible, an in lieu financial contribution is sought by the policy – this is worded into the condition. Without this provision, the scheme would be unacceptable and fail to comply with planning policies CS10 (Core Strategy 2011) and DM6.6 'Flood prevention' of the Development Management Policies (2013), nor the Environmental Design SPD.
- 11.85 Green Performance Plan: is a plan that seeks to detail measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The submitted plan is acceptable and its ongoing monitoring is secured as part of the s106 agreement.

## Highways and Transportation

- 11.86 The application site is located within a Public Transport Accessibility Rating of 4. Tileyard Road is a single lane carriageway and subject to a 20mph speed limit zone. There are footways on both sides of the road and immediately in

front of the site there are two on-street parking bay areas, separated by a central location of double yellow lines that are subject to restrictions for use by business permit holders only between the hours of 08:30 – 17:30 Monday to Friday and 08:30 to 13:30 on Saturdays. There is a street light column and a parking information sign within the footway directly at the front of the application site.

11.87 Tileyard Road meets York Way with a T-junction arrangement. York Way is subject to a 30mph speed limit and it has an on-road cycle lane running north and south (both sides of the road).

11.88 Personal Injury Collision Data: During the last 5 year period, a total of 15 recorded collisions were reported to the police. Of those, 12 were classed as 'slight' and 3 classed as 'serious'. However the majority of those incidents were determined to be driver error rather than geometric highway design.

11.89 The proposal seeks to locate servicing and delivery from the street, utilising the business permit parking bays at the front of the site in the event of deliveries / servicing or refuse collection. The applicant does not propose to create a dedicated service bay mainly due to the relatively low number of anticipated service trips to the site, which would render the service bay largely unused, at the expense of business parking bays.

11.90 The proposal also seeks to:

- Remove the dropped kerb located in the centre of the site's road frontage.
- Remove the dropped kerb in the location of the proposed 5 storey extension at the western most end of the street frontage.

11.91 The proposal is considered to generate 70 two-way person trips in the morning peak (08:00 – 09:00) and 80 two-way person trips during the afternoon peak (05:00 – 18:00), generated by staff. The development is proposed to be car free and therefore none of those trips are anticipated to be by car.

11.92 Delivery and Servicing Plan: The existing building has a service yard that measures 10.3m by 6.3m at the western end of the site. This clearly is not a large enough space for vehicles to manoeuvre within and leave in a forward gear. It is used for informal off-street car parking. It is likely that light vans may have previously used this yard (the building is vacant and has been this way since 2011) but would have had to reverse either into or out of the spaces onto the highway.

11.93 The TRICS database was used to estimate the previous servicing and delivery vehicle movements that would have taken place for a printing company (light industrial). It estimates that over a 12 hour period, a total of 9 two-way Other Goods Vehicles (OGV) movements would have taken place.

- 11.94 The TRICS database was used to estimate the likely proposed service vehicle movements associated with B1a office uses. Over a 12 hour period the site would generate around 1 x two-way OGV movement i.e. one delivery every two days. As mentioned earlier in this section it is proposed to use parking bays on-street immediately adjacent to the existing building to facilitate this servicing.
- 11.95 The proposed development, moving away from a light industrial use to an office use, despite the almost doubling of floorspace would result in a reduction of service vehicle movements to the site and therefore on-street servicing is not in principle resisted.
- 11.96 The Highways Officer confirmed that there is no severe parking stress at this location, but that it should be noted there is limited time available to load. The Highways Officer raised some concerns relating to:
- the narrowness of the road at this location and concerns that emergency services vehicles and others could be hampered. A swept path analysis drawing showing an HGV in the parking places highlighted in the TSS with parking in the on-street bays opposite.
  - Further information of the deliveries themselves was requested particularly relating to the HGV. What will they be likely to deliver and what is the expected dwell time.
  - Confirmation as to how it is intended to get goods into the premises (pallets cages etc).
- 11.97 In response the applicant provided swept path diagrams demonstrating that a service vehicle could be in place and servicing, with vehicles parked on the opposite side of Tileyard Road and still enable a refuse vehicle to move through the road, therefore not causing obstruction. However, in order to ensure this is the case, a servicing and delivery plan is to be secured via planning condition (**condition 11**).
- 11.98 Cycle Parking: the proposal generates a policy requirement to provide 1 cycle parking space per 80sqm of office floorspace which equates to a need to provide 27 cycle parking spaces. The proposal is to provide a total of 29 cycle parking spaces to be located at basement level with a cycle lift proposed to be installed for step free access from street to storage (which would be secure adequately lit and conveniently located). Showers and changing facilities are also proposed at basement level. However the suggested planning condition relating to SUDs would require the relocation of the cycle parking – as such a condition is recommended to secure those updated details (**condition 13**).
- 11.99 Refuse collections: this is estimated to be the main servicing demand for the site with collection occurring twice a week. These would be by private company. Refuse is to be stored in a secure area at ground floor level within the building. A waste management strategy was requested by the Street Environment Officer and that is to be secured by **condition 16**.

- 11.100 Framework Travel Plan: This document was submitted with the application and seeks to influence sustainable forms of travel of staff before habits are formed. The report identifies public transport opportunities and confirms the scheme as car free. The statement identifies a Travel Plan coordinator, sets out the information that will be made available to staff when they are employed at the site. This document is secured as a living document as part of the s106 agreement and will require the submission of reviews at various stages after first occupation of the development.
- 11.101 Construction Management Plan: The applicant has submitted an Outline Construction Management Plan for the development. The site frontage has bays designated for business permit holders that can accommodate approximately 4 vehicles in two bays of 2 vehicle lengths. The applicant proposes to suspend 4 spaces for the duration of the works in order to accommodate the loading and skip holding areas for the development. The plan identifies the principal contractor details, and states that local community relations liaison officer would be appointed, with name and 24 hour contact details as well as works updates provided on the hoarding. Works is confirmed to be carried out in accordance with Islington working hours for noisy works and to adhere to the Code of Construction Practice Guidance. However further detail is required and this would be secured by **condition 5**.
- 11.102 Damage to the highway during construction: To ensure that any damage caused to footways and the highway during construction would be required to be rectified at the cost of the developer, conditions surveys recording the state of the highways and footways surrounding the site would be carried out prior to works commencing to form a baseline. These measures are agreed by the applicant and would be secured by a legal agreement.

### **Contaminated Land**

- 11.103 The Public Protection Officer, advised that the site is not listed on the council's contaminated land (CL) database. Additionally, as it's a commercial building covered with hardstanding, albeit with just a small amount of extension on bare ground, that they would not request a contaminated land condition.

### **Planning Obligations and Community Infrastructure Levy**

#### Community Infrastructure Levy:

- 11.104 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), both the Mayor's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the relevant adopted Community Infrastructure Levy Charging Schedules.
- 11.105 There would be no Islington CIL charge on this development because it is located within CIL charging area B which has a £0 rate for office use.

11.106 The Mayor's CIL charge on the 2,072sqm of office space would be £123,040 (indexation applied). The floorspace of the existing building is chargeable as well as the extensions because the existing building has not been in use for the required 6 months in the last three years.

Planning Obligations / S106 Agreement:

11.107 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

11.108 The agreed heads of terms are set out in Appendix 1 to this report. All of those listed obligations are considered to meet the three tests set out above, including the updated requirements restricting the pool of more than five contributions towards a single project.

Other Matters

11.109 The application includes a Health Impact Assessment, screening document as part of the application. This is sufficient to address the requirements of Core Strategy (2011) policy CS19.

11.110 Thames water has provided advice in relation to surface water drainage, however a planning condition is recommended in any event to address SUDs and that condition would address the concerns raised.

11.111 Thames Water has advised that there are public sewers crossing or close to the development. An informative is recommended to advice the applicant on what Thames Water would require in order to give their approval for these works.

11.112 Thames Water has requested that a condition (**condition 4**) be imposed in order to prevent the commencement of works until a Piling Method Statement has been approved. This is because the proposed works will be in close proximity to underground sewerage utility infrastructure.

## 12. SUMMARY AND CONCLUSION

### Summary

12.1 A summary of the proposals is provided at paragraphs 4.1-4.6.

### Conclusion

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. 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. Costs to include removal of redundant dropped kerbs and temporary removal and costs for replacement street lighting column and business parking permit sign.
2. Compliance with the Code of Employment and Training.
3. Payment towards employment and training for local residents of a commuted sum of : £11,590
4. Facilitation, during the construction phase of the development, (1) one work to last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/'15). If these placements are not provided, LBI will request a fee of :£5,000
5. Compliance with the Code of Construction Practice, including a monitoring fee of: £1159 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.
6. The provision of two accessible parking bays or a contribution towards bays or other accessible transport initiatives of: £4,000
7. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £79,672
8. 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.

9. Submission of a Green Performance Plan.
10. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.
11. In the event that no Sustainable Urban Drainage scheme is achievable on this development (refer planning condition 6) then a financial contribution towards off-site mitigation measures of £22,800 would be secured, prior to first occupation of the development.
12. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

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

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

## RECOMMENDATION B

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

### List of Conditions:

1	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
	REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory

	Purchase Act 2004 (Chapter 5).
2	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PL100 Rev 01; PL101 Rev 03; GF; PL102 Rev 01; PL103 Rev 01; PL104 Rev 01; PL105 Rev 01; PL106 Rev 01; PL200 Rev 03; PL 201 Rev 02; PL202 Rev 01; PL300 Rev P01; PL301 Rev 01;</p> <p>Daylight and Sunlight report prepared by GVA dated February 2015; BREEAM 2014 New Construction pre-assessment review Revision 3 dated 30 January 2015 prepared by Southfacing Services Ltd; Design &amp; Access Statement prepared by Useful Studio dated March 2015; Response to Planning Officer Feedback London Borough of Islington prepared by Useful Studios dated July 2015; BREEAM Ecological Assessment &amp; Bat Survey Report 1835-CWS-01 prepared by Cotswold Wildlife Surveys, dated 24th September 2014; Islington HIA screening; Noise Assessment Version 2 - prepared by Stilwell Limited Consulting Engineers dated February 2015; Outline Construction Management Plan prepared by Useful Studio dated March 2015; Planning Statement prepared by CMA Planning dated March 2015; Site Waste Management Plan prepared by DDC Limited dated March 2015; Transport Assessment (RM/NES\16473-01c) prepared by David Tucker Associates dated 24th February 2015; Framework Travel Plan &amp; Delivery and Servicing Plan (RM/NES 16473-02b) prepared by David Tucker Associates dated 10th February 2015; Response to Consultee Comments to P2015/1204/FUL prepared by David Tucker Associates including Vehicle Tracking Drawing ref: 16473-03</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<b>Demolition outside of bird nesting season</b>
	<p>CONDITION: in accordance with the recommendations of the applicants ecology consultant, no demolition or refurbishment works shall be undertaken during bird nesting season (March to August inclusive).</p> <p>Therefore these works shall only take place between September to February.</p> <p>REASON: In the interests of protecting nesting / breeding birds in accordance with policy CS10 of the Islington Core Strategy and policy DM6.5 of the Development Management Policies (2013).</p>
4	<b>No Impact Piling – Thames Water</b>
	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be</p>



	<p>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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>
5	<p><b>Construction Environmental Management Plan &amp; Construction Logistics Plan</b></p>
	<p>CONDITION: No development shall take place unless and until a Construction Environmental Management Plan (CMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) and a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The CLP shall update the <i>Draft Construction Management Plan as submitted</i> as part of the application hereby approved, while also providing the following additional information:</p> <ol style="list-style-type: none"> <li>1. identification of construction vehicle routes;</li> <li>2. how construction related traffic would turn into and exit the site</li> <li>3. details of banksmen to be used during construction works</li> <li>4. the parking of vehicles of site operatives and visitors;</li> <li>5. loading and unloading of plant and materials;</li> <li>6. storage of plant and materials used in constructing the development;</li> <li>7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>8. wheel washing facilities;</li> <li>9. measures to control the emission of dust and dirt during construction;</li> <li>10. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <p>The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
6	<p><b>Sustainable Urban Drainage</b></p>
	<p>CONDITION: Notwithstanding the documents and drawings hereby approved, prior to any works starting on site details of a Sustainable Urban Drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p>

	<p>a) How the scheme reduces flows to a ‘greenfield rate’ of run-off (8 litres/second/hectare for Islington), where feasible.</p> <p>b) Details of the volume of water to be stored – which shall be calculated based on the 1 in 100 year flood event plus a 30% allowance for climate change (worst storm duration).</p> <p>c) If, greenfield runoff rates are shown and accepted to not be feasible, runoff rates should be minimised and the maximum permitted runoff rate will be 50 litres/second/hectare.</p> <p>d) The details shall include a maintenance strategy to cover the life of the development.</p> <p>In the event that it is satisfactorily demonstrated that SUDs are not able to be secured on site, part D of policy DM6.6 seeks financial contributions towards provision of off-site SUDs schemes. In that case the s106 agreement has a clause that would secure a financial contribution, in the event this condition is does not secure the SUDs strategy anticipated.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained in accordance with the approved maintenance strategy for the life of the development.</p> <p>REASON: The proposal includes no provision for any sustainable urban drainage features to be incorporated into the design. Whilst the retention of the existing building and the design of the proposed roof / top floor feature rule out green roof or other measures, the proposed new build 5 storey extension above the currently undeveloped service yard provides opportunity for SUDs storage / retention tanks in order to achieve or close to achieve the Islington Development Management Policies requirement at DM6.6 ‘Flood Prevention’. This also secures compliance with policy CS10 of the Islington Core Strategy 2011 and the Environment Design SPD.</p>
7	<p><b>Materials and Samples</b></p>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The details and samples shall include:</p> <p>a) brickwork (including mortar)</p> <p>b) corten steel cladding;</p> <p>c) dark steel cladding (top floor);</p> <p>d) windows and doors;</p> <p>e) any other materials to be used on the exterior of the development; and</p> <p>f) a Green Procurement Plan for sourcing the proposed materials.</p> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change</p>

	<p>therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<b>8</b>	<b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b>
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy (including but not limited to energy efficient fabric shall provide for no less than 18.6% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>In the event the approved energy strategy proves unsuitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised energy strategy shall seek to achieve the policy target of 27% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
<b>9</b>	<b>Fixed Plant</b>
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
<b>10</b>	<b>BREEAM - Compliance</b>
	<p>CONDITION: The development shall be constructed to achieve at least the total number of BREEAM points (71.89%) as per the approved BREEAM 2014 (New Construction) pre-assessment review making it an 'Excellent' rating.</p> <p>The applicant should seek to achieve as close to 84.17% as possible (still an 'Excellent' rating).</p>

	<p>REASON: In the interest of promoting sustainable development and minimising the impacts of new development and business on climate change. To accord with policies CS10 (Core Strategy 2011), DM7.1 and 7.4 (Development Management Policies 2013).</p>
11	<p><b>Delivery and Servicing Plan</b></p> <p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency, and details of the central loading system, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
12	<p><b>Inclusive Design</b></p> <p>CONDITION: The inclusive design features shown on the basement and ground floor plans PL100 Rev 01 and PL101 Rev 03 shall be installed prior to first occupation of the development. Those features shall include:</p> <ul style="list-style-type: none"> <li>i) Provision of wheelchair accessible WC/ shower with an outward opening door; and</li> <li>ii) Storage for mobility scooters;</li> <li>iii) Refuge areas at each floor within the stair well.</li> </ul> <p>REASON: In the interests of ensuring that the development is both accessible and inclusive for all staff and visitors to the building, in accordance with policy DM2.2 (Development Management Policies 2013).</p>
13	<p><b>Cycle Parking</b></p> <p>CONDITION: The cycle parking details shown on drawing PL100 Rev 01 shall be installed prior to first occupation of the development (including showering and changing areas).</p> <p>In the event that a SUDs strategy is found feasible in accordance with condition 6 a revised cycle parking (and ancillary showering and changing areas) layout plan shall be submitted to and approved in writing prior to any superstructure works commencing on the site.</p> <p>The details shall include provision for a minimum of 27 cycle spaces, provision of a cycle lift (or other accessible means of access to the storage location), and details of shower, WC and locker facilities.</p> <p>The approved cycle storage and ancillary showering and other facilities shall be installed and operational prior to first occupation of the development.</p>

	<p>REASON: In the interest of securing a development that maximises the sustainable and environmental credentials of the development, both to accommodate ability to reduce surface water runoff in accordance with policies CS10 (Core Strategy 2011) and DM6.6 (Development Management Policies 2013) and maximise opportunities for walking and cycling in accordance with policies CS10, DM8.4.</p>
14	<p><b>Ecology / Biodiversity Enhancements</b></p> <p>CONDITION: The following biodiversity enhancements shall be incorporated into the building:</p> <ul style="list-style-type: none"> <li>a) installation of 2 bird boxes and 2 bat boxes at appropriate locations on the building;</li> <li>b) planting of seven (7) small trees shall be provided and maintained in a raised bed located on the external terrace (as per drawing PL105), consisting of either: Olive, Cherry Crab, Jasmine or a Strawberry Trees; and</li> <li>c) a mix of 9 flowering species and climbers to be planted within raised beds on the amenity spaces, to be grown up trellising.</li> </ul> <p>REASON: In the interests of contributing to the enhancement of the landscape and biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. In accordance with policies CS15 of the Core Strategy 2011 and DM6.5 of the Development Management Policies (2013).</p>
15	<p><b>Future Proofing to DEN</b></p> <p>CONDITION: Notwithstanding the approved HVAC system for the site, which shall include a Low Temperature Hot Water circuit, served by gas boilers, details confirming that the system and associated infrastructure shall be designed to allow for the future connection to any future neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: The King's Cross area is one which is seeing significant heat network development. The applicants' energy statement mentions the possibility of future proofing the HVAC part of the development for connection to a heat network. In this regard, this planning condition secures more detailed consideration of connection feasibility, in accordance with London Plan and Local Islington policies.</p>
16	<p><b>Waste Management Strategy</b></p> <p>CONDITION: Prior to first occupation of the development, an updated waste management strategy detailing the amount of waste, where stored, how the waste is transported to the stores, the collection point and how the waste is transported to the collection point shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The development shall be constructed and collection carried out in accordance with the approved updated waste management strategy.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
17	<p><b>Roof Level Structures (Compliance / Details)</b></p> <p>CONDITION: Notwithstanding the details hereby approved, details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
18	<p><b>Windows not to prejudice adjoining site development</b></p> <p>CONDITION: Notwithstanding the approved plans, the windows approved on the southern boundary within the new 5 storey extension shall not preclude the development of the adjoining site.</p> <p>The building achieves sufficient light from the windows fronting the street.</p> <p>REASON: In order to avoid prejudicing the potential future development of the adjoining site to the south.</p>
19	<p><b>No Amalgamation of the small workspace unit</b></p> <p>CONDITION: The small workspace unit, located in the western most location of the approved ground floor plan (PL101 Revision 3) shall be laid out in accordance with this approved drawing and shall not be amalgamated with the remainder of the ground floor office floorspace.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
20	<p><b>Shared use of refuse and cycle store</b></p> <p>CONDITION: Occupiers of the small workspace unit, located in the western most location of the approved ground floor plan (PL101 Revision 3) shall have</p>

	<p>unobstructed access at all times to the cycle store lobby (ground floor) and cycle storage space (basement floor) including showering facilities at all times.</p> <p>Additionally, occupiers of the small workspace unit shall also have unobstructed access at all times to the use of the refuse store located in the eastern most position of the ground floor plan.</p> <p><b>REASON:</b> In the interests of promoting sustainable forms of travel and considered waste management practices in a manner that would safeguard the functioning of the surrounding area. The shared use of these facilities would safeguard the useable space of the small workspace unit whilst maintaining its marketability. This condition helps secure compliance with policies CS10 and CS11 of the Islington Core Strategy (2011) and policies DM2.1 and DM5.4 of the Development Management Policies (2013).</p>
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**List of Informatives:**

<b>1</b>	<p><b>S106</b></p> <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>	<p><b>Superstructure</b></p> <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>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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>
4	<p><b>Thames Water – Surface Water Drainage</b></p> <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 public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. 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 0800 009 3921.</p>
5	<p><b>Thames Water – Public Sewers</b></p> <p>There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.</p> <p>Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.</p>
6	<p><b>Roller Shutters</b></p> <p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>



## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

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

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

Policy 2.17 Strategic industrial locations

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

### **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 7.8 Heritage assets and archaeology

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

### **6 London's transport**

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 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 7.19 Biodiversity and access to nature

Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 6.14 Freight  
Policy 6.15 Strategic rail freight interchanges

### **8 Implementation, monitoring and review**

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

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

### **Spatial Strategy**

Policy CS6 (King's Cross)  
Policy CS8 (Enhancing Islington's Character)

### **Strategic Policies**

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

Policy CS13 (Employment Spaces)

### **Infrastructure and Implementation**

Policy 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

### **Employment**

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

### **Health and open space**

**DM6.1** Healthy development

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements  
**DM7.2** Energy efficiency and carbon reduction in minor schemes  
**DM7.3** Decentralised energy networks  
**DM7.4** Sustainable design standards  
**DM7.5** Heating and cooling

### **Transport**

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

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Flood prevention

**Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

**3. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Locally significant industrial site
- Local Views
- Kings Cross and Pentonville Rd Key Area (CS6)
- Article 4 Direction: B1a (office) to C3 (residential)

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

The following SPGs and/or SPDs are relevant:

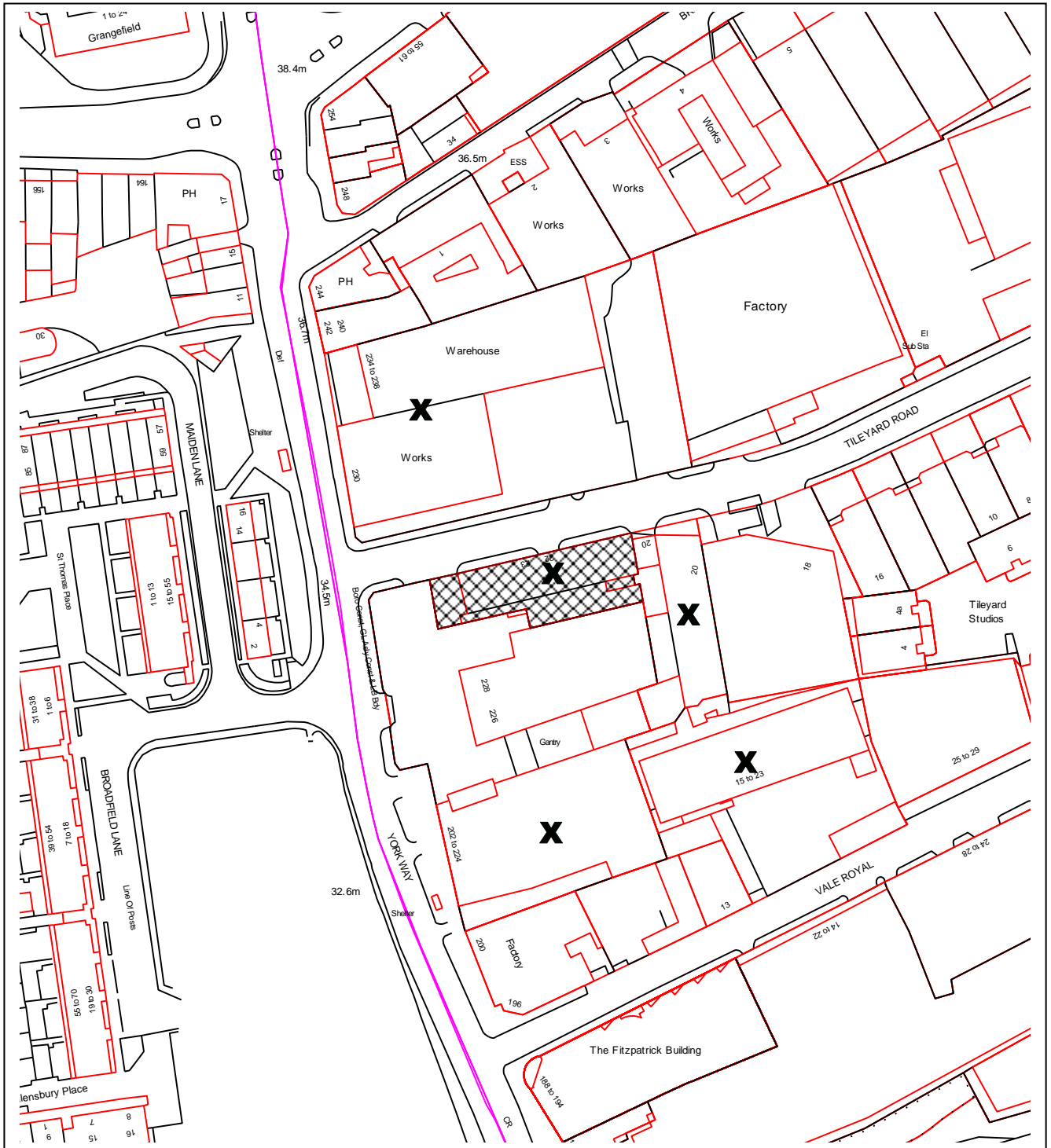
**Islington Local Plan**

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

**London Plan**

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

# ISLINGTON SE GIS Print Template



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P2015/1204/FUL

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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>17<sup>th</sup> November 2015</b>	

Application number	P2015/2900/FUL
Application type	Full Planning Application
Ward	Finsbury Park Ward
Listed building	n/a
Conservation area	n/a
Development Plan Context	Local Cycle Route (Tollington Way)
Licensing Implications	None
Site Address	52 Tollington Way, London, N7 6QX
Proposal	Demolition of existing single storey nursery building (D1 use class) and erection of four storey residential (C3 use class) building comprising 15 units (3 x 1 bed, 11 x 2 bed and 1 x 3 bed) with associated landscaping and cycle parking.

Case Officer	Nathaniel Baker
Applicant	Rosemarie Jenkins – Islington Housing Strategy and Regeneration
Agent	Harry Dodd - HTA Design LLP

### 1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

**2 SITE PLAN (SITE OUTLINED IN BLACK)**



**3 PHOTOS OF SITE**



Photograph 1: Aerial View of Site





Photograph 2: View from Tollington Way

## 4

### **SUMMARY**

- 4.1 The planning application proposes the demolition of a vacant nursery building (D1 use class) and the erection of a part three and part four storey residential building comprising 15 flats.
- 4.2 The applicant has submitted evidence to show a lack of demand for the nursery use and marketing evidence. The loss of the social infrastructure use has been justified and the redevelopment of the site for wholly residential use is acceptable in principle.
- 4.3 The scheme delivers good quality housing including 55.8% of affordable housing by habitable rooms and 53.3% by units (all social rent tenure) and accessible accommodation to address housing needs within the borough. The tenure mix proposed is supported by a financial viability assessment which has factored in an element of public subsidy.
- 4.4 Residents' concerns predominantly relate to issues surrounding the loss of the nursery use, scale and design, density, loss of a tree and loss of daylight/sunlight and overshadowing. The design and scale of the proposal are appropriate to the locality and while the density of the scheme is above the London Plan policy figures the proposal would provide high quality accommodation, private amenity space above minimum standards and provide much needed affordable housing.
- 4.5 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context. Although a mature tree would be removed, five medium trees would be planted on site.
- 4.6 There are identified effects and losses of daylight receipt to neighbouring properties as a result of the development, which are slightly in excess of the BRE recommendations. The losses are considered to be acceptable within the context of the urban location, and the appropriate scale, massing and site layout of the proposal.
- 4.7 Sustainability measures are proposed and while the CO2 reduction is not in accordance with policy, the Council's Energy Officer has considered the overall strategy for the site and considers this to be the highest achievable reduction at the site. A carbon off-set contribution is secured in the Directors' Agreement to off-set emissions to 'zero'. The proposed SUDS strategy is acceptable.

- 4.8 Residential occupiers of the new units would not be eligible to obtain on-street car parking permits and the proposed cycle parking accords with policy requirements. The Directors' Agreement secures a contribution towards the provision of two on-street wheelchair accessible spaces.
- 4.9 Although the proposal includes the provision of only one family unit, due to site constraints the provision of further family units is severely limited. Furthermore, changes to housing legislation to address under occupation of social housing have created a greater demand for smaller social housing units. For these reasons it is considered that on balance the proposed dwelling mix is acceptable in this case and will still meet an identified need.
- 4.10 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation, alongside CIL payments.

## **5 SITE AND SURROUNDING**

- 5.1 The site is located on the south side of Tollington Way with Bryett Road running along the eastern side of the site and consists of a single storey building with pre-cast concrete elevations and a hipped tiled roof. To the rear the building has a lean-to canopy with a hardsurfaced play space beyond this, which incorporates two large trees. To the front of the site are two street trees fronting onto Tollington Way.
- 5.2 The site has been vacant since 2013 but was previously in use as an early years nursery provider.
- 5.3 The properties to the east and west of the site comprise late 20<sup>th</sup> century three storey terraced housing rows with brick facades, faux stucco lower ground floors and pitched roofs. Opposite the site to the north is a four storey, brick built, flat roofed council block (Shaw Court), while a traditional terraced row extends to the west of this. To the south and south east of the site are a number of modern, brick built three and four storey residential blocks with pitched roofs above.

## **6 PROPOSAL (IN DETAIL)**

- 6.1 The proposal comprises of the demolition of the vacant single storey nursery building (D1 use class) and the erection of a part three and part four storey residential building comprising 15 units (3 x 1 bed, 11 x 2 bed and 1 x 3 bed) with associated landscaping and cycle parking.
- 6.2 The building would have an 'L' shaped footprint with a three storey brick built façade and a recessed metal clad fourth floor. Reconstituted Portland stone faux stucco would extend across part of the front elevation, around the north east corner and part way along the east elevation at ground floor level.
- 6.3 The proposed landscaping largely consists of private gardens with a mature tree at the south of the site removed and five medium sized trees planted. Two cycle stores would be provided at the southern end of the site with direct access from Bryett Road.

### **Revision 1**

- 6.4 The landscape plan was amended on 23/09/2015 to relocate a proposed tree following comments from the Tree and Landscape Officer.

## Revision 2

- 6.5 The plans were amended on 14/10/2015 to respond to the Access and Inclusive Design Officer's comments and to address daylight/sunlight issues. Additional daylight/sunlight testing was also carried out on the revised design and details were submitted alongside the amended plans.

## 7 RELEVANT HISTORY:

### PLANNING APPLICATIONS:

- 7.1 **900767** – Retention of single storey building to be used for staff work place nursery (observations to Islington Health Authority on Crown Development) – No objections (06/12/1991)

Former Royal Northern Hospital, 580 Holloway Road (adjoining the site):

- 7.2 **962157** – Demolition of hospital buildings (excluding locally listed building), houses on Tollington Way and Gloucester House. Construction of 205 flats and 35 houses and layout of new public open space – Granted Conditional Permission subject to legal agreement (22/08/1998)

- 7.3 **961111** – Demolition of hospital buildings (retaining locally Listed Building on Holloway Road) and Nos.20-54 (even) Tollington Way. Redevelopment by the erection of 126 flats and 30 houses, conversion of existing hospital building to provide 20 flats, and layout of one acre of public open space – Granted Conditional Permission subject to legal agreement (13/06/1997)

### PRE-APPLICATION ADVICE:

- 7.4 **Q2014/4336/MJR** – The proposal has been subject to detailed pre-application discussions. The key points which required further consideration during the pre-application process were:
- Further detail and evidence was required to support the loss of the nursery use;
  - Design and Materials;
  - Amenity Space provision for family units; and
  - Daylight/sunlight testing;

### ENFORCEMENT

- 7.5 None relevant.

## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 44 adjoining and nearby properties at Bryett Road, Ingleby Road, Freeman Court and Tollington Way on 29<sup>th</sup> July and further letters were sent on 17<sup>th</sup> August 2015 to the properties at Shaw Court. A site notice and press advert were displayed on 30<sup>th</sup> July 2015. The public consultation of the application therefore expired on 7<sup>th</sup> September 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 11 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):

- The four storey height is not in keeping with the three storey height of the surrounding properties (para 10.19);
- The design of the proposal is not in keeping with the character of the area (para 10.19 - 10.25);
- The scheme would result in a sense of enclosure and overlooking to neighbouring properties (para 10.43 – 10.45);
- Concern raised regarding the number of units on the site and density (para 10.26 - 10.31);
- The addition of 15 residential units would create further noise pollution (para 10.46);
- There is no need for more social housing in this area (para 10.12 and 10.83 – 10.85);
- There is no need for open market housing (para 10.89 – 10.93);
- This proposal will bring more people in from outside the borough that will force our those in the borough waiting for social housing (para 10.88);
- The affordable housing is not affordable (para 10.88);
- The nursery use should be replaced (para 10.5 - 10.9);
- There would be more traffic on the already busy road and higher levels of parking (para 10.111 – 10.113);
- Concern raised regarding loss of light and overshadowing to neighbouring properties (para 10.51 - 10.58);
- The proposal would result in a window tunnel effect (para 10.121); and
- Objection to the loss of a tree and open space at the site (para 10.14 - 10.15 and 10.38 - 10.41).

Non-planning Issues:

- Concerns raised regarding loss of views (para 10.120).

Applicant's consultation

- 8.3 The applicant, Islington Housing Strategy and Regeneration has carried out a consultation exercise with residents close to the site. This has encompassed letters being sent to local residents, feedback forms and a consultation event.
- 8.4 Of the 26 respondents to the consultation exercise 20 were in favour of the proposal. However, the key issues the consultation identified were:
- Concern regarding daylight/sunlight levels and privacy;
  - Loss of Nursery Places;
  - The height is not in keeping with the locality;
  - Loss of a tree; and
  - Parking concerns.

External Consultees

- 8.5 **Thames Water** – No response received.
- 8.6 **London Fire and Emergency Planning** – No response received.

### **Internal Consultees**

- 8.7 **Planning Policy** – The requirements of policy DM4.12 have been satisfied and therefore the loss of the social infrastructure (nursery use) is acceptable in this case.
- 8.8 **Design and Conservation Officer** – Has been involved throughout the pre-application process and supports the proposal.
- 8.9 **Access and Inclusive Design Officer** – Has been involved through the pre-application process. The layout of the proposed units is acceptable. Questions raised regarding the scale of the mobility scooter store and the proposal should include details of a safe drop off point and accessible cycle storage.
- 8.10 **Energy Conservation Officer** – No objection.
- 8.11 **Lead Local Flood Authority** – No objection subject to conditions.
- 8.12 **Highways** – No objection subject to a contribution of £7500 for the laying out of the two accessible parking bays on Tollington Way.
- 8.13 **Tree Preservation / Landscape Officer** – No objection to the removal of the Sycamore tree. Mitigating planting is feasible on the adjacent highway and/or within the site. The retained trees would be adequately protected. Recommend condition requiring Arboricultural Method Statement to be submitted.
- 8.14 **Refuse and Recycling** – No response received.
- 8.15 **Public Protection** – No objection subject to sound insulation condition.
- 8.16 **Biodiversity and Nature Conservation** – No response received.
- 8.17 **Camden and Islington Public Health** – No objection.

## **9**

### **RELEVANT POLICIES**

#### **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.
- 9.1 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.2 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015

- Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
- Deregulation Bill received Royal Assent 26th March 2015

### **Development Plan**

9.4 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Local Cycle Route (Tollington Way)

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

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

### **Environmental Impact Assessment**

9.7 An EIA screening was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011), in particular the site is significantly less than 0.5 hectares in size and it is not in a sensitive area as defined by the regulations. As such, the proposal is not considered to be EIA development but no formal decision has been made to this effect.

## **10 ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Density
- Accessibility
- Landscaping, Trees and biodiversity
- Neighbouring amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and transportation
- Planning obligations/mitigations/CIL

### **Land-use**

10.2 The site has previously been used as a staff work place nursery (D1 use) associated with the now demolished Royal Northern Hospital, before being taken over in July 2000 by ‘Kidsunlimited’, an early years (ages 0-5) nursery provider. The nursery use of the site ceased in September 2013 and the building has remained vacant since then.

- 10.3 The proposal would result in the loss of a nursery (D1) use at the site and the introduction of a residential (C3) use.

Loss of Social Infrastructure:

- 10.4 Policy DM4.14 of the Development Management Policies resists the loss or reduction in social infrastructure, such as a nursery use, unless a replacement facility is provided that would meet the need of the local population for the specific use; or where the specific use is no longer required on site, it should be demonstrated that the proposal would not lead to a shortfall in provision for the specific use and that there is either no demand for another suitable social infrastructure use on site or that the site/premises are no longer appropriate for such a use.
- 10.5 The applicant has submitted Ofsted Inspection reports from 2004, 2008 and 2012 which detail the take-up of places at the nursery. In July 2004 there were 72 pupils on the roll; by July 2012 there were 40 pupils on the roll, a reduction of 44%, although it should be noted that all three reports indicated a 'Good' rating. The lease for the property expired in November 2013 with the nursery operator (Kidsunlimited) deciding not to renew the lease due to their view that the location was commercially unviable.
- 10.6 The submitted Planning Statement considers the level of early years provision in the vicinity of the site, with the borough's Family Information Services confirming that the N7 (postcode) area in which the site is located has, since at least 2010, continued to have amongst the best level of provision of childcare services within the borough. The evidence provided via the Ofsted reports of continuously falling enrolment despite the 'Good' rating in combination with the good supply of early years provision in the local area confirms that the proposal would not lead to a shortfall in provision for nursery use within the area.
- 10.7 In addition to the information provided on falling pupil numbers/above average provision of nursery places in the local catchment area, the applicant has submitted marketing evidence to demonstrate a lack of demand for another suitable social infrastructure use on the site, which has been considered against the criteria set out in Appendix 11 of the Development Management Policies.
- 10.8 The site was placed on the Office of Government Commerce e-PIMS (electronic Property Information Mapping Service) register, as is standard with the disposal of public sector land, firstly on the restricted access page (limited to Government bodies and organisations) for 40 working days and thereafter on the publically accessible portal of the website. The site was live on the website for a total of 10 months, during which time the only offer received was from the applicant. The applicant has submitted evidence of the e-PIMS records and a sales board displayed at the property included, which confirm that the marketing exercise was carried out in accordance with the requirements of Appendix 11 as relating to evidencing a lack of demand for another suitable social infrastructure use on site.
- 10.9 Taking account of the evidence provided that the site was marketed via a well-known public-sector property disposal site for 10 months, and that during this time only one offer was received, in this instance it is accepted that there is no demand for another suitable social infrastructure.
- 10.10 Policy DM4.14 requires any replacement facility to provide an equal level of accessibility and standard of provision. The nursery use has not been relocated and the proposal does not include its re-provision.
- 10.11 The requirements of DM4.12 have therefore been satisfied, and the loss of social infrastructure is accepted and redevelopment of the site for wholly residential use is acceptable in principle.

### Housing:

- 10.12 Policy CS12 of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability and inclusivity needs. The development on Council land of housing that maximises affordable housing provision is key to delivering these policy aims.
- 10.13 The proposal would introduce 15 residential units to the site and provide 8 affordable housing units.

### Open Space:

- 10.14 Policy DM6.3 of the Development Management Policies 2013 resists development on private open space where there would be a significant loss of open space / open aspect and/or where there would be a significant impact upon amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 10.15 The proposal would result in a loss of 27 square metres of non-designated private amenity space at the site, which is not considered to be a significant loss. Notwithstanding this, the space lost is predominantly formed of a hardsurfaced play area to the rear of the site with an access route to the north and a hardsurfaced forecourt area, which does not represent a well-designed space and is of little biodiversity, ecological or amenity value. The proposal would introduce high quality landscaped open space to the site in the form of a number of private gardens that would include soft landscaping and trees, representing a better quality of private amenity space. With regard to openness, although the proposal would introduce a four storey building to the site, dual fronted buildings are typical of corner plots throughout the borough, while historically (from at least 1896) the site incorporated an end of terrace dwelling with a significant rear projection. The proposal would introduce a landscaped area to the front of the site and retain an open area to the side and rear.

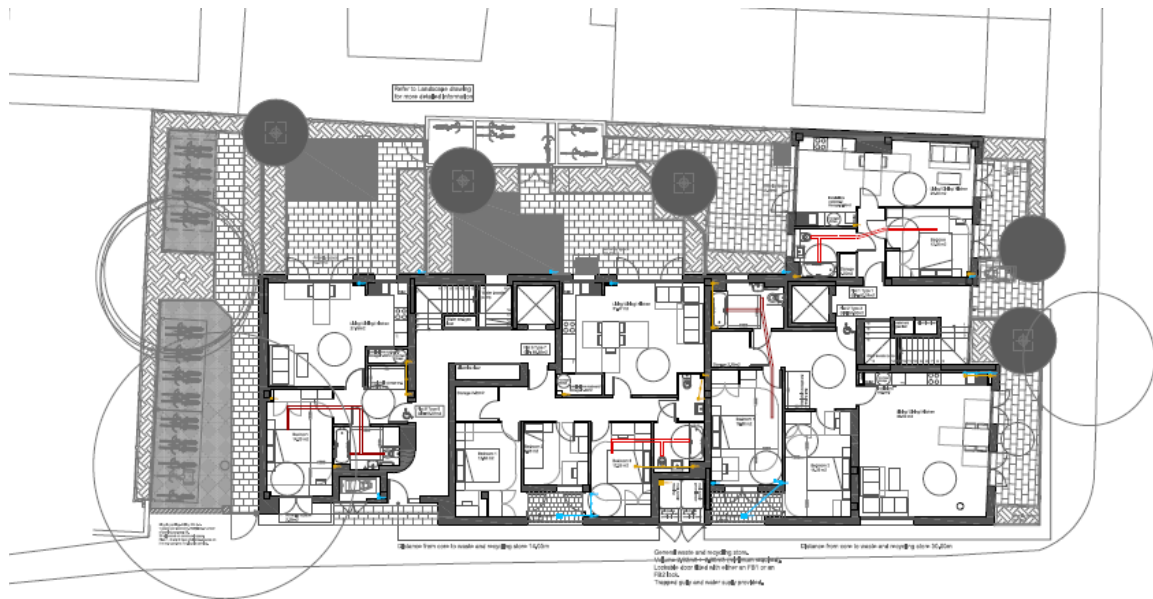
### Conclusion:

- 10.16 The loss of the social infrastructure use of the site has been adequately justified through the submission of unsuccessful marketing evidence and lack of demand information and the proposal would introduce new affordable housing (8 units) to address housing needs within the borough. As such, it is considered that the proposal is acceptable in land use terms, subject to an assessment of all other relevant policy and any other relevant material planning consideration

### Design

- 10.17 The proposal would demolish the existing single storey building at the site and introduce a four storey residential block. The existing building at the site is of little architectural merit and no statutory or local protection exists to protect it from demolition, as such its loss is not resisted.
- 10.18 The proposed building would have an 'L' shaped footprint with the widest part fronting onto Tollington Way. While the proposed building would have a significantly deeper footprint than the surrounding properties, this was historically the case with the former terraced property at the site and the design of the flank elevation continues that of the front elevation, addressing the highway and reflecting the unbroken terraced frontages prevalent in the locality. The image below details the proposed layout:





10.19 The neighbouring properties are predominantly three storeys high with pitched roofs projecting above, while opposite the site on Tollington Way is a four storey flat roof, residential block. The proposal would introduce a four storey flat roof building to the site, with a recessed top floor clad in aluminium. The highest point of the building would be set below the ridge height of the neighbouring properties and the flat roof design would be comparable to the development opposite and to the north east of the site. Although the proposed building would not strictly match the scale and massing of the nearby Georgian terraces and late 20<sup>th</sup> century interpretations of these, the modest height of the three storey brick element, together with the set back of the top floor would ensure that the proposed building would not be obtrusive in views along Tollington Way and would represent a contemporary form of an appropriate scale within the mixed local context. The image below shows the two building frontages:



10.20 With regard to materiality, the proposed building would have yellow/grey coloured brick elevations with a recessed top floor consisting of glazing and aluminium clad elevations with a projecting canopy. The front elevation would have a centrally located recessed glazed break, which would help to articulate the front façade while at ground floor level there would be a faux stucco projection that would wrap around the north east corner of the site, extending along the flank elevation. The flank elevation onto Bryett Road would have inset balconies while to the rear two properties would have projecting balconies and the majority of the rear windows would have projecting planters. While the second floor and third floor elements of the proposal would partially project above the front roof slope of the adjoining property, these elements would be minimal and only visible in limited views from the west along Tollington Way.

- 10.21 With the exception of the faux stucco projection, the front elevation building line of the proposal would align with the main front elevation building line of the terraced row that would be set 1 metre to the west of the proposed building. The projecting faux stucco element would reference the repeated ground floor bay windows and in some cases projecting stucco elements that are prevalent along Tollington Way and would also reference both the historic and modern examples of ground floor stucco on the immediately neighbouring properties.
- 10.22 The repeated fenestration design, deep window reveals, employment of recessed balconies and the use of complimentary light bronze aluminium for the window frames and metal cladding would add depth and articulate the frontages onto Tollington Way and Bryett Road.
- 10.23 The southern and western elevations of the building would be visible from Bryett Road, Ingleby Road and Freeman Court, and although secondary elevations, it is important that these elevations are detailed to a high standard. The southern and western elevations that face onto the proposed rear gardens at the site would include the same quality materials as the elevations fronting the highways and have regular window openings and projecting planters to articulate the façade. The most southern elevation, while predominally facing brickwork, would include recessed brickwork and window openings to articulate the façade. The images below detail these elevations:

Bryett Road elevation:



Rear elevation:



- 10.24 Notwithstanding the above, the projecting balustrade at roof level would detract from the quality of the design and appear prominent in views of the building. As such, a condition (4) is attached requiring this element to be omitted from the scheme.
- 10.25 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context. The overall quality of materials and

finishes is considered to be key to the success of the proposal. A condition (3) is attached with regard to window reveals and materials to ensure that a development of an appropriate high quality would be delivered. The proposal is therefore in accordance with Policies CS7 and CS9 of the Core Strategy (2011) and DM2.1, DM2.2, DM2.3 and DM2.5 of the Development Management Policies (2013).

### **Density**

- 10.26 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development proposes a total of 15 new residential dwellings comprised of 43 habitable rooms (hr).
- 10.27 Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area. The site covers an area of approximately 0.0703 hectares.
- 10.28 In assessing density it is necessary to consider that the London Plan policy notes that it would not be appropriate to apply these limits mechanistically with local context and other considerations to be taken into account when considering the acceptability of a specific proposal.
- 10.29 The site has a public transport accessibility level (PTAL) of 3 (Moderate). In terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan for areas of this PTAL rating identifies the suggested residential density range of 200-450 hr/ha or 70-170 u/ha.
- 10.30 The proposed development has a residential density of 611.6 hr/ha and 213 u/ha, both of which are above the density range of the London Plan policy.
- 10.31 As has been detailed above, the scale of the development is considered to be in keeping with the local context in terms of scale and character. Furthermore, the proposal would provide high quality accommodation, private amenity space above the minimum standards to each unit and a significant proportion of affordable housing. It is considered that the benefits of the proposal, together with the good accessibility level of the site, proximity to local services at Archway and Finsbury Park and the good quality of the accommodation provided would ensure compliance with London Plan policy 3.4 and paragraph 1.3.41 of the London Housing SPG (2012) and the slightly higher density of development on the site is not unduly harmful to the surrounding area nor the overall quality of development.

### **Accessibility**

- 10.32 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

### **A new National Standard**

- 10.33 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.34 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and

adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given significant weight and inform the approach below.

#### Accessibility Assessment:

- 10.35 The proposal provides 2 wheelchair accessible units (Category 3) amounting to 11.6% of the total number provided as measured by habitable rooms, which is in accordance with policy requirements. These units would be served by two on-street accessible parking bays to be secured in the Directors' Agreement and safe drop-off points have been identified to the front of the site on Tollington Way. All of the remaining units would meet Category 2 requirements and this is secured by condition (12).
- 10.36 The plans detail the provision of a mobility scooter store/charging point next to the entrance from Bryett Road which provides sufficient space for the storage of a standard sized mobility scooter and has detailed a potential future location of a mobility store on the Tollington Way elevation should this be required.

#### Landscaping, Trees and Biodiversity

- 10.37 Policy DM6.5 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas, which expands on the aims of Core Strategy Policy CS15. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. The proposal includes extensive landscaping works across the entire estate and the provision of new amenity space.
- 10.38 The site currently has a play area to the rear and two raised planters fronting Tollington Way. The existing private open space is of limited amenity and biodiversity value and the proposal would introduce well considered and proportioned landscaped areas, including three large rear gardens, two garden areas fronting Tollington Way, planting across the site and a relatively open area to the rear, separating the site from the boundary. A condition (6) is recommended requiring full details of the landscaping to be submitted to ensure a satisfactory standard of visual amenity is provided and maintained.
- 10.39 The site currently includes two mature trees within the rear of the site, while there is also a tree and a tree grouping beyond the southern site boundary and a street tree set to the north of the site. The proposal would result in the loss of a self-set mature Sycamore Tree (T2) to the south of the site, that although displaying some form defects, is of moderate amenity value (Category B of British Standard BS 5837:2012 '*Trees in relation to design, demolition and construction*').
- 10.40 The submitted landscape plan details the planting of five medium sized trees, two fronting onto Tollington Way and three within the proposed rear gardens. Although the loss of the sycamore tree is regrettable, the retained trees to the south of the site would maintain a good level of amenity to this part of the site, while the additional tree planting is considered to be sufficient mitigation. The proposed trees to be planted are secured by condition (6).
- 10.41 A condition (10) is recommended requiring the submission of an Arboricultural Method Statement that would provide adequate protection for the tree to be retained on site and those surrounding the site as well as a proposal to secure site supervision of works (condition 11).

Furthermore, a condition is recommended requiring the submission of details of bird and/or bat nesting boxes.

### **Neighbouring Amenity**

- 10.42 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.43 Overlooking/Privacy: policy identifies that ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.44 With regard to scale, the main bulk of the proposal would be adjacent to the blank side elevations of the properties to the east and west, and would be of a comparable scale. Whilst it would introduce a four storey projection to the south; to the east the building would front a highway and to the west it would be set back from the neighbouring boundary, such that it would not be overbearing to neighbouring occupiers. Notwithstanding this, the part three and four storey height of the building would be clearly visible from the rear gardens of the properties to the west. However, the closest properties to the east have modest size gardens, would be set across the highway from the proposed development and would retain a relatively open aspect to the south. Furthermore, these gardens are currently overlooked from the adjoining properties.
- 10.45 To the north and east the windows in the proposal would face over a highway and therefore would not result in unacceptable overlooking. The south elevation includes three windows and while these would face back towards the properties at Ingleby Road, these windows are secondary windows and are conditioned (5) to be obscurely glazed to ensure there would not be any unacceptable overlooking. Although the proposal would introduce west facing windows facing back towards the rear gardens of the properties to the west, the primary outlook would be over a parking area, the views towards the rear elevations of these properties would be at oblique angles, the gardens of these properties are currently overlooked from the properties on the south side of Freeman Court and the proposed windows are detailed to be set back over 6.5 metres from the site boundary. As such, it is considered that the proposal would not result in unacceptable overlooking to the neighbouring occupiers.
- 10.46 Noise and Disturbance: A nursery use has associated noise and disturbance from the dropping off and collection of children, together with noise from the outdoor play area. The proposal would introduce a residential use to the site, which in comparison would be likely to have less noise disturbance than a nursery use. Notwithstanding this, the area is predominantly residential and therefore the proposed use would be in keeping with the established local character.
- 10.47 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’.

10.48 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

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

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

10.49 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

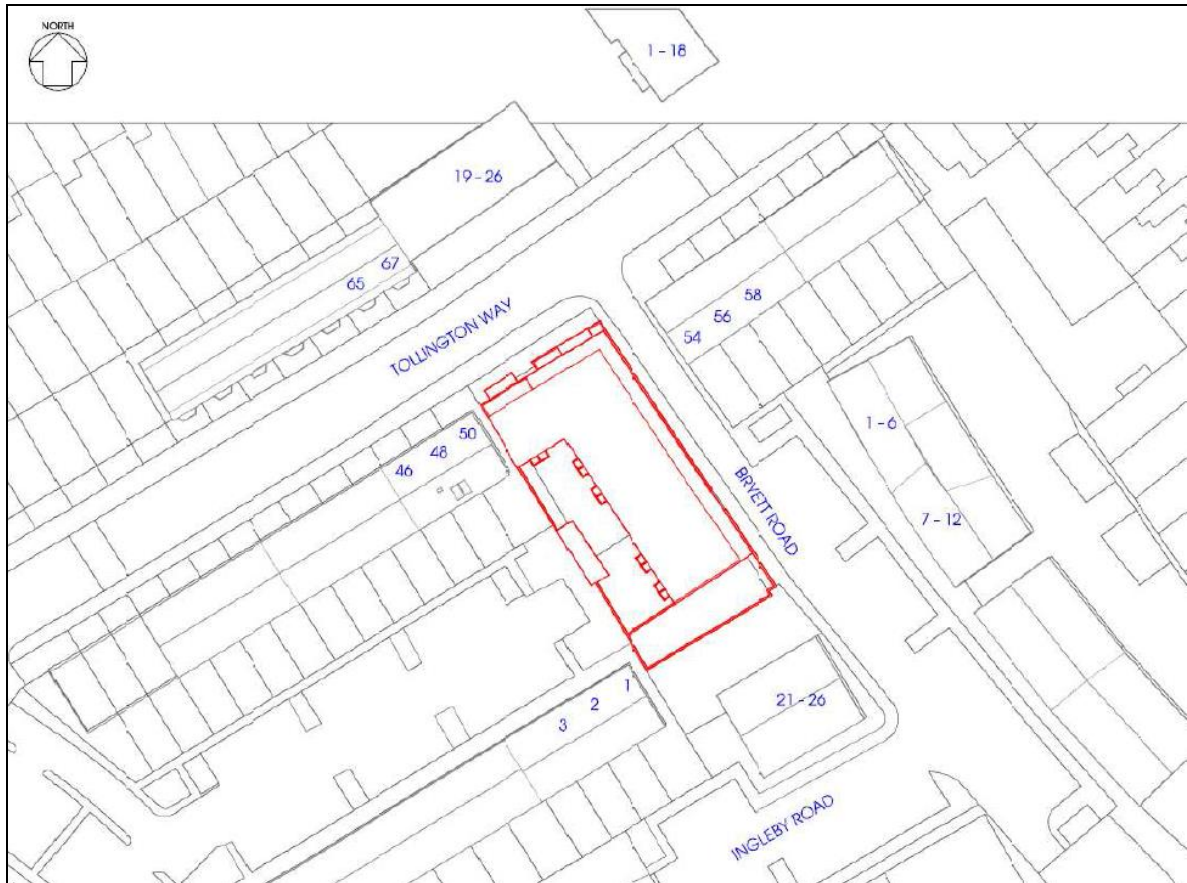
*In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*

10.50 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

#### Sunlight and Daylight Losses for Affected Properties Analysis

10.51 Residential dwellings at the following properties listed and detailed on the map below have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:

- 46 - 50 (even), 54 - 58 (even) and 65 - 67 (odd) Tollington Way;
- 19 - 26 Shaw Court;
- 1 - 3 Freeman Court;
- 1 - 12 Bryett Road; and
- 21 - 26 Ingleby Road.



- 10.52 46 - 50 (even), 54 - 58 (even) and 65 - 67 (odd) Tollington Way: The Daylight Sunlight Report demonstrates that although there would be reductions in VSC these would all be within BRE Guidelines (i.e. receiving greater than 27% VSC or with a loss of less than 20% their former value). With regard to Daylight Distribution, the assessment details that there would be almost no loss at all in NSL, with four windows experiencing losses of 0.1 – 0.4%. While there would be reductions in sunlight to some windows/properties, these would be within acceptable levels, i.e. less than 20%.
- 10.53 19 - 26 Shaw Court: The submitted assessment details that although there would be losses in daylight and sunlight these would all be within the BRE Guidelines.
- 10.54 1 - 3 Freeman Court: The relevant windows in Freeman Court are not within 90 degrees of due south and therefore do not require testing for levels of sunlight. Although the BRE assessment details that there would be losses in VSC and NSL these would be within the BRE Guidelines.
- 10.55 1 - 12 Bryett Road: The Daylight Sunlight Report details that, with the exception of one window, the windows at these properties would all be within BRE Guidelines. While a ground floor window serving a habitable room would have a reduction in VSC of 20.91% and two ground floor rooms would have losses to NSL of 22% and 26.7% respectively, reductions in VSC and NSL of this degree in this context are considered to be a lesser/minor infringement and while noticeable, would not be unduly harmful. Although there would be reductions in sunlight to some windows/properties, these would be within the BRE Guidelines.
- 10.56 21 - 26 Ingleby Road: The relevant windows in Ingleby Road do not face within 90 degrees of due south and therefore do not require testing for levels of sunlight. The Daylight Sunlight Report details that, with the exception of three windows that would have reductions in VSC in excess of 20%, while there would be reductions for other windows/rooms in VSC and NSL these would all be within BRE Guidelines. Three north facing ground floor windows would experience a reduction in VSC of 23.91%, 25.92% and 24.51% respectively. However, one of

these openings is formed of large glazed doors and the resulting NSL (daylight within the rooms these windows serve) would comply with BRE and the losses are not considered excessive.

- 10.57 Taking into account the points set out above it is considered that the impact upon these properties can be accepted.
- 10.58 Overshadowing The BRE guidelines state that to appear adequately sunlit throughout the year at least half of an amenity space should receive at least 2 hours of sunlight on 21<sup>st</sup> March (the spring equinox, when day and night are roughly the same length of time). The Daylight/Sunlight and Overshadowing Report submitted details that the existing and proposed amenity spaces would receive sufficient daylight in accordance with the BRE Guidelines.

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

- 10.59 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.60 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes as expressed within this policy.
- 10.61 Aspect and outlook: All of the proposed units would have a dual aspect as required by Policy DM3.4. Although three ground floor bedroom windows (at Flat 2 and 9) would have an outlook into recessed amenity spaces, due to their ground floor location fronting onto a pavement this would ensure a greater level of privacy to the occupiers from street level views. Furthermore, the amenity space would also provide defensible space and an outlook that is comparable to a lightwell, which is considered to be acceptable.
- 10.62 Daylight: Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of Vertical Sky Component (VSC) and Average Daylight Factor (ADF), as well as sunlight (APSH).
- 10.63 There are a number of windows (25), particularly at ground and first floor level that would fail the BRE Guidelines for VSC. The majority of these windows are either set within recessed balconies and/or form secondary windows to the rooms they serve. Notwithstanding this, although VSC models the extent of daylight received at the centre point of a window, it does not take into account window size, room layout or room size. The ADF test inputs these variables to provide a more representative model of actual daylight received within a defined space. Of the 25 rooms that would fail the BRE Guidelines for VSC, 23 of these would exceed the minimum ADF requirements.
- 10.64 The two rooms that fall below BRE Guidelines for both VSC and ADF have windows facing onto recessed balcony areas on the east elevation of the proposed building and serve bedrooms, one at ground floor level and one at first floor level. The BRE Guidelines details that living rooms and kitchens need more daylight than bedrooms and suggests locating these rooms in the areas with most daylight. While the two bedrooms fall marginally below the BRE Guidelines for ADF, however applying the Daylight Distribution test, these rooms would both have high levels of daylight (reaching 89.5% and 67.4% of the working plane within the respective rooms)
- 10.65 Furthermore, as set out in paragraph 10.61 the recessed balcony areas have been specifically designed to protect the privacy of the occupiers and provide adequate defensible space and amenity space. Additionally, the balcony opening sizes have been designed to match the



openings of the upper floor windows/balconies, and were larger openings be introduced this would compromise both the design and privacy of the affected ground floor rooms.

- 10.66 With regard to sunlight, with the exception of one room, all of the proposed rooms would receive adequate levels of sunlight. While a ground floor living room/kitchen/dining room would fall marginally below the Winter Probable Sunlight Hours it would exceed the minimum Annual Probable Sunlight Houses test. However, this room would have a dual outlook, three windows and a high level of ADF.
- 10.67 Taking into account the points set out above it is considered that the proposed residential units would provide for acceptable levels of amenity for future occupiers.
- 10.68 Amenity Space: Policy DM3.5 of the Development Management Policies identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above). Each of the units would exceed the minimum requirements for private amenity space.
- 10.69 Overlooking/Privacy: A ground floor window in Flat 2 would face and open directly onto the rear garden area serving Flat 1 and at first and second floor level a window in a similar position would face onto the proposed balconies serving Flats 3 and 5. However, these windows serve bathrooms and as such a condition (5) is recommended requiring these windows to be obscurely glazed and fixed shut.
- 10.70 While the first and second floor balconies would have some views back towards the west elevation of the proposal, views towards windows would be at oblique angles and would not result in unacceptable overlooking.
- 10.71 Ground floor windows would have appropriate defensible space and/or would be positioned to restrict views from street level.
- 10.72 Noise: A condition (9) is recommended requiring all residential units to include sufficient sound insulation to meet British Standards and a condition (20) is recommended regarding plant noise.
- 10.73 Refuse: A shared dedicated refuse and recycling store would be provided on Bryett Road.
- 10.74 Play Space: The proposal would result in a child yield of approximately 9, which requires 45 square metres of play space to be provided based on Islington's requirement of 5 square metres per child (including semi-private outdoor space, private outdoor space and gardens suitable for play). All of the units would allow sufficient private areas for child play space, with all amenity areas measuring over 5 square metres and the family unit having a large rear garden.

## Dwelling Mix

10.75 The scheme proposes a total of 15 residential units with an overall mix comprised of:

Dwelling Type	Social Rent (No. units / %)	Policy DM3.1 Target Mix	Private (No. units / %)	Policy DM3.1 Target Mix
One Bedroom	1 / 12.5%	0%	2 / 28.6%	10%
Two Bedroom	6 / 75%	20%	5 / 71.4%	75%
Three Bedroom	1 / 12.5%	30%	0 / 0 %	15%
Four Bedroom or more	0 / 0%	50%	0 / 0%	0%
<b>TOTAL</b>	<b>8</b>	<b>100%</b>	<b>7</b>	<b>100%</b>

- 10.76 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.
- 10.77 The social rent dwelling mix, when compared to the target social rent dwelling mix departs in as much as an over provision of 1 and 2 bedroom units and an under provision of large family units. The private dwelling mix has an over provision of 1 bedroom units, a generally acceptable level of 2 bedroom units and no family units.
- 10.78 Although, the proposal includes the provision of only one family unit, regard has to be given to the constraints of the site and characteristics of the development. At upper floor level the provision of family units would be restricted by the available space and design implications of providing adequately sized amenity space. Furthermore, the provision of upper floor wheelchair accessible units is restricted by the requirement to provide two lifts to each core. Subsequently the proposed family units and wheelchair accessible units have been located at ground floor level. These characteristics, together with the layout of the development and the requirement for private amenity space provisions restricts the area available for the provision of larger family units. As such, the characteristics of the development and site constraints restrict the provision of family units.
- 10.79 The supporting text of Development Management policy DM3.1 relates to the objectives of Core Strategy Policy CS12, stating *'there may be proposals for affordable housing schemes that are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation). In these situations deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington'*.

- 10.80 Since the adoption of policy DM3.1, which was informed by Islington's *Local Housing Needs Assessment* (2008) changes to housing legislation (the Welfare Reform Act 2012) to address the under occupation of social housing have created a greater demand for smaller social housing units. This is reflected by the higher proportion of 1 and 2 bedroom units proposed that will allow for mobility within the social housing sector to accommodate these national changes to the welfare system. The provision of smaller units will allow for mobility within the borough which would help to address under occupation.
- 10.81 For the reasons set out above it is considered that on balance the proposed dwelling mix is acceptable in this case.

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

- 10.82 The London Plan, under policy 3.11 identifies that boroughs within their LDF preparation should set an overall target for the amount of affordable housing provision needed over the plan period in their area and separate targets for social rented and intermediate housing and reflect the strategic priority accorded to the provision of affordable family housing. Point f) of this policy identifies that in setting affordable housing targets, the borough should take account of "*the viability of future development taking into account future resources as far as possible.*"
- 10.83 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that "*50% of additional housing to be built in the borough over the plan period should be affordable and that provision of affordable housing will be sought through sources such as 100% affordable housing scheme by Registered Social Landlords and building affordable housing on Council own land.*" With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the "*maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable subject to a financial viability assessment the availability of public subsidy and individual circumstances on the site.*"
- 10.84 Policy CS12 confirms that an affordable housing tenure split of 70% social rent housing and 30% intermediate housing should be provided.
- 10.85 LB Islington Housing New Build Programme: The proposal forms part of a wider LB Islington Housing New Build programme to provide affordable housing to meet identified needs within the borough. The current programme includes investigation and progression of some 33 sites across the borough at various stages of progress (including on-site, pre-contract, pre-planning & feasibility/design) with the aim of delivering 500 new affordable social rented units within the borough by 2019. The programme factors in Right to Buy receipts, S106 funding, GLA grant and recycles returns from the sale of private sale units back into the programme. This then informs the amount of Housing Revenue Account (HRA) subsidy required to balance the financing of the programme. In the case of Major schemes (those proposing over 10 residential units) these often require significant HRA subsidy to address the shortfall between any revenues generated by the development through the sale of private tenure units (which are reinvested into the programme) and the costs of providing it. However, the wider programme currently enables Minor schemes (those proposing less than 10 residential units) to provide 100% affordable housing. All Major proposals forming part of the programme achieve an affordable housing level of over 50%, which together with the Minor schemes in the programme helps to deliver the Planning Policy target of 50% of additional housing within the borough being affordable, through Council New Build schemes.
- 10.86 This scheme forms the first proposal by Islington Housing and Regeneration Team where land has been purchased from the open market for the purposes of redevelopment to provide affordable housing.

- 10.87 The Affordable Housing Offer: The proposed development would provide a total of 15 residential units (both for private sale and affordable housing). Of the 15 units (43 habitable rooms, hr), 8 of these units (24 hr) would comprise affordable housing (social rent tenure). The scheme provides 53.3% affordable housing if measured by units and 55.8% affordable housing by habitable rooms.
- 10.88 Within affordable housing provision there is a policy requirement for 70% of provision to be social rent and 30% as intermediate/shared ownership. Although the proposal does not include any intermediate housing, a higher percentage provision of social rent tenure is not considered to be of concern given the identified significant housing needs for this type of accommodation and the emphasis of the policy for the provision of social rented housing. Additionally there remain affordability concerns with respect of shared ownership tenures. The Council will have 100% nomination rights in perpetuity on the proposed Social Rented units and these will be let through the local lettings policy.
- 10.89 The proposal fails to provide 100% affordable housing as sought by policy CS12 for developments on Council's own land. The proposed mix includes private housing to financially support the delivery of the affordable housing element, and cover some of the costs of purchasing the land.
- 10.90 Viability Review: In accordance with policy requirements, a financial viability assessment has been submitted with the application to justify the proportion of affordable housing offered. In order to properly and thoroughly assess the financial viability assessment, the documents were passed to an independent assessor (BPS) to scrutinise and review (Appendix 3).
- 10.91 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy to address the shortfall between the revenues generated by the development and the costs of providing it. While the BPS Report notes that the applicant's benchmark land value, based on residential value (assuming a compliant development) was broadly in keeping with expectations, the price paid for the site by the applicant was in excess of this, which could impact upon the delivery of affordable housing. However, allowing that a commercial developer would need to provide for a profit and financial charges within a standard viability assessment, which the Housing new Build Team as applicant does not, the sale price can be considered to be acceptable in this case.
- 10.92 BPS has considered the viability information submitted, carried out their own research and costing analysis and while the figures differ from those in the applicant's submission BPS have advised that the scheme would be unviable without a publicly subsidy. The BPS Report is attached at Appendix 3.
- 10.93 In conclusion it is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing is unviable. However the applicant, LBI Housing is not a commercial developer and in line with Council corporate objectives, is primarily seeking to deliver affordable housing.
- 10.94 Though Core Strategy Policy CS12 seeks 100% affordable housing schemes from development on Council land, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that considerable public subsidy is required to support the lower provision. In this case, it is not considered that it would be reasonable to require (in planning terms) an additional amount of public subsidy/grant funding to be committed to this scheme to provide a 100% affordable scheme.
- 10.95 The offer of 53.3% affordable (social rent) housing (by units) is considered to deliver good quality homes, a good mix of tenures and as it is supported by a financial viability assessment is considered the maximum reasonable amount of affordable housing deliverable within this

scheme and thus is considered to accord with policy. This provision is secured with a Directors Level Agreement.

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

- 10.96 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.97 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (CS10).
- 10.98 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.99 Carbon Emissions: The applicant proposes a reduction in total CO<sub>2</sub> emissions of 20.93%, compared to a 2013 Building Regulations baseline. While this falls below the policy target reduction of 27%, the Council's Energy Officer has considered the overall strategy for the site and considers this to be the highest achievable reduction at the site. Notwithstanding this, the development does exceed the London Plan policy requirement of 35% reduction on regulated emissions, which is supported. In order to mitigate against the remaining carbon dioxide emissions generated by the development a financial contribution of £29, 799 will be secured in the Directors' Agreement.
- 10.100 Efficiency: The proposal would include high performance building fabric, appropriate air tightness and 100% energy efficient lighting. This would result in highly efficient and well-insulated buildings.
- 10.101 Heating and CHP: Policy DM7.3 of the Development Management Policies document identifies that major development should connect to a Shared Heating Network linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible. There is no network within 500 metres of the site and there are no opportunities for a shared network in the vicinity. In such cases, policy 5.6 of the London Plan and Islington's Environmental Design SPD set out that a site wide CHP should be provided, or where not feasible then a communal heating (and cooling where relevant) system should be installed.
- 10.102 The base load heat demand (primarily water heating) is very low for the site and as such the provision of CHP is not feasible. The submitted Energy Statement details that due to

insufficient space for a boiler room, the installation of a communal heating system is also not feasible. However, the applicant has also submitted a strategy for how the site and/or proposed individual systems may be future-proofed for connection to a shared network. This has been assessed by the Council's Energy Conservation Officer and is considered to be acceptable in this case. Condition 19 secures the implementation of the proposal, inclusive of this future proofed design, in accordance with the submitted Energy Strategy.

- 10.103 Renewables: The proposal includes the provision of a solar photovoltaic panel array on the roof of the development with a total capacity of 15.75kWp. This is supported as it maximises the potential of a green sustainable form of energy and is secured by condition 19.
- 10.104 Overheating and Cooling: The energy strategy and overheating analysis do not propose artificial cooling for the flats, and this approach is supported. The overheating modelling and cooling hierarchy is acceptable.
- 10.105 Sustainability: The proposed dwellings are detailed to be equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy.
- 10.106 Green Performance Plan: This is secured by the Directors' Agreement.
- 10.107 Sustainable Urban Drainage: The SUDS strategy has been reviewed and accepted by the Lead Local Flood Authority subject to maintenance details being approved. The details are secured by condition (Condition 18) and the responsibility of maintenance placed on the applicant, in this case Islington Housing.
- 10.108 Green Roofs and Water Usage: The proposal includes an extensive biodiverse green roof, which is secured by condition 17. The water usage of the proposal is secured by condition 16.
- 10.109 The energy and sustainability measures proposed are, on balance, considered to be acceptable, and accord with London Plan and Islington Policies.

### **Highways and Transportation**

- 10.110 The site has a Public Transport Accessibility Level (PTAL) of 3, which is 'Moderate'. The site is located in close vicinity to a number of bus routes and Upper Holloway Overground Station.
- 10.111 Public Transport Implications: Although currently vacant, the previous use of the site as a nursery would have resulted in high numbers of people coming to and leaving the site at peak times. The proposal would be likely to result in additional demands on transport infrastructure in terms of the introduction of residential occupiers and their visitors relative to the existing situation. However, due to the moderate level of accessibility at the site and the provision of cycle parking, the proposal would not detrimentally impact upon the surrounding transport infrastructure. A Travel Plan is secured in the Directors' Agreement.
- 10.112 Vehicle Parking: The site does not currently include any parking and no parking is proposed within the site as part of the application. Residential occupiers of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure, this is secured in the Directors' Agreement. The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are currently living in residential properties within Islington prior to moving into the development and they have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. These residents are able to transfer their existing permits to their new homes. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.

- 10.113 Notwithstanding this, the application proposes the laying out of two accessible parking bays on Tollington Way serving the two wheelchair accessible units within the proposal. The submitted Transport Statement and Parking Beat Survey Results document detail that the local Controlled Parking Zone (CPZ) and more specifically Tollington Way have spare capacity within the existing number of parking spaces to accommodate these spaces. The Highways Team have considered these spaces and raise no objection subject to a contribution to the cost of providing the bays. This is secured by the Directors' Agreement. The applicant has also detailed two areas directly to the front of the site for safe drop-off/pick-up and while Bryett Road is a private road, it would provide another area for safe drop-off/pick-up.
- 10.114 Delivery and Servicing Arrangements: Currently all servicing and delivery occurs on-street to the front of the site and it is proposed to continue this. While introducing a residential use to the site, this would be less likely to generate as much need for deliveries and servicing as the former nursery use.
- 10.115 Cycle Parking: The proposal would provide 29 cycle parking spaces, inclusive of accessible spaces, in accordance with the requirements of Appendix 6 of the Development Management Policies 2013. The majority of these spaces would be provided across two communal stores within an open area to the south of the site, with three of the ground floor units having cycle stores within their rear gardens. Details of the external bicycle stores are required by condition (13).
- 10.116 Construction: The Directors' Agreement ensures the repair and re-instatement of the footways and highways adjoining the development; and that the development would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee. Condition 7 secures details of the construction methods to minimise disruption to surrounding streets and residential amenity.

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

#### Community Infrastructure Levy:

- 10.117 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

#### S106:

- 10.118 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval. The agreed heads of terms are set out in Appendix 1 to this report. All of those listed obligations are considered to meet the three tests set out above, including the updated requirements restricting the pool of more than five contributions towards a single project.

### **National Planning Policy Framework**

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

### **Other Matters**

10.120 A representation has been received regarding the loss of views. Although the loss of a view is not a material planning consideration, all of the surrounding properties would retain acceptable outlook and the proposal would not be overbearing in views from these properties.

10.121 Representations have been received raising concern over the proposal resulting in a wind tunnel along Bryett Road. Due to its modest height, it is unlikely that the proposal would result in a material impact upon the wind flow in the locality or detrimentally impact upon the neighbouring occupiers.

10.122 Representations have been received that raise concern over security following the development. Although the proposed building would visually narrow the opening at Bryett Road, the proposal would help to define this corner and replace a currently vacant building. Furthermore, the activity association with additional dwellings and the perceived and actual outlook from these windows would act as a deterrent to anti-social behaviour.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.8 of this report.

### **Conclusion**

11.2 It is recommended that planning permission be granted subject to conditions and Director Level Agreement securing the heads of terms as set out in Appendix 1 – RECOMMENDATIONS.



## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management:

- On-site provision of affordable housing in line with submission documents including a provision of 56% affordable housing (Social Rent) measured by habitable rooms or of 59.7% affordable housing measured by units.
- 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.
- Removal of eligibility for residents' on-street parking permits.
- Compliance with the Code of Employment and Training
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1500 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
- A contribution towards the provision of two accessible parking bays on Tollington Way of £7500.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920); Total amount to be confirmed by the Council's Energy Conservation Officer (£29 799).
- Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period.
- Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Council's legal fees in preparing the Directors Agreement and officer's fees for the preparation, monitoring and implementation of the Directors Agreement.

That, should the Director Level Agreement not be completed prior to the expiry of the planning performance agreement the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Directors' Level Agreement is not acceptable in planning terms.

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<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>	<b>Approved plans list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement (ref: LBI-MSE-PS), Design and Access Statement (dated 17<sup>th</sup> July 2015), Statement of Community Involvement, Sustainable Design and Construction Statement (ref: 84873), Arboricultural Impact Assessment (ref: 02240Rv2), Health Impact Assessment (dated: July 2015), Statement on Safe drop-off point (dated 29<sup>th</sup> September 2015), Daylight and Sunlight Report (ref: 42245/IM/SJK dated 15<sup>th</sup> July 2015), additional Daylight and Sunlight Report (ref: 42245/IM/SJK dated 4<sup>th</sup> September 2015), Internal Daylight Distribution Analysis (dated August 2015), Internal Average Daylight Factor Analysis (dated August 2015), Internal Annual Probable Sunlight Hours (dated 2<sup>nd</sup> April 2015), 001, 002, 003, 004 Rev 4, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 009 Rev C, 010 Rev C, 011 Rev A, 012 and 0132 Rev B.</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>	<b>Materials and Samples (Details)</b>
	<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 of the relevant phase commencing on site. The details and samples shall include:</p> <p>a) Sample panels of the facing brickwork, as detailed above, showing the colour, texture, pointing and textural brickwork including the boundary walls shall be provided on site;</p> <p>b) window reveals, soldier courses, balconies and shadow gaps;</p> <p>c) Faux stucco;</p> <p>c) Metal cladding;</p> <p>d) Roof capping;</p> <p>e) Doors;</p> <p>f) Glazing;</p> <p>g) Canopies;</p> <p>h) Balustrades;</p> <p>i) Roofing materials;</p> <p>j) Green procurement plan; and</p> <p>k) Any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>4</b>	<b>Balustrade (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved no planning permission is granted for the proposed roof railings.</p> <p>Further details regarding the exact location, finish and method of fixing of any roof railings shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>5</b>	<b>Obscure Glazing (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, the west facing windows serving the bathrooms in Flat 2, 4, 6 and 7, and the first, second and third floor windows in the south facing elevation closest to Ingleby Road shall only be obscurely glazed and non-opening and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking within the development itself and to protect the future amenity and privacy of residents.</p>
<b>6</b>	<b>Landscaping/Tree Planting/Play Space (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The landscaping scheme shall include the following details:</p> <p>a) soft plantings: including grass and turf areas, 5 medium sized trees, shrub and herbaceous areas;</p> <p>b) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>c) hard landscaping;</p> <p>d) lighting: including specification of all lamps and light levels/spill; and</p> <p>e) 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>REASON: In the interests of residential amenity and ecological and biodiversity value.</p>
<b>7</b>	<b>Construction Environmental Management Plan (Details)</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted</p>

	<p>to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>8</b>	<b>Site Waste Management Plan (Details)</b>
	<p>CONDITION: Full particulars and details of a Site Waste Management Plan (SWMP) which ensures waste produced from any demolition and construction works is minimised shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.</p> <p>The SWMP shall identify the volume and type of material to be demolished and or excavated and include an assessment of the feasibility of reuse of any demolition material in the development. The SWMP shall also consider the feasibility of waste and materials transfer to and from the site by water or rail transport wherever that is practicable.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
<b>9</b>	<b>Sound Insulation (Compliance)</b>
	<p>CONDITION: The residential units hereby approved shall employ sound insulation and noise control measures to achieve the following internal noise targets:</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</li> <li>- Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>10</b>	<b>Tree Protection (Details)</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained prior to the any</p>

	works being carried out which could impact the trees.
<b>11</b>	<b>Site Supervision (Details)</b>
	<p>CONDITION: No works or development shall take place until a scheme of supervision and monitoring for the arboricultural protection measures in accordance with para. 6.3 of British Standard BS5837: 2012 – Trees in Relation to design, demolition and construction – recommendations has been approved in writing by the local planning authority.</p> <p>The scheme of supervision shall be carried out as approved and will be administered by a qualified Arboriculturist instructed by the applicant. This scheme will be appropriate to the scale and duration of the works and will include details of:</p> <p>A: Prior to Commencement:</p> <ul style="list-style-type: none"> <li>a. Induction and personnel awareness of arboricultural matters;</li> <li>b. Identification of individual responsibilities and key personnel;</li> <li>c. Statement of delegated powers;</li> <li>d. Timing and methods of site visiting and record keeping, including updates</li> <li>e. Procedures for dealing with variations and incidents.</li> </ul> <p>B: Prior to Completion of Development:</p> <p>This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.</p> <p>REASON: In the interest of protecting retained and proposed tree health, biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained prior to the any works being carried out which could impact the trees.</p>
<b>12</b>	<b>Accessible Housing (Compliance)</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 13 of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 2 units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 x 1-bed and 1 x 2-bed unit shall be provided to Category 3 standards. The 1 bed unit shall be fully fitted out and ready for a wheelchair user at handover and the 2 bed unit shall be adaptable for a wheelchair users at the time of handover.</p> <p>A total of 2 x 1-bed, 10 x 2-bed and 1 x 3-bed units shall be provided to Category 2 standards.</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to</p>

	meet diverse and changing needs, in accordance with London Plan (FALP) 2015 policy 3.8 (Housing Choice).
<b>13</b>	<b>Cycle stores (Details)</b>
	<p>CONDITION: Details of the external bicycle stores, including plans and elevations, shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle stores shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and mobility scooter storage is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
<b>14</b>	<b>Refuse Store (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the plans hereby approved shall be provided prior to the first occupation of the relevant part of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>15</b>	<b>Sustainability (Compliance)</b>
	<p>CONDITION: The residential units hereby approved shall achieve the credits detailed in the 'Code for Sustainable Homes Pre-Assessment Report' (Job No. 26456 dated 13<sup>th</sup> January 2015).</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>16</b>	<b>Water Usage (Compliance)</b>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>17</b>	<b>Green Roofs (Details)</b>
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);  b) laid out in accordance with the plans hereby approved; and  c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <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. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off</p>
<b>18</b>	<b>Sustainable Urban Drainage System (Details)</b>

	<p>CONDITION: No development shall take place unless and until a detailed implementation, maintenance and management plan of the approved sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:</p> <ol style="list-style-type: none"> <li>I. a timetable for its implementation, and</li> <li>II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</li> </ol> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>19</b>	<b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy (ref: 84873) which shall together provide for no less than a 20.93% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainable Design and Construction Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 20.93% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>20</b>	<b>Plant Machinery (Compliance)</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 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014. This shall include noise from any strategy adopted to mitigate poor air quality.</p>

	REASON: To ensure that an appropriate standard of residential accommodation is provided.
<b>21</b>	<b>Nesting Boxes (Details)</b>
	<p>CONDITIONS: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>22</b>	<b>No Plumbing or Pipes (Compliance/Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
<b>23</b>	<b>Rainwater Butts (Details)</b>
	<p>CONDITION: Details of rainwater butts shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant units.</p> <p>The details as approved shall be brought into use prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: To ensure the sustainable use of water and in accordance with sustainability policy.</p>



**List of Informatives:**

<b>1</b>	<b>Planning Obligations Agreement</b>
	You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.
<b>2</b>	<b>Superstructure</b>
	<p><b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b></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><b>INFORMATIVE:</b> 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>
<b>4</b>	<b>Car-Free Development</b>
	<p><b>INFORMATIVE:</b> (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
<b>5</b>	<b>Working in a Positive and Proactive Way</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>6</b>	<b>Materials</b>
	<p><b>INFORMATIVE:</b> In addition to compliance with condition 4, materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 - 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 2.18 Green infrastructure: the network of open and green spaces

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.7 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 3.13 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

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

### **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 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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

### **Spatial Strategy**

CS7 Bunhill and Clerkenwell

Policy CS13 Employment Spaces

Policy CS14 (Retail and Services)

Policy CS8 (Enhancing Islington's Character)

**Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Meeting the Housing Challenge)

Policy 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)

**C) Development Management Policies June 2013**

**Design and Heritage**

**DM2.1** Design  
**DM2.2** Inclusive Design  
**DM2.3** Heritage  
**DM2.5** Landmarks

**Housing**

**DM3.1** Mix of housing sizes  
**DM3.2** Existing housing  
**DM3.4** Housing standards  
**DM3.5** Private outdoor space  
**DM3.6** Play space  
**DM3.7** Noise and vibration (residential uses)

**Shops, cultures and services**

**DM4.1** Maintaining and promoting small and independent shops  
**DM4.7** Dispersed shops  
**DM4.8** Shopfronts  
**DM4.12** Social and strategic infrastructure and cultural facilities

**Health and open space**

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

**Health and open space**

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

**Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements  
**DM7.2** Energy efficiency and carbon reduction in minor schemes  
**DM7.3** Decentralised energy networks  
**DM7.4** Sustainable design standards  
**DM7.5** Heating and cooling

**Transport**

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

**Infrastructure**

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

**Designations**

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

- Local Cycle Route (Tollington Way)

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

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

**London Plan**

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

## 52 Tollington Way, London, N7 6QX



### Independent Viability Review

Planning application Reference: P2015/2900/FUL

5 November 2015

#### 1.0 INTRODUCTION

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington to review a viability assessment of the proposed scheme at 52 Tollington Way submitted by the Council, which is also the developer in this instance. The submission is informed by a report prepared by JLL.

1.2 The proposed scheme comprises:

*“Demolition of existing single storey nursery building (D1 use class) and erection of four storey residential (C3 use class) building comprising 15 units (3 x 1 bed, 11 x 2 bed and 1 x 3 bed) with associated landscaping and cycle parking.”*

1.3 The site at lies just off the Holloway Road and the surrounding area is formed predominately of residential dwellings. The site currently contains a single storey building which has operated as a nursery (D1) since approximately 1991, however, has been unoccupied since November 2013.

1.4 The proposal allows for 8 social rent units which equates to 55.81% affordable housing by habitable rooms. ICS Policy CS12 Part G states that all sites capable of delivering 10 or more units should provide on-site affordable housing. It seeks 50% of all new housing in the borough to be affordable over the specified plan period.

1.5 CS12 sets out the Council’s tenure split requirement of 70% social housing and 30% intermediate housing. The applicant is providing 100% of the affordable units as Social Rent which therefore exceeds the target for this tenure.

1.6 Allowing for the proposed delivery of 55.81% affordable housing, the scheme appears to produce a development deficit of circa -£1.76 million. The applicant therefore concludes that no further affordable housing contributions can be made.

1.7 Our review is based primarily on the following submissions:

- Valuation report prepared by JLL, dated September 2015
- Excel valuation prepared by the applicant, undated
- Order of cost estimate prepared by Walker Management Construction Consultants, undated.

In an email dated 30<sup>th</sup> October 2015, we received:

- Update note prepared by the applicant, dated 29<sup>th</sup> October 2015
- Revised report prepared by JLL
- Revised Excel valuation prepared by the applicant, undated

- Build cost estimate summary prepared by Walker Management, dated 28<sup>th</sup> October 2015
  - An updated summary of the Councils financial appraisal, dated 29<sup>th</sup> October 2015.
- 1.8 We have reviewed the relevant information and carried out additional market research in order to reach a view as to whether the proposed scheme delivers the maximum reasonable amount of affordable housing.

## 2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 Whilst policy CS12 sets a borough wide target for delivery of 50% it is inherent within this target that some sites are assumed capable of delivery in excess of this level. Therefore even though the scheme delivers in excess of 50% it is still relevant to question whether delivery above this level is feasible.

### Benchmark Land Value

- 2.2 The valuation model includes a site value figure of £2,080,000 which appears to reflect the price paid by the Council when it acquired the property from NHS Estates in April 2015.
- 2.3 JLL states their opinion that that the exiting use value of the site is £600,000. This figure has been based on one comparable transaction. JLL has also provided estimates of the site's value on a "market value" basis reflecting RICS Guidance Note - Viability in Planning 2012 which assumes residential development potential. On this basis JLL place a value of £1.8m on the site.
- 2.4 We have estimated site value as nursery premises at circa £700,000 without an inclusion of a land owner's premium. However, we are of the view that the subject site has clear development potential so the "market value" approach has some legitimacy in this context provided its calculation reflects the basis set out in the Council's emerging SPG i.e. to reflect compliance with planning policy, other than where site specific factors mitigate against this contingency.
- 2.5 We accept JLL's assessment of market value at £1.8m as it appears to represent the site's realistic development value on a policy compliant basis.

### Private Residential Unit Values

- 2.6 On the basis of the evidence provided by JLL and our own market research we are of the view that the proposed two bed units have been valued at a level which is slightly lower than would be indicated by current market transactions. Furthermore, we would also expect to see income from capitalised ground rents chargeable on the private flatted element to be included within scheme revenue.
- 2.7 We have adjusted the two bed unit values and included ground rent revenue within our appraisal. In total, our adjustments increase revenue from private housing by approximately £370,000.

### Affordable Residential Unit Values

- 2.8 The social rented units are valued at a total sum of £1,285,200. We have been provided with the rent, cost and cashflow assumptions adopted to reach this figure. We have tested this value by using our own cashflow model using standard assumptions and reflecting the impact of the Chancellors proposed changes to rent

accumulators generating a total value of approximately £1.0 million. We are therefore satisfied the council's figure does not understate this value.

#### Build Costs

- 2.9 Our Cost Consultant Neil Powling has reviewed the updated build cost information and concludes that the latest costs in both the estimate and the appraisal are reasonable.
- 2.10 No allowance for normal developer profit has been included within the provided financial valuation. In running our own appraisal we have applied market standard profit allowances for the market and social units at 20% and 6% of sales revenue respectively.
- 2.11 No finance cost allowances have been included and this serves to enhance viability. We have calculated land and construction finance costs using industry recognised Argus software.

#### Conclusions

- 2.12 We have made adjustments to reflect the following:
  - a) JLL's estimate of market value for the site at £1.8m
  - b) Increase in revenue from private housing
  - c) Inclusion of finance costs
  - d) Inclusion of standard developer profit allowances.
- 2.13 Based on our own appraisal including the adjustments outlined above we identify a scheme deficit of circa -£1.6 million which is not dissimilar to the applicants calculation of -£1.76 million. On this basis, we conclude that the scheme cannot provide further affordable housing contributions.

### **3.0 BENCHMARK LAND VALUE**

#### Viability Benchmarking

- 3.1 Development appraisals work to derive a residual value. This approach can be represented by the simple formula below:  
$$\text{Gross Development Value} - \text{Development Costs (Including Developer's Profit)} = \text{Residual Value}$$
- 3.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 3.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.



- 3.4 In general we prefer EUV as a basis for benchmarking development as this clearly defines the uplift in value generated by the consent sought. We find the Market Value approach as defined by RICS Guidance Viability in Planning 2012 as providing an essentially circular reasoning. The RICS Guidance promotes use of a modified standard definition of “market value” by reference to an assumption that the market values should reflect planning policy and should disregard that which is not within planning policy. In practice we find that consideration of compliance with policy is generally relegated to a minor consideration compared to evidencing market transactions and underbids. On this basis and recognising the essentially competitive land market, if developers are encouraged to believe they will be able to offset a requirement to provide affordable housing by virtue of a higher price paid for land, the use of this benchmark becomes circular and will lead to negligible affordable housing provision.
- 3.5 The NPPF recognises at 173, the need to provide both land owners and developers with a competitive return. This is to encourage land owners to release land for development. This has translated to the widely accepted practice which consists of an EUV benchmark plus a premium (typically in the range of 5-30%). Guidance indicates that the scale of any premium should reflect the circumstances of the land owner. We are of the view that where sites represent an ongoing liability to a land owner and the only means of either ending the liability or maximising site value is through securing a planning consent this should be a relevant factor when considering whether a premium is applicable.
- 3.6 We note that the Council’s emerging Development Viability SPG sets how the council’s approach to each of the relevant methods for benchmarking sites and we have taken this into consideration.

#### The Benchmark

- 3.7 JLL ascribe an existing use value of £600,000 to the site. We understand that this is based on the lease details of a nearby youth centre which equates to £9.93 sq.ft / £106.76 sq.m. The calculated total rental value has been capitalised at a yield of 7% which is not evidenced.
- 3.8 JLL also offer an estimation of the site’s market value at a figure of £1.8 million on the assumption of a planning consent for the proposed development. However, the applicant has adopted a site acquisition cost of £2,080,000 which reflects the price paid and associated acquisition costs. In running our appraisal we have adopted the figure of £1.8m as the site value.
- 3.9 The application form details that the GIA of the existing nursery measures 324.4 sq.m (3,491.81 sq.ft). Our analysis assumes that this floor area is correct.
- 3.10 In order to establish a general picture of site sales for community space, we have had reference to market evidence. We acknowledge that many of these comparables are some distance from the subject site therefore they should be approached with caution.
- 3.11 The Councils valuation spreadsheet includes the footnote “the market valuation of any proposed D1 use would be calculated based on an 8% yield.” We are of the view that this is a reasonable assumption. We have identified the following market rental evidence:
- Arkansas House, N19 3SZ was let in May 2015 for £35,000 pa for a term of 20 years (£18.66 sq.ft / £201.15 sq.m). Arkansas House is located near to the

junction of Hornsey Rise and Hornsey Lane. The property occupies the ground floor of a residential block and comprises a self-contained ready to occupy day nursery

- 333 High Street, Wood Green, London, N22 8JA was let for £12.90 sq.ft (£139 sq.m). In use as a nursery. Modern building in good condition. In less central location than the application site
  - 93 Camberwell Station Road, SE5 9JJ is a three storey building with adjacent car park located in Camberwell. The unit has planning permission for nursery, youth and community space. Total gross internal floor area equals approximately 8,356 sq.ft (776 sq.m) and the annual rent is £100,000 (£12 sq.ft / £129 sq.m)
- 3.12 We have applied the rental amount of £16 sq.ft and capitalised this at a yield of 8% to achieve a freehold value of £700,000. This figure excludes a typical land owner premium.
- 3.13 We have had regard to nursery fee charges for the locality and note these are typically £13,500 per annum based on a single place for 5 days a week 12 months a year. Even allowing for the optimistic assumption that all attendees attend on this basis and that the building could accommodate 50 children we cannot see turnover exceeding £700,000 per annum.
- 3.14 JLL has not provided any analysis or calculations in support of their market value assessments of £1.8m.
- 3.15 Land Registry Deed information confirms that the land was purchased by the Council in March 2015 for £2,000,000. We understand that the NHS chose to seek a price of £2,000,000 based on the advice given by GVA Grimley.
- 3.16 Given that we know the property was purchased from the NHS we can be reasonably certain the property was properly marketed and that the price was a fair reflection of market value at the time, given the duties on the NHS as a public body to secure best consideration from the disposal.
- 3.17 Analysis of land sales evidence is problematic since we are aware that the Council acquired this property expressly for the purpose of this development, therefore it is reasonable to assume the bid at the very least reflected planning policy requirements, albeit tempered by the special circumstances of the Council, specifically:
- a) There is no reflection of finance charges
  - b) There is no profit requirement
- 3.18 Allowing for the fact that commercial developers would need to provide for both these factors we would expect the sale price of the property to have been below the £2,000,000 bid by the Council had it not been in the market for this property. Therefore JLL's estimate of £1.8m appears to broadly tie in with our expectations, assuming a compliant development. However it is fair to say that there is limited market evidence which helps support this estimate given both the relatively unique nature of the property and the relative scarcity of pure development sites in this locality. We understand that GVA Grimley offered a valuation for the site of between £1,730,000 and £2,000,000.
- 3.19 On the basis of our analysis, we do not dispute the proposed EUV or market valuation.

#### 4.0 PRIVATE UNIT VALUES

- 4.1 The proposed scheme provides 7 private residential units (2x one bed and 5x two bed flats). The applicant has valued the one and two bed units at £425,000 and £525,000 each respectively.
- 4.2 The total income from the proposed private residential units totals £3,475,000 using these figures. The design and access statement notes the GIA of the one bed units as 50.24 sq.m and the average floor area of the private two bed units as 81.84 sq.m.
- 4.3 We understand that the units will not have the benefit of car parking spaces, however, the site is well located for public transport links and is in close proximity to Upper Holloway underground station.
- 4.4 No allowance has been made in the appraisal for the value of capitalised ground rental income from the private units. In undertaking our own appraisal we have allowed for ground rents of £500 per private unit and a yield of 6%. We have deducted purchaser's costs of 5.80% in line with standard market assumptions.
- 4.5 In undertaking our own estimate of unit values we have considered sales evidence of properties sold in the near locality as well as current asking prices.

##### One Bed

- 4.6 JLL has provided market evidence for one bed sales. A unit at 433 Holloway Road sold for £495,000 and a unit in Devonshire Court sold for £370,000.
- 4.7 We have also had reference to the following advertised information:
- A unit in the Beaux Art Building is advertised for sale for £549,999 (£659 sq.ft / £7,097 sq.m). This is a duplex apartment situated in a Grade II Listed Building. Benefits include a 24 hour porter, on-site gym and communal gardens and roof terraces. Another unit on the 3rd and 4th floors is advertised for £475,000 (£718 sq.ft / £8,636 sq.m). We do not anticipate the subject units to achieve values higher than this
  - A unit on Axminster Road is advertised for £425,000 (£726 sq.ft / £7,820 sq.m). this unit has been refurbished within an art-deco style building
  - A unit on Tufnell Park Road is advertised for £395,000 (£653 sq.ft / £7,020 sq.m). The unit is situated on the third floor of a purpose-built apartment block.
- 4.8 We have compiled the following sales evidence for second hand flats within close proximity of the subject site.

Address	Built	Sale Price +HPI	Sale Date	sq.m (sq.ft)	£sq.m (£sq.ft)	Details
9 Devonshire Court	2002	£383,072	11/14	59 (635)	£6,493 (£603)	1 <sup>st</sup> floor
8 Compton House	2012	£361,395	12/14	44 (474)	£8,214 (£762)	Good condition with balcony
29 Hollyfield	2012	£371,188	06/15	46 (495)	£8,069 (£762)	Private balcony
9 Hollyfield	2012	£351,730	01/15	46 (495)	£7,646 (£711)	1 <sup>st</sup> floor unit with balcony

22 School House	2004	£411,316	06/15	58 (624)	£7,092 (£659)	Over two floors in excellent condition
82 Cornwallis Sq.	2000	£362,573	11/14	48 (519)	£7,554 (£699)	2 <sup>nd</sup> floor, parking & communal gardens
19, 5 Tiltman Place	2009	£425,000	07/15	45 (484)	£9,477 (£881)	Mid-floor flat
6, 6 Tiltman Place	2009	£392,555	04/15	47 (506)	£8,352 (£776)	Ground floor flat
3, Thane Mansions	1990	£428,400	08/15	56.8 (612)	£7,543 (£699)	Refurbished period property
Average		£387,633		50 (538)	£7,827 (£727)	

- 4.9 The table above reflects sales values of second property and we would generally expect to see a premium over these values for new build units. We concede that a valuation of £425,000 per unit is reasonable.

### Two Bed

- 4.10 The proposed value of the two bed units is £525,000 each. JLL have provided sales evidence for a single two bed unit. The unit on Tollington Way is described as a Victorian terrace conversion and sold for £499,995 (£876 sq.ft). The remaining evidence provided comprises asking prices.
- 4.11 We have also had regard to the following advertised information:
- A unit on Axminster Road is advertised for £580,000 (£733 sq.ft / £7,902 sq.m). The unit has been refurbished and is situated above retail space. There is also a private terrace area
  - A unit in Manor Gardens is on the market for £550,000 (£769 sq.ft / £8,283 sq.m). This unit is situated on the 1st floor of a modern development and is well presented. Another unit in this complex is advertised for £625,000 (£732 sq.ft / £7,872 sq.m)
  - Empire Square is a modern warehouse development situated just off Holloway Road. A two bed unit with the benefit of a balcony is currently advertised for £520,000 (£611 sq.ft / £6,574 sq.m).
- 4.12 We have compiled the following information for recently sold two bed units within close proximity of the subject site.

Address	Built	Sale Price	Sale Date	sq.m (sq.ft)	£sq.m (£sq.ft)	Details
13 Opera Court	2002	£616,941	10/14	84 (904)	£7,345 (£682)	Converted factory & private balcony
16,7 Tiltman Place	2009	£475,144	04/15	64 (689)	£7,424 (£690)	Ground floor & 2 Roof terraces
43, 7 Tiltman Place	2009	£506,902	01/15	67 (721)	£7,566 (£703)	4 <sup>th</sup> floor with private balcony
55 Kinver House	2006	£426,717	10/14	62 (667)	£6,882 (£640)	Good specification
14 Rosefield	2012	£481,541	06/15	65 (700)	£7,408 (£688)	1 <sup>st</sup> floor, Excellent condition & balcony

15, 71F Drayton Park	2008	£534,748	11/14	68 (734)	£7,864 (£728)	2 <sup>nd</sup> floor, good condition & balcony
11 Travers House	2002	£476,252	11/14	66 (710)	£6,970 (£648)	1 <sup>st</sup> floor, good condition & balcony
50,13 Hornsey St.	2007	£595,023	03/15	73 (786)	£8,151 (£757)	Large development & balcony
78 Garand Court	2005	£506,621	06/15	72 (775)	£7,036 (£654)	2 <sup>nd</sup> floor unit in excellent condition
Average		£513,321		69 (743)	£7,433 (£690)	

4.13 JLL suggest that a reasonable range of achievable values for the two bed units is £525,000 - £615,000. Whilst we accept this suggested range, the proposed values in the appraisal have been placed at the bottom end of this spectrum and as such we are of the view that the two bed units have been slightly under valued in light of the additional market evidence.

4.14 In undertaking our own appraisal we have adopted values just under £590,000 per unit as opposed to the adopted £525,000.

**Summary**

4.15 On the basis of our adjustments of the two bed unit valuations and the addition of ground rent revenue we calculate total revenue from private units of circa £3.8 million.

**5.0 SOCIAL UNIT VALUES**

5.1 The proposed scheme comprises of 8 social rent units (1x one bed, 6x two bed and 1x three bed flats). The total proposed value of all units is £1,285,000.

5.2 We have compared the proposed rents to LHA figures for the subject location as shown below.

Unit type	Target Rent p.w.	LHA rates	Target rents as % of LHA rates
One bed	£149.40	£260.64	57%
Two bed	£176.36	£302.33	58%
Three bed	£204	£354.46	58%

5.3 We have valued the social rent units based on the target rents and allowed for reasonable cost and fee assumptions using a 30 year cash flow model. We have also allowed for the impact on rental growth arising from the Chancellors statement. Based on a yield of 5% yield, we calculate a value of £1 million. It is likely that the difference between our calculation and that of the applicants is the adopted cost assumptions. We are of the view that the proposed social rent valuations are reasonable on the basis of the provided target rental values.

## 6.0 BUILD COSTS

- 6.1 Our Cost Consultant Neil Powling has reviewed the order of cost estimate prepared by Walker Management dated 15th April 2015. Neil's original report suggested that the appraisal costs could be reduced by £810,265 mainly because of differences between Walker Management costs and the construction costs in the appraisal. Neil's full preliminary report is set out in Appendix 1.
- 6.2 We have subsequently received additional cost information contained in the Walker Management estimate summary dated 28th October 2015 as well as further justification for the proposed costs. The applicant notes that the updated estimate produced by Walker Management shows a slight saving on costs.
- 6.3 Neil has added the latest Walker Management costs into the updated elemental analysis (appendix 2). The full measured estimate increases confidence in the estimated total. It is also current to 4Q2015 based on a TPI<sup>1</sup> of 274 whereas the original indicative cost plan was April 2015 based on a TPI of 261. Our Cost Consultant concludes that the latest costs in both the estimate and the appraisal are reasonable.
- 6.4 The appraisal includes professional fees of approximately 12% of base build costs. This is a reasonable assumption. Furthermore, proposed sales and marketing fees appear to also be reasonable
- 6.5 The financial appraisal includes an allowance for 'developer profit' however, in this instance the allowance may be reflective of internal costs incurred by the Council. The proposed allowances differ from what we would accept to be standard profit allowances for private developments as shown below.

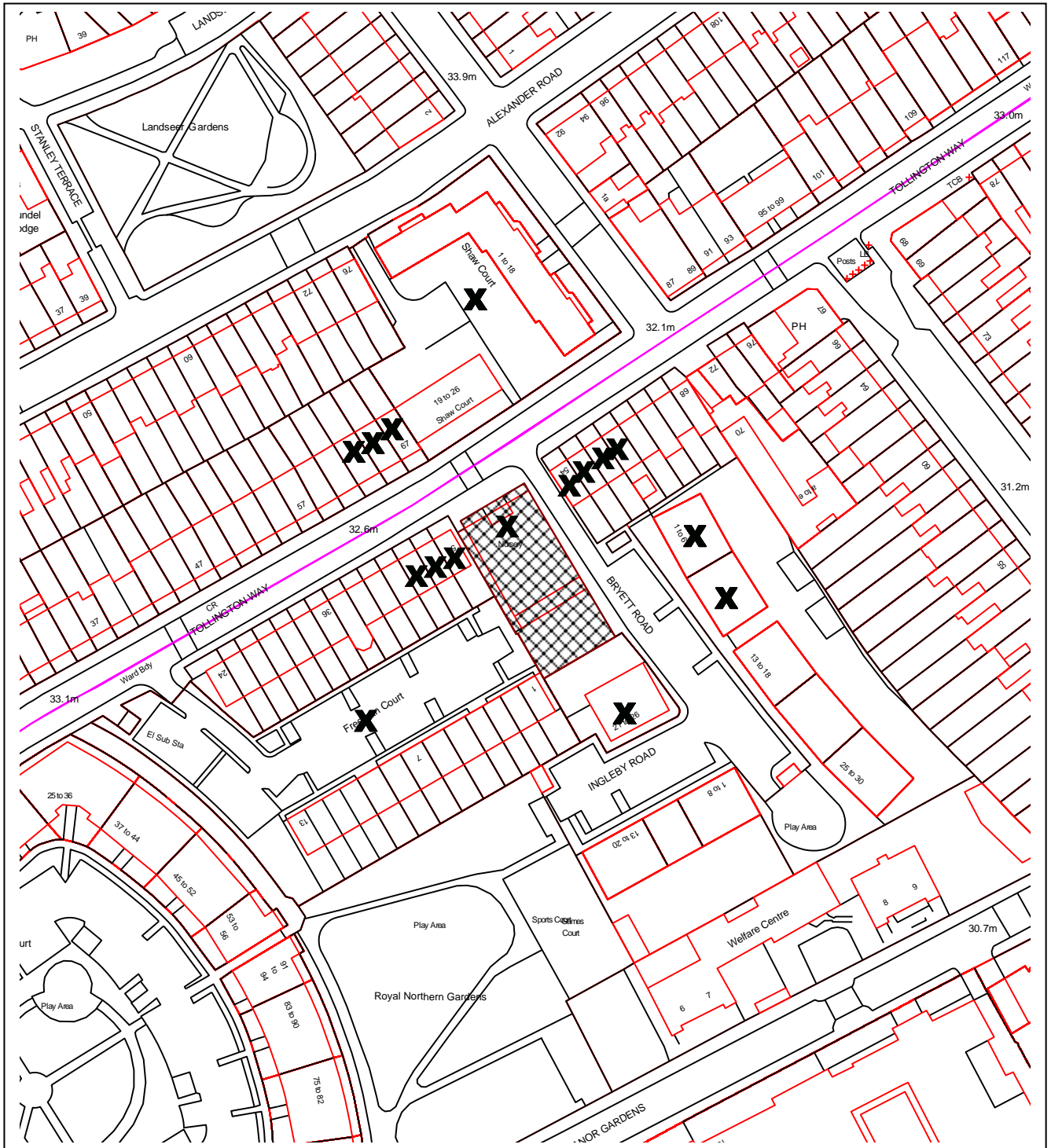
Unit type	Proposed 'profit'	% of associated revenue	Market norm	Calculated allowance
Private units	£128,430	4%	20%	£758,815
Social rent	£156,481	12%	6%	£100,950

- 6.6 In running our own appraisal we have allowed for industry norm levels of developer profit applying a 20% target on private sales revenue and 6% on revenue arising from the social rent units.
- 6.7 No allowance for construction and land finance has been made in the appraisal. In running our own appraisal we have allowed for standard finance costs at a rate of 7%.

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<sup>1</sup> Tender Price Index which is then adjusted by the relevant location for Islington

# ISLINGTON SE GIS Print Template



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P2015/2900/FUL

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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>17<sup>th</sup> November 2015</b>	

Application number	P2015/3050/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	43-46 Lloyd Baker Street (to north west) are grade II listed
Conservation area	North part of the site within New River Conservation Area
Development Plan Context	Bunhill and Clerkenwell Core Strategy Area Central Activities Zone Major Cycle Route (Margery Street, Lloyd Baker Street and Farringdon Road) Within 100m of Transport for London Road Network Mayors Protected Vista – Kenwood Viewing Gazebo to St Paul’s Cathedral Within 50 metres of Rosebery Avenue Conservation Area
Licensing Implications	None
Site Address	Charles Simmons House 3 Margery Street London WC1X 0HP
Proposal	Demolition of a four-storey residential building and a two-storey community building (D1 Use Class) and 5 garages. Construction of a part four, five and six storey mixed use building comprising 25 residential units (7 x 1 Bed units, 16 x 2 bed units and 2 x 3 bed units), a community centre (D1 Use Class) and a flexible A1/A3/D1 unit and provision of play space and landscaping works.

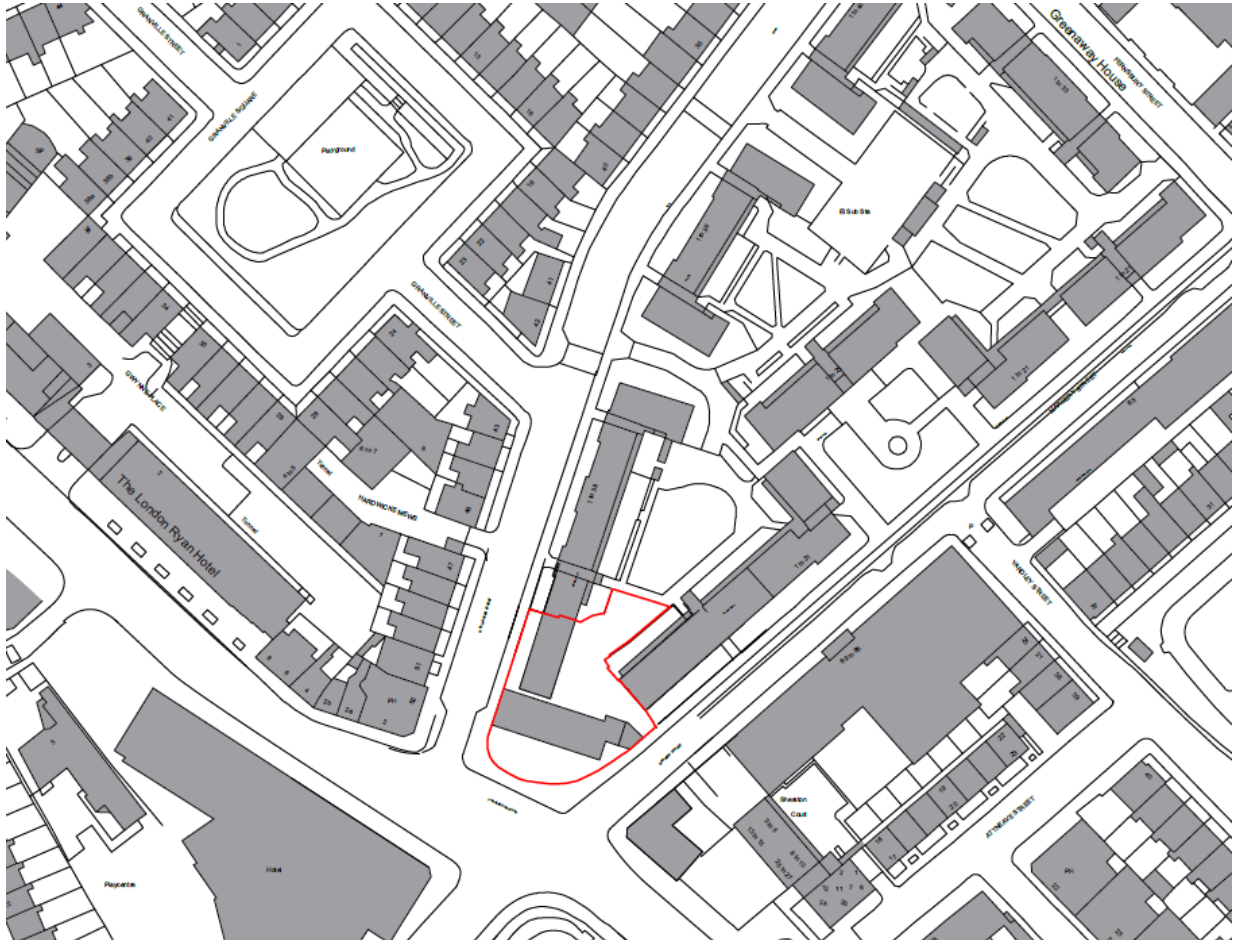
Case Officer	Nathaniel Baker
Applicant	Mathew Carvalho – Islington Housing Strategy and Regeneration
Agent	Simon Owen - HTA Design LLP

## 1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

## 2 SITE PLAN (SITE OUTLINED IN BLACK)



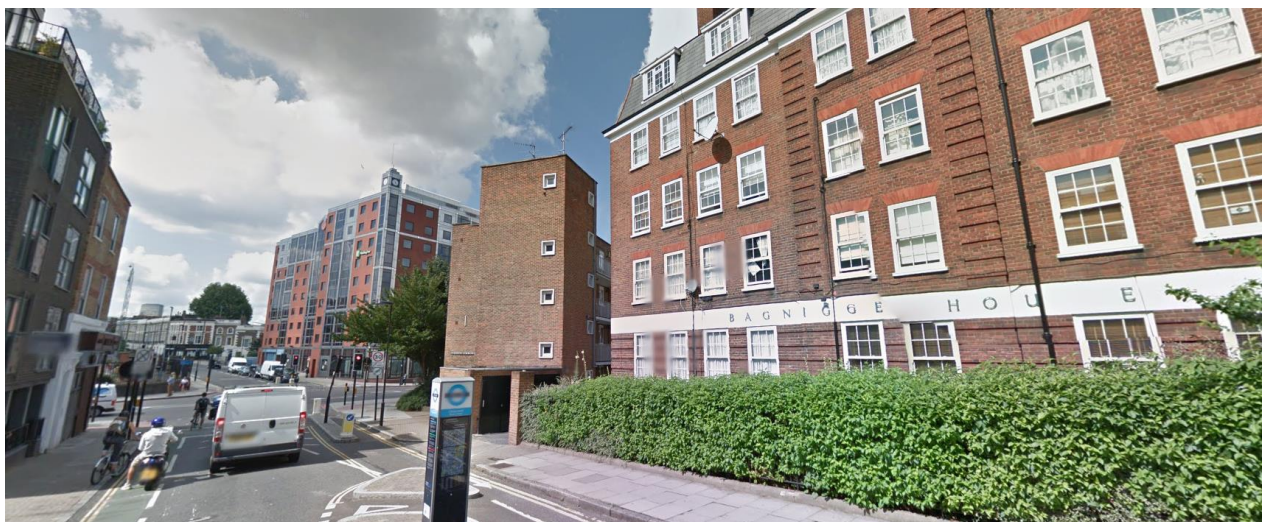
PHOTOS OF SITE



Photograph 1: Aerial View of Site



Photograph 2: View from Farrington Lane



Photograph 3: View from Margery Street



Photograph 4: View from Lloyd Baker Street

## 4

### **SUMMARY**

- 4.1 The planning application proposes the demolition of a four storey residential building and community centre, and the erection of a part single, four, five and six storey building comprising 25 residential units, a community centre, a flexible A1/A3/D1 unit, and landscaping works.
- 4.2 The redevelopment of the site to re-provide a larger community centre, a small flexible A1/A3/D1 unit, an enlarged play area and housing is acceptable in principle.
- 4.3 The scheme delivers good quality housing including 59.7% of affordable housing by habitable rooms and 56% by units (all social rent tenure) and accessible accommodation to address housing needs within the borough. The tenure mix proposed is supported by a financial viability assessment which has factored in an element of public subsidy.
- 4.4 The proposal would introduce a contemporary building of a high quality design that would be of an appropriate scale and which successfully references both the existing and emerging surrounding context.
- 4.5 Although resulting in the loss of a planted area, a group of small trees and two mature trees to the front of the site, the scheme proposes the planting of five new trees, the provision of three private gardens, an amenity space for the community centre, an enlarged play area within the Margery Estate and biodiverse green roofs. When considered together with the provision of affordable housing, which represents an overriding planning benefit and the wider site context, it is considered that on balance, the loss of the planted space is acceptable in this case.
- 4.6 The scale of the proposal and its layout would not result in an unacceptable sense of enclosure or overlooking to neighbouring occupiers. There are identified effects and losses of daylight receipt to neighbouring properties as a result of the development, which are considered to be acceptable within the context of the urban location.
- 4.7 There would be a site wide CHP as part of the proposal and this would be future proofed to connect to a Shared Heat Network (possibly from the Former Mount Pleasant Royal Mail Sorting Office scheme). The sustainability measures proposed are in accordance with policy and would ensure a sustainable and green development that would minimise carbon emissions in the future. A carbon off-set contribution is secured in the Directors' Agreement for this development to off-set emissions to 'zero'.

- 4.8 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation, alongside CIL payments.

## **5 SITE AND SURROUNDING**

- 5.1 The site is located on the east side of Farringdon Road with Lloyd Baker Street to the north and Margery Street to the south forming an almost triangular shaped site. Charles Simmons House is a four storey residential block with an area of soft landscaping fronting Farringdon Road and a single storey building to the rear fronting Lloyd Baker Street. The building forms the southwestern termination of the wider Margery Street Estate, with a vehicular access leading from Margery Street to the rear of the building.
- 5.2 The existing building is currently vacant but comprises 16 flats (8 x studios, 5 x 1 beds and 3 x 2 beds) with 12 of the flats having previously been social rented units.
- 5.3 The adjoining community centre provides 100 square metres of accommodation including a main hall with kitchen, toilets and storage facilities. The community centre is accessed via a ramp from within the Margery Street Estate and has five garages below.
- 5.4 The estate is made up of four, five and six storey height residential blocks surrounding a central area that provides parking, garages, bin stores, open green space and a number of mature trees. The land levels at the estate step up from the lowest point at the south west corner with a number of tiers, retaining walls and access steps. The area immediately to the rear of Charles Simmons House consists of five garages, a forecourt, a bin store and a limited play space area.
- 5.5 Opposite the site on Lloyd Baker Street are three and four storey height residential buildings terminating with a public house on the junction with Kings Cross Road. Opposite the site on Margery Street is a two storey commercial building with an extensive frontage, a corner building in residential and commercial use and an area of hardstanding. On the opposite side of Farringdon Lane is a part nine, part ten storey hotel building and the Mount Pleasant Royal Mail Sorting Office site, which has consent from the Mayor for comprehensive redevelopment. The part of the Mount Pleasant development facing onto the application site would be an eight storey residential block.
- 5.6 The New River Conservation Area boundary runs immediately to the rear of Charles Simmons House and incorporates the existing community centre, while the Rosebery Avenue Conservation Area is located opposite the site to the south. To the north of the site No. 43 – 46 Lloyd Baker Street are grade II listed buildings. The site is located within the Central Activities Zone. Below the site are two rail tunnels, a TfL Underground tunnel directly below the proposal and a Network Rail Thameslink tunnel crossing the southern most tip of the site, that present particular constraints to development.

## **6 PROPOSAL (IN DETAIL)**

- 6.1 The proposal comprises of the demolition of Charles Simmons House, the community centre and an associated bin store to the rear of the site and the construction of a part single, four, five and six storey building comprising 25 residential units with a ground floor community centre and flexible A1/A3/D1 unit. The plans also include the provision of new play space on a raised area to the rear of the proposed building, together with landscaping works inclusive of the planting of five trees.
- 6.2 The proposed building would be laid out to continue the two terraced rows of the Margery Street Estate, albeit with a break to Bagnigge House. Where the two 'terrace' elements adjoin these would form an orthogonal frontage onto Farringdon Road. The Margery Street frontage would be five storeys high incorporating a projecting brick framed balconies with a setback

sixth floor. The Lloyd Baker Street façade of the building would be set into the rising ground levels four storeys high incorporating a recessed façade, projecting brick framed balconies and would step up to six storeys in height on the corner with Farringdon Road.

- 6.3 To the rear, where the building would face into the centre of the estate it would be part single, four and five storeys in height with the sixth floor set back from the rear elevation and the ground floor set below the higher ground levels to the rear of the site.
- 6.4 A pedestrian entrance and replacement vehicular access is proposed onto Margery Street, providing access into the wider Margery Estate and community centre amenity space respectively.

#### **Revision 1**

- 6.5 The floor plans were amended on 09/09/2015 to address the comments raised by the Access and Inclusive Design Officer's comments.

#### **Revision 2**

- 6.6 The plans were amended on 27/10/2015 to address Officer's concerns regarding the design of the fenestration on the Farringdon Road elevation.

## **7**

### **RELEVANT HISTORY:**

#### **PLANNING APPLICATIONS:**

- 7.1 **P020246** – Replacement windows from steel to UPVC – Granted Conditional Permission (13/03/2002)
- 7.2 **P022962** – Replacement of the existing timber and steel windows with UPVC windows and repairs and decorations to the five buildings (Margery Street Estate) – Granted Conditional Permission (15/04/2003)
- 7.3 **960238** – Construction of lumber store at eastern end of block by access way between Charles Simmons House and Bagnigge House. Erection of dwarf wall and railings around lawn area on frontage from Margery Street to Lloyd Baker Street and on Lloyd Baker Street frontage in front of community centre as far as the existing Riceyman House railings – Granted Conditional Permission (10/04/1996)
- 7.4 **961111** – Change of use of the first floor of existing children's play space in linking block between Riceyman House and Charles Simmons House to community centre for the estate including elevational changes – Granted Conditional Permission (25/10/1982)

#### **PRE-APPLICATION ADVICE:**

**Q2014/3110/MJR** – The proposal has been subject to ongoing pre-application discussions. The images below detail an earlier pre-application scheme which was considered:



Officers did not support the previous scheme because the scale, design, varied language and materials would have resulted in a building that would not appropriately respond to the surrounding context. The earlier scheme was also presented to the Design Review Panel on 8<sup>th</sup> April 2014 and was not supported by the panel.

Following this review, the design of the proposal was re-designed to address these issues. The re-submitted pre-application scheme differs only in some elevational details and building heights from the current proposal. The key points which required further consideration during the pre-application process were:

- Materials due to loading capacity above the railway tunnels;
- Impact upon neighbour amenity (overlooking and overbearing);
- Daylight/sunlight testing; and
- Cycle Parking

## **ENFORCEMENT**

7.5 None relevant.

## **8 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 145 adjoining and nearby properties at Kings Cross Road, Attneave Street, Granville Square, Farringdon Road, Margery Street and Lloyd Baker Street on 5<sup>th</sup> August 2015. A site notice and press advert were displayed on 13<sup>th</sup> August 2015. The public consultation of the application therefore expired on 3<sup>rd</sup> September 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 The Mount Pleasant Association were sent details of the application directly on 13<sup>th</sup> October 2015.

8.3 At the time of the writing of this report a total of 2 responses had been received from the public with regard to the application. The responses consisted of 1 objection and 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### **Objections:**

- Concern raised regarding losses of daylight/sunlight receipt to neighbouring properties, which have limited light from other sources (para 10.80 - 10.95);

- The building would be overbearing (para 10.66 - 10.68);
- The proposal would be out of scale and would have an adverse visual impact on the neighbourhood (para 10.22 - 10.27 and 10.37);
- The proposal will block the free flow of air (para 10.175 -10.177);
- People in wheelchairs will have problems maintaining the front gardens (para 10.175);

Support:

- The proposal is a great improvement on what is there at the moment; and

Non-planning Issues:

- The proposal would result in a loss of view (para 10.28 and 10.177).

**Applicant's consultation**

8.4 The applicant, Islington Housing Strategy and Regeneration has carried out three consultation exercises with the Tenants and Residents Association and the Amwell Society on 12<sup>th</sup> November 2014, with local residents on 21<sup>st</sup> November 2014 and with the Margery Street Tenants and Residents Association on 4<sup>th</sup> February 2015. This has encompassed presentations and a local resident drop in session.

8.5 The applicant's submission details that of the 11 respondents to the consultation exercise 10 thought the proposal was 'quite/very useful' with only one objection. The key comments from the feedback as summarised by the applicant are:

- building works well in context;
- use of brick welcomed;
- concern raised regarding rehousing of Charles Simmons House residents;
- concern regarding over development of the site; and
- a 'humane solution'.

**External Consultees**

8.6 **London Borough of Camden** – No response received.

8.7 **Thames Water** – No objection subject to a condition (9) requiring details of impact piling method statement and an informative.

8.8 **London Fire and Emergency Planning** – No objection.

8.9 **Crime Prevention Officer** – No response received.

8.10 **TfL London Underground** – No objection subject to a condition (7) and an informative.

8.11 **TfL Road Network Development** – Due to availability and restrictions on servicing from parking bays on Lloyd Baker Street, a dedicated servicing bay should be provided to ensure that no servicing will take place to the front of the site. Without such a bay TfL would be minded to object to the application due to adverse traffic and safety impacts on the Transport for London Road Network.

8.12 **Network Rail** – The Asset Protection Team is in direct contact with the applicant. No comment to add.



### Internal Consultees

- 8.13 **Design and Conservation Officer** – Has been involved throughout the pre-application process and supports the proposal, subject to planning conditions to secure samples of materials.
- 8.14 **Access and Inclusive Design Officer** – The layout of the proposed units is acceptable. The platform stair lift from the community centre courtyard to the play space is not acceptable. A platform lift should be provided. Accessible parking spaces should be provided and details of the proposed play space are required.
- 8.15 **Energy Conservation Officer** – No objection subject to conditions.
- 8.16 **Sustainability Officer** – Details of rain water / grey water recycling have not been submitted. A condition (24) is recommended requiring details of this or a feasibility assessment to be submitted. A condition (21) is recommended requiring details of the extent of green/brown roof to be submitted.
- 8.17 **Lead Local Flood Authority** – The application fails to demonstrate how the drainage hierarchy has been satisfied. The volume of attenuation proposed meets the quantity standards of policy DM6.6, but would need to be reassessed following the provision of ‘softer’ drainage features as part of a detailed SUDS plan. A condition (22) is recommended requiring full details of the SUDS strategy and a maintenance plan to be submitted.
- 8.18 **Transport Planning Officer** – Full details of servicing are required, particularly in relation to Margery Street, which is an important cycle route.
- 8.19 **Highways** – Require the submission of a Construction Management Plan (condition 6).
- 8.20 **Tree Preservation / Landscape Officer** – The trees to the front of the site are of little individual value but as a group they contribute to the amenity of the streetscape and include environmental benefits to an area of high pollution. There is very limited scope for replanting in the surrounding area. The loss of the trees is therefore objected to.
- 8.21 **Refuse and Recycling** – No response received.
- 8.22 **Public Protection** – No objection subject to sound insulation conditions (25, 26, 27 and 29).
- 8.23 **Biodiversity and Nature Conservation** – No response received.

### Other Consultees

- 8.24 **Members’ Pre-application Forum** – 18<sup>th</sup> May 2015
- 8.25 **Design Review Panel** – At pre-application stage the proposal was considered by the Design Review Panel on the 8<sup>th</sup> April 2014. The scheme design was completely re-thought and redesigned in order to address the concerns raised by the panel and was presented back on the 9<sup>th</sup> December 2014. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The panel’s observations are attached at Appendix 3 but the main points raised in the most recent review are summarised below:

- The Panel supported the provision of housing and community facilities on the site.
- Panel members thought the general composition and distribution of massing was positive, with the articulation and complexity of the form was commensurate with the buildings position on the larger urban block. However, comments were made in relation to the

resolution of the corner and advised that the subtle curve of the Farringdon Road elevation detracted from the overall concept and that a stronger resolution was required.

*Officer response: the curved frontage has been replaced with orthogonal elevations incorporating recessed glazing where the two frontages meet. This, together with the largely solid elevational treatment of the end of the Margery Street 'terrace' provides a stronger resolution. The image below is a comparison:*

Curved Frontage



Orthogonal Frontage



- The Panel welcomed the use of brickwork but stressed the importance of conditions to ensure the quality of brick was fully realised. It was recommended that detailed plans/information was submitted to show the interface between the red and white bricks, and balustrade at roof level.

*Officer response: Condition 3 requires the submission of bricks and a detailed plan showing the interface of the two brick types and balustrade.*

- Some concerns were raised by panel members regarding the flexibility of the community centre due to its irregular shape. It was suggested that a rectangular layout would be more positive, pushing a bike storey to where the toilets were proposed, resulting in a better layout for the A1/A3 unit. However, this could have resulted in the loss of a residential unit

*Officer response: The ground floor layout has been revised to incorporate a more rectangular footprint to the community centre and the flexible A1/A3/D1 unit. A cycle stacking system has been incorporated to make best use of the limited space, while both ground floor flats have been retained, albeit with the loss of one bedroom and a dual aspect to one unit.*

- The Panel considered the landscaping to the front of the community centre provided a buffer from the highway but encouraged further work on the landscaping to the front of the commercial unit to provide meaningful space.

*Officer response: The shopfront opening onto the front landscaped area has been increased in height in order to address this area, while a greater extent of defined spill out space for seating is proposed directly to the front of the commercial unit.*

- The Panel once more supported the aspirations of the scheme to provide housing and community uses on site with the added commercial unit at ground floor. Panel members were happy to see significant and meaningful improvements to the scheme since it was first reviewed in May 2014. The Panel was generally supporting of the scheme but identified some areas for further development and design evolution.

## RELEVANT POLICIES

### 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.
- 9.1 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.2 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
  - Deregulation Bill received Royal Assent 26th March 2015

### Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### Designations

- 9.5 The site has the following designations under the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Bunhill and Clerkenwell Core Strategy Area
  - Central Activities Zone
  - New River Conservation Area (north part of site)
  - Major Cycle Route
  - Within 100 metres of Transport for London Road Network
  - Mayors Protected Vista – Kenwood Viewing Gazebo to St Paul's Cathedral
  - Within 50 metres of Rosebery Avenue Conservation Area

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

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

### Environmental Impact Assessment

- 9.7 An EIA screening application was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011), in particular the site is significantly less than 0.5 hectares in size and it is

not in a sensitive area as defined by the regulations. As such, the proposal is not considered to be EIA development but no formal decision has been made to this effect.

## 10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Density
- Accessibility
- Landscaping, trees and biodiversity
- Neighbouring amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and transportation
- Planning obligations/mitigations/CIL

### Land-use

10.2 The site currently consists of a first floor community centre (D2 use class) with 106 sqm of floor space, a four storey residential block providing 16 units comprised of 8 x studio flats, 5 x 1 bedroom flats and 3 x 2 bedroom flats, a small planted area to the front of the site, five garages, a refuse store and a small play area.

10.3 Policy DM4.12 of the Development Management Policies resists the loss or reduction in social infrastructure, unless a replacement facility is provided that would meet the need of the local population for the specific use; or where the specific use is no longer required on site it should be demonstrated that the proposal would not lead to a shortfall in provision for the specific use and that there is either no demand for another suitable infrastructure use on site or that the site/premises are no longer appropriate for such a use.

10.4 The proposal would replace the existing community centre at the site, which is accessed from the rear of the site, up stairs to the first floor, with a larger community centre measuring 123 sqm, amounting to a 17 sqm uplift. The replacement community centre has been designed in accordance with DRP advice to provide a greater level of flexibility, would have an active ground floor frontage onto Margery Street, would be highly accessible and inclusive in its design, as well as having a dedicated outdoor amenity space. The proposal also includes a flexible retail/restaurant/education/training facility ground floor unit fronting Farringdon Road. While only measuring 42 sqm, should this unit be occupied by a D1 use, it would provide a further uplift in social infrastructure floor space that could be occupied by a small social infrastructure provider. Notwithstanding the flexible use of the commercial unit, the proposal would result in a further increase in the level and quality of social infrastructure provision at the site, in accordance with DM4.12.

10.5 To ensure that there would be no shortfall in social infrastructure provision during construction, the applicant has detailed that arrangements would be made for residents of the estate to use alternative local community facilities. These alternative arrangements are to be identified and secured prior to demolition of the community centre. This is secured within the Directors' Agreement.

10.6 Policy CS12 of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability

and inclusivity needs. The development on Council land of housing that maximises affordable housing provision is key to delivering these policy aims.

- 10.7 Policy DM3.2 of the development management policies resists the loss of existing housing unless the housing is replaced with at least equivalent floorspace. The application building is currently vacant but previously provided 16 units comprising 12 affordable units and 4 private units. Although the proposal would provide only two additional affordable units, seven of the existing affordable units at the site are studio flats and the proposal would introduce larger units, inclusive of family units of a much higher quality and size than the existing units. As such, the proposed residential use of the site would be acceptable.
- 10.8 The proposed flexible retail/restaurant/education/training facility ground floor unit would measure 42 square metres and would front onto Farringdon Road and Lloyd Baker Street. Policy DM4.7 of the Development Management Policies supports the provision of dispersed shops across the borough and policy 4.9 of the London Plan encourages the provision of small shops. As such, the proposed A1 use of the site is considered to be acceptable. Although the application site is not located within an Employment Growth Area or a designated Town Centre, which would require the provision of affordable workspace, the proposed flexible unit, by virtue of its small scale would constitute an affordable retail unit.
- 10.9 With regard to the proposed A3 (café/restaurant) use of the unit policy DM4.2 of the Development Management Policies states that where night time economy uses are proposed outside of Town Centres (as is the case here), applicants need to demonstrate that such uses would not result in adverse impacts, including cumulative impacts, as assessed in relation to Policy DM4.3, and are consistent with other policies relating to development outside Town Centres.
- 10.10 The buildings along Farringdon Road and Kings Cross Road are, in part, characterised by residential uses with commercial ground floor uses. Whilst there are other night time economy uses within the immediate vicinity of the site, such as the public house on Margery Street, these are not prevalent and do not represent an over concentration of such uses within this dense urban context. Furthermore, the area does not fall within a Licensing Cumulative Impact Area where there is an over concentration of licensed premises, such as pubs, bars and restaurants.
- 10.11 While the site is located opposite the Royal Mail Mount Pleasant Sorting Office site and close to the Phoenix Place development site, both of which include the provision of night time economy uses, these sites would introduce a total of 681 new residential units to the local area in addition to the employees of the additional commercial floor space. As such, whilst there would be an uplift in night time economy uses within the area, due to the small scale of the proposed unit (42 sqm), the existing and emerging surrounding context and the future uplift in population to the locality, the proposal would not represent an over concentration of night time economy uses within the area.
- 10.12 With regard to potential disruption and disturbance to neighbouring properties, the hours of operation of the commercial unit would be controlled by condition (10), limiting opening between 8am and 11pm Monday to Saturday and between 10am and 10pm on Sundays and Bank Holidays. There are adequate controls on noise transfer between the commercial and residential uses (condition 26) and servicing details are to be submitted (condition 32). Subject to conditions and the measures set out in the 'Neighbour Amenity' section below, the proposed uses would not detrimentally impact upon the neighbouring occupiers.
- 10.13 Policy DM6.3 of the Development Management Policies 2013 resists development on semi-private open space within estates and resists the loss of play space across the borough
- 10.14 The western edge of the site facing onto Farringdon Road is formed of a semi-circular area of planting set behind a low wall, which includes two mature trees and measure approximately

170 sqm. Although this area is undoubtedly of amenity value, due to the fact it fronts onto a busy highway with inadequate boundary treatment for screening or safe play, the overly dense planting and the lack of a laid out defined useable area, it does not constitute useable amenity space for the purposes of policy DM6.3. Notwithstanding this, the proposal would introduce planted areas, new trees, an external area for the use of the community centre, two front gardens fronting Lloyd Baker Street, a rear garden and a new play space to the rear of the site. As set out in the 'Landscape, Trees and Biodiversity' assessment below it is considered that on balance the loss of this space is acceptable.

- 10.15 The existing play space at the site is small in area, measuring approximately 50 square metres and has limited play equipment. This would be replaced with a new play space of a greater size, measuring approximately 73 square metres to accommodate the proposed child yield of the development. Full details of the play equipment are required by condition (5).
- 10.16 The loss of the garages is in accordance with the Council policy CS10 of the Core Strategy and DM8.5 of the Development Management Policies and Council aims to reduce car use.

#### Conclusion:

- 10.17 The proposal would introduce additional affordable housing of a larger scale and better quality to address housing needs within the borough, improves the quality and quantum of social infrastructure space at the site, provides a larger play space, includes landscaping and introduces a small commercial unit to the site. As such, it is considered that the proposal is acceptable in land use terms, subject to an assessment of all other relevant policy and any other relevant material planning consideration.

#### **Demolition of Buildings within a Conservation Area**

- 10.18 On the 1st October 2013, the Government brought in (under various legislature made under the Enterprise and Regulatory Reform Act 2013 (ERRA)) the removal of Conservation Area Consent requirements.
- 10.19 This legislation abolishes the need for conservation area consent where a full planning permission application is made under the Town and Country Planning Act 1990; and consequently the demolition of unlisted buildings in conservation areas will no longer be permitted development under Part 31 of the GDPO (General Permitted Development Order).
- 10.20 The proposal includes the demolition of a four storey block outside of the conservation area and a two storey building incorporating a community centre and garages that is located within the New River Conservation Area. The buildings on the site are of little architectural merit and their demolition and replacement with a high quality building would represent an enhancement to the conservation area (condition 33). As such, the demolition of the buildings at the site would not be resisted. In this regard, their loss is compliant with Chapter 12 of the NPPF, and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

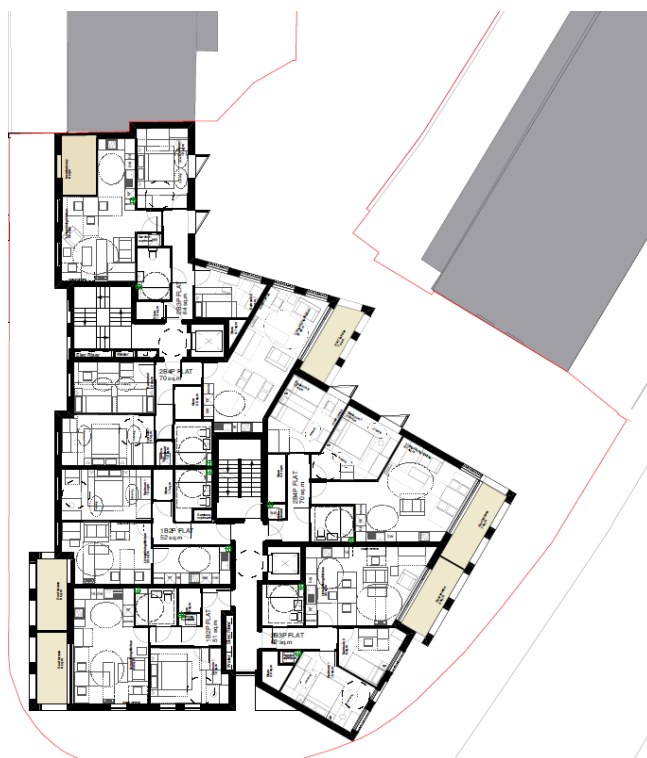
#### **Design and Conservation**

- 10.21 The proposal would introduce a part single, four, five and six storey building to this corner site with the tallest elements concentrated on the corner and a reduction in height to the rear.

#### Site Layout and Heights:

- 10.22 The proposed building follows a traditional terrace layout seen throughout Islington where little importance is given to the use of form to change direction at the end of terraces, usually resulting in blank facades, inactive frontages and/or limited features which do not distinguish the corner. This results in a continuation of the building lines of Lloyd Baker Street and Margery Street until they meet to form right angled elevations (orthogonal) onto Farringdon Road. The layout also completes the symmetrical block layout of the Margery Street Estate, while

maintaining an existing gap to Bagnigge House and a pedestrian route through the Margery Street estate. The image below details the general layout of the building as seen at upper floor level:



- 10.23 The five and six storey height of the proposed building is concentrated on the corner of the site where it would front onto an important junction between five roads. The corner would be broken down into three distinct elements; the highest element would be a six storey red brick frontage that would, through the use of distinguishing tall windows and its narrow profile emphasise the verticality of the building where it is most visible; a four storey framed element would step down to Lloyd Baker Street, referencing the lower buildings of this street; and a five storey element with a recessed white brick top floor that reduces the massing of the building and steps down to the lower building heights of the buildings on Margery Street.
- 10.24 The proposed height of the corner element, when considered in the context of the 9 storey existing Holiday Inn building and the consented 8 storey Mount Pleasant scheme suggests that taller buildings would help to define and emphasise this important junction, particularly in views along Farringdon Road and Calthorpe Street.
- 10.25 To the rear the proposal would be largely four storeys in height, with the taller floors designed as setback floors, which would ensure that the building is read in the context of the the four, five and six storey heights of the buildings forming the Margery Street Estate. It should also be noted that due to the rising ground levels to the rear of the site the building would appear lower in views from within the estate.
- 10.26 It is considered that the proposal would be in keeping with the height and scale of the surrounding buildings on the east side of Farringdon Road and would act as a transitional building to the taller existing and proposed buildings on the west side of Farringdon Road.
- 10.27 With regard to the legibility of the site, at present pedestrians can walk through the estate using vehicular entrances at Lloyd Baker Street to the north and Margery Street to the south. The proposal includes the provision of a pedestrian gateway from Margery Street that would clearly define a pedestrian access and would therefore improve the legibility of the site. To ensure that this route remains open a condition (15) is recommended requiring this entrance to remain open at all times.

### Protected Vista:

- 10.28 The site falls within the 'Mayor's Protected Vista - *Kenwood viewing gazebo to St. Pauls Cathedral*' where building heights are limited to protect important views of St. Pauls Cathedral. The site is located 1.73 km from St. Pauls Cathedral and the building heights are therefore restricted to 64.92 m. The proposal would measure 20.7 metres in height (at its highest point) and the site has an ordnance datum (AOD) of marginally above 18 metres. As such, the overall height of the building would be below 40 metres, which is significantly below the height thresholds. The proposed building would therefore not interrupt the protected viewing corridor and would be in accordance with London Plan Policy 7.12 and policy DM2.4 of the Islington Development Management Policies.

### Materials and Architectural Treatment:

- 10.29 With regard to materiality the principal elevations of the building would be red brick with white detailing (e.g. to window surrounds and entrances), while the majority of the rear elevation and all but one element of the sixth storey would be built in white brick. The overall quality of materials and finishes is considered to be imperative to the success of the proposal and as such, a condition (3) is attached with regard to brick samples, brick detailing and window reveals to ensure that a development of an appropriate high quality would be delivered.

### Farringdon Road Elevation:

- 10.30 The Farringdon Road frontage would incorporate a contemporary interpretation of a traditional 'end of terrace' orthogonal elevation. Where the two terraces meet, there would be a strip of recessed glazing, allowing both end of terraces to be read individually but also providing a physical link. The two elevations making up the Farringdon Road façade are treated differently, with the Margery Street façade featuring largely unbroken brickwork that reflects a more traditional end of terrace treatment. Notwithstanding this, two windows are proposed at upper floor level in this façade that provide dual aspect to two units but also relate to the traditional use of secondary windows in flank elevations. The Lloyd Baker Street façade is highly articulated with floor to ceiling window openings and white brick surrounds that emphasise the verticality of the building and activate this frontage. The image below shows the proposal when viewed from Calthorpe Street:

Image 1





- 10.31 At ground floor level the flexible A1/A3/D1 units designed with an arched shopfront fronting onto Farringdon Road. Although its arched shape would be at odds with the geometric form of the upper floors, it would distinguish the ground floor commercial use from the upper floor residential use and the more regular community centre frontage. It would provide visual interest to the principle frontage of the building and appear as a base to the residential upper floors. Since the submission of the application its design has been amended slightly to increase the height of the arch to appear less squat within the elevation.

Margery Street Elevation:

- 10.32 The elevation fronting Margery Street would maintain the existing gap to Bagnigge House, allowing views through to the rear elevation of the Lloyd Baker Street block, which would have eaves lining through with those of Bagnigge House. The repeated window and balcony openings would provide a level of consistency to this elevation and would reflect the well-ordered fenestration of Bagnigge House. While projecting balconies are generally resisted by the Islington Urban Design Guide (2006), the balconies would be set within a projecting brick frame that provides solidity to the building making the balconies appear integral to the structure, while the large openings reduce the solidity and massing of the projection. The top floor would be set back from the frame and main elevation and would be constructed of white bricks, helping to reduce its visual prominence and referencing traditional changes in materials at roof level. The image below details the Margery Street elevation:

Image 2:



- 10.33 At ground floor level the entrances to the building and estate would be framed in white brick, which reflects the stucco detailing of the entrances to Bagnigge House. This is featured across all of the building elevations and would provide consistency across the proposal, announcing entrances in a subtle but effective way.
- 10.34 The ground floor community centre would have large floor to ceiling window openings onto Margery Street that would align with the openings of the framed balconies above and would provide an active frontage. The set back of the ground floor windows from the edge of the projecting frame, and the provision of landscaping would provide an adequate buffer from the highway when the centre was in use. The recessed element would have floor to ceiling height windows facing onto it and open views through it from street level, deterring anti-social behaviour associated with this space.

Lloyd Baker Street elevation:

- 10.35 The element of the proposal fronting Lloyd Baker Street would replicate the varying heights, proportions and rhythm of the adjoining buildings, with repeated changes in frontage widths, projecting and recessed facades and stepped parapet heights. Furthermore, the windows in this elevation would have a repeated opening size and incorporate white brick surrounds referencing well-ordered white painted windows of Riceyman House. The deep window reveals

and framed balconies would provide integrity to this elevation. Again the white brick framed entrances would provide consistency across the buildings. Although the fifth and sixth storey of the building would project above the southern end of the Lloyd Baker Street elevation, these floors would be set back from that elevation with a white brick element reducing the visual prominence and acting as a step to the greater height of the corner of the building. The image below details the proposed Lloyd Baker Street elevation:

Image 3:



Rear elevation:

10.36 To the rear, the proposal would be broken into two distinct elements; a five storey red brick element and a four storey white brick element. The red brick element would be viewed in the context of Bagnigge House, providing a level of consistency with this adjoining property. The white brick element would continue the white colouration of the rear of the buildings within this part of the Margery Street Estate and provide a bright colour to this relatively constrained area, maximising light reflectance. The image below details the rear elevation:

Image 4:



Conclusion:

10.37 The proposal would introduce a contemporary building of a particularly high quality design that would be of an appropriate scale and which successfully references the surrounding context. The existing building is of little architectural merit and its demolition, subject to the proposed redevelopment of the site, would not detract from the character and appearance of the conservation area. Furthermore, the proposal would not detract from the character and appearance of the surrounding conservation areas or the setting of the listed buildings at 43-46 Lloyd Baker Street. The proposal is therefore in accordance with Policies CS7 and CS9 of the

Core Strategy (2011) and DM2.1, DM2.2, DM2.3 and DM2.5 of the Development Management Policies (2013).

### **Density**

- 10.38 London Plan policy 3.4 encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes a total of 25 new residential dwellings comprised of 72 habitable rooms (hr).
- 10.39 Density is expressed as habitable rooms per hectare (hr/ha) and units per hectare (u/ha) and is calculated by dividing the total number of habitable rooms / units by the gross site area. The site covers an area of approximately 0.0984 hectares.
- 10.40 In assessing density it is necessary to consider that the London Plan policy notes that it would not be appropriate to apply these limits mechanically with local context, accessibility and other considerations to be taken into account when considering the acceptability of a specific proposal.
- 10.41 The site has a public transport accessibility level (PTAL) of 6a (Excellent). In terms of the character of the area, this would be defined as Central by the London Plan. The London Plan for areas of this PTAL rating identifies the suggested residential density range of 650-1100 hr/ha or 215-405 u/ha.
- 10.42 The proposed development has a residential density of 732 hr/ha and 254 u/ha, both of which are within the density range of the London Plan policy.

### **Accessibility**

- 10.43 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

### **A new National Standard**

- 10.44 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.45 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

### **Accessibility Assessment:**

- 10.46 The proposal provides 2 wheelchair accessible units (Category 3) amounting to 8% of the total number of units. Whilst this falls marginally below the 10% required by London Plan policy 3.8, there is insufficient space at ground floor level for the provision of further wheelchair units and the provision of two lifts to each core would result in a loss of further residential units. As such, the level of provision is considered to be acceptable in this particular case.

- 10.47 The proposed community centre would have level access, with two accessible W.Cs provided and a stair lift is detailed to lead from the community centre courtyard up to the proposed play space to the north of the site. Whilst the Access Officer has objected to the provision of a stair lift, a platform lift is supported by officers because it is considered to be more inclusive. Condition 14 secures details of the platform lift. Full fit out details for the flexible use unit have not been detailed as this is dependent upon the occupier. Notwithstanding this, the flexible use unit would have level access and a condition is recommended requiring it to be constructed in accordance with the principles the Inclusive Design in Islington SPD (condition 13).

### **Landscaping, Trees and Biodiversity**

- 10.48 Policy DM6.5 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. The proposal includes extensive landscaping works across the entire estate and the provision of new amenity space.
- 10.49 The proposal includes the removal of a planted area at the site that fronts onto Farringdon Road, and while the space does not provide usable amenity space and the trees are of little individual merit, the area does provide visual amenity and biodiversity value, and provides environmental benefits to an area of high pollution. The planting in this area includes shrubs, two mature trees and a grouping of small trees, which although falling below British Standard survey size thresholds have been included within the Arboricultural Impact Assessment for their grouping value.
- 10.50 While the loss of the two mature trees at the site is regrettable, these trees have both been repeatedly crown reduced due to their scale and proximity to the existing building. One of these trees is also a Category C as defined by British Standard BS 5837:2012 '*Trees in relation to design, demolition and construction*' as being of low quality and value. Trees in this category are generally not considered as a restraint to development given appropriate justification for removal and mitigation.
- 10.51 The Tree and Landscape Officer has confirmed that while there is insufficient space within the surrounding area (i.e. within the street scene) for replanting, there is sufficient space within the site for adequate replacement / mitigating planting. The two trees detailed to the front of the site are capable of achieving a medium size, which would ensure that there would be little to no impact upon the development once completed. The architect has confirmed that there would be sufficient space to provide 30 cubic metres of soil space for the two proposed trees fronting Farringdon Road and 10 cubic metres for each of the smaller trees. The trees detailed on the landscaping plan would represent an equivalent level of tree planting to those removed.
- 10.52 Although the proposal does not include the re-provision of the same quantum of planted space it includes the introduction of planted areas to the Farringdon Road and Margery Street frontage, an external amenity area for the community centre, two planted gardens fronting Lloyd Baker Street which continue the established character of this street, a rear garden, a larger play space to the rear of the site, the planting of five new trees (four fronting onto the surrounding highways and one within the community centre amenity space) and the provision of biodiverse green roofs. To ensure that the proposed landscaping is of the highest quality design and maximises biodiversity value, conditions are recommended requiring full details of the landscaping (condition 5) and the biodiverse green roofs (condition 21) to be submitted to and approved in writing by the Local Planning Authority.
- 10.53 Whilst the Tree Officer has objected to this proposal, having regard to the surrounding context of the site and the schemes proposed reduction in green space the following considerations are relevant; to the south of the site at Sherston Court is a heavily planted area fronting Farringdon Road and the Mount Pleasant scheme opposite the site would introduce has extensive planting and public open space. As such, the area would retain a relatively good

amount of green space. Furthermore, although details have not been submitted as part of this application, the applicant has stated that Islington Council have wider plans to improve the green spaces at the Margery Estate.

- 10.54 Whilst it is unfortunate that more planting cannot be accommodated along the street frontage of the site, it is considered that the proposed planting and measures set out above would represent adequate mitigation for the loss of the planted space at the site, the two trees and group of small trees.

### **Neighbouring Amenity**

- 10.55 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.56 Overlooking/Privacy: policy identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.57 The proposed windows in the main south, east and west frontages all face over highways and therefore would not result in unacceptable level of overlooking.
- 10.58 The rear elevations of the proposal face into the centre of the Margery Street Estate and the proposal has been designed to have an angular footprint and oriel windows to direct views and prevent any potential overlooking.
- 10.59 The main rear façade of the building incorporates four windows opening per floor, with an open side to the projecting balcony frame. These openings are set within an angled elevation such that any views towards Bagnigge House are at an oblique angle that would not result in unacceptable overlooking. The image below details the windows and balcony openings across the rear elevation of the proposal:



- 10.60 The rear elevations include a number of oriel windows, directing outlooks either to the east or north. These windows are angled so as to not result in any overlooking to the neighbouring properties. The oriel windows also include an obscure glass panel which allows light into the rooms they serve but would not provide an outlook.
- 10.61 Across the first to fourth floor of the proposal a north east facing window would look onto windows in the south west flank elevation of Bagnigge House. However, these windows are secondary windows to the rooms they serve and as such a condition (4) is recommended requiring these windows to be obscurely glazed to ensure that there would be no overlooking.
- 10.62 The proposed balconies on the rear elevation would be set within a deep brick frame with the balustrade set back from the frame edge. This would ensure that any views from these balconies towards Bagnigge House would be at an oblique angle and views would be directed over the community centre amenity space and Margery Street.
- 10.63 The balconies on the east facing façade of the building have an opening at the northern end which would face back towards windows in Bagnigge House. As such, a condition (4) is proposed requiring the installation of a 1.7 metre high obscure glazed privacy screen to ensure that there is no overlooking.
- 10.64 At fifth floor level a north east facing roof terrace is proposed that would face back towards the south west facing windows in Bagnigge House. However, the roof terrace would be set back 0.4 metres from the building edge and would have a 1 metre high parapet surround, which would limit ability for views towards lower windows at the neighbouring property. To ensure that there would be no overlooking to the upper floor windows a condition (4) is recommended requiring the provision of a 1.5 metre high privacy screen set to the rear of the parapet on the north east side of the roof terrace to ensure that there would be no overlooking. While the privacy screen would project above the parapet, due to the set back from the building edge and the limited projection above the parapet, only limited views of the screen would be afforded in longer views along Margery Street. The resultant appearance of the upper floor would not detract from the character and appearance of the proposal, and its height is appropriate due to its set in to protect privacy.
- 10.65 As such, it is considered that the proposal would not result in unacceptable overlooking to the neighbouring occupiers, subject to the conditions specified above and within Appendix 1.
- 10.66 Sense of Enclosure: The rear windows in Bagnigge House face north west and therefore mostly face away from the proposed development. However, the south windows closest to the site in this neighbouring building have outlook partially back towards the proposed rear elevation of the proposal on the Lloyd Baker Street side. The existing building at this point, as measure from the highest ground level on Lloyd Baker Street has a height of 4.3 metres, while the proposal would have a height of 12.4 metres. Although significantly increasing the height of built form at this point, the proposed building would be set on the same building line as the existing community centre, retaining a distance of over 13 metres to the nearest window at Bagnigge House and any views towards this elevation would be at an oblique angle, such that the proposal would not be overbearing or lead to an unacceptable sense of enclosure.
- 10.67 Notwithstanding this, 10 windows in the south facing elevation of Bagnigge House would face directly onto the five storey flank elevation of the proposed part of the building fronting Margery Street. At present these windows are located a minimum of 5.2 metres from the 13.9 metre high stair core serving Charles Simmons House. Although the proposal would be have a height of 16.9 metres with a recessed top floor at a height of 19.3 metres, the proposed building would be set a minimum of 7.1 metres from these windows, providing a greater distance before built form. Furthermore, with the exception of two windows serving non-habitable rooms, these windows are secondary openings to rooms with outlooks over Margery Street or into the central area of the Margery Estate. As such, these rooms would maintain an acceptable outlook from the primary windows.

- 10.68 The windows in Riceyman House have an east-west aspect that ensures that these windows would not face onto the proposed building and would retain their current outlook.
- 10.69 Noise and Disturbance: This area is predominantly residential and therefore the proposed residential use of the site would be in keeping with the local context.
- 10.70 The proposed community centre replaces an existing community centre and a condition is recommended requiring the submission of a Community Centre Management Plan to ensure that any potential disturbance is mitigated (Condition 11). Additionally the new community centre would be accessed from Margery Street rather than through the estate, reducing impacts from people coming and going.
- 10.71 The proposed flexible A1/A2/D1 unit would be small in size and would front onto Farringdon Road. Additionally a condition (29) is recommended which restricts the level of emissions from plant noise. As such, it would not lead to unacceptable disturbance to the surrounding residential occupiers.
- 10.72 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.73 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);
- And
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.
- 10.74 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room, it is commonly held that losses in excess of 50% NSL are not acceptable, even in densely located sites such as this.
- 10.75 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*
- In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*
- 10.76 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

## Sunlight and Daylight Losses for Affected Properties Analysis

10.77 A hotel and residential dwellings within the properties set out below and on the map have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:

- 162 Farringdon Road;
- 1-21 (inclusive) Bagnigge House;
- 1-38 (inclusive) Riceyman House;
- 47-50 (inclusive) Lloyd Baker Street;
- 86 Margery Street;
- 2 Kings Cross Road;
- Block H, Mount Pleasant development; and
- The Holiday Inn hotel.



10.78 It should be noted that the daylight/sunlight assessment has been carried out on the presumption that Block H, an eight storey largely residential block, forming part of the Mount Pleasant redevelopment scheme is built. Should this not be built then it would be likely that the existing and proposed windows/rooms facing onto Farringdon Road would have an uplift in levels of daylight/sunlight from those presented.

10.79 The property at No. 51 Lloyd Baker Street is in commercial use and has therefore not been assessed

10.80 162 Farringdon Road: The BRE assessment demonstrates that while there would be reductions in daylight, the reductions to relevant windows would be within BRE Guidelines. Two corner windows at the site would have no reduction in sunlight levels while all of the other relevant windows are not within 90 degrees of due south and therefore do not require testing for levels of sunlight.

10.81 1-21 Bagnigge House: The rear of this property includes two projecting deck access routes and a projecting stairwell. The windows in the rear elevation of Bagnigge House are not within 90 degrees of due south and therefore do not require testing for sunlight. However, ten side windows facing onto the site would be within 90 degrees of due south and have therefore been assessed for sunlight.



- 10.82 The BRE assessment details that all of the rooms in these properties would continue to have acceptable levels of daylight distribution (NSL), illustrating that the rooms are served by more than one window. However, 11 windows would have reductions in VSC in excess of 20% contrary to the BRE Guidelines. Of these 11 windows 3 would have reductions of between 20-30% which is considered to be a lesser/minor infringement in urban areas, in particular when the rooms they serve have more than one window and retain compliant daylight distribution. Although 4 further windows would have losses to VSC between 30% and 50%, these are secondary windows to the rooms they serve, with the other windows in these rooms continuing to receive sufficient levels of both daylight and sunlight, while one window showing an increase in sunlight levels.
- 10.83 A further 2 of the 11 windows with reductions in VSC (40% in this case) would be at second floor level, one rear facing and one flank window. However, the rooms these windows serve would have sufficient levels of NSL and the side window would continue to receive more than 25% annual sunlight and a high level of winter sunlight (11%).
- 10.84 At ground floor level three windows serving a kitchen would have VSC reductions of 30%, 40% and 50%. The 30% reduction has previously been addressed above and is considered a lesser/minor infringement. While the other VSC losses are considerable, this assessment models the extent of daylight received at the centre point of a window, it does not take into account window size, room layout or room size. Notwithstanding this, the daylight distribution within the room would be within BRE Guidelines, the unit has a triple aspect and is a maisonette with improvements in daylight/sunlight to the upper floors and windows set away from the development. Furthermore, fundamental changes to the massing of the building would be required to address the VSC levels. Considering the above, together with the location of the affected property at a pinch point surrounded by high built form this comprises an isolated impact and it is considered appropriate to balance this against the benefits of the scheme.
- 10.85 1-38 Riceyman House: The rear elevation of this property includes projecting deck accesses, balcony areas and a stairwell projection to the north. The flats in this building have a dual aspect. The BRE Assessment demonstrates that while there would be some reductions in VSC to the ground floor unit, these would all be within the BRE Guidelines. There would be no loss in NSL to the rooms in these properties. However, with regard to sunlight, with the exception of 5 windows, the windows in the rear elevation of these properties would continue to receive sufficient levels of sunlight.
- 10.86 Of the five windows which fall below the BRE Guidelines for sunlight, four of these windows would only receive insufficient sunlight in the winter months. Three of these four windows would fall only marginally below the minimum winter levels, providing 4% winter sunlight rather than 5% as set out in the BRE Guidelines, but would continue to have adequate levels of annual sunlight hours.
- 10.87 The fourth of these windows falling below the BRE Guidelines for winter sunlight is formed of two large window panes serving a kitchen. Of these two window panes, one would be reduced by 25%, which is only marginally above the BRE Guideline figure of 20%. Notwithstanding this, these windows would continue to receive acceptable levels of annual sunlight and due to the existing low levels of winter sunlight owing to the surrounding built form, the reduction of winter sunlight to these windows would not be significant for an urban area.
- 10.88 At ground floor level a double casement window incorporating small fixed lower panes currently receives substandard levels of sunlight. The BRE assessment details that there would be no change in sunlight levels to the larger upper panes but that there would be reductions in both annual and winter sunlight to one of the fixed lower panes and solely winter reductions to the other lower pane. The annual loss of sunlight to this small pane would be 22.2%, which is only marginally above the BRE Guideline figure of 20%. However, due to the very low existing level of winter sunlight received by these windows the percentage changes (80% and 75%) are disproportionately high and would be unlikely to result in a perceptible loss of sunlight.

- 10.89 47-50 Lloyd Baker Street: With the exception of the front basement windows, all of the relevant windows/rooms in these properties would have adequate daylight and sunlight levels in accordance with the BRE Guidelines. The large basement bay window to each of the three terraces would have reductions in daylight distribution (NSL) to the rooms they serve of 50%, with two of these three windows having significant reductions in winter sunlight. However, these windows are set partially within lightwells where a lower level of daylight is expected and the reduction in sunlight relates to the north facing chamfered edge of two bay windows, with the other two panes of each window receiving adequate levels of sunlight. Notwithstanding this, the windows would continue to receive good levels of VSC.
- 10.90 86 Margery Street: With the exception of two ground floor windows, all of the windows would have adequate daylight and sunlight levels in accordance with the BRE Guidelines. Two ground floor windows at this property have reductions of 40% and 50% in VSC and the room would have a reduction in NSL of 30%. However, these windows are set back from the frontage, resulting in an overhang and in accordance with the BRE Guidelines, these windows have been re-tested with the overhang element omitted (i.e. set flush). The re-tested figures show a 10% reduction in VSC to both windows and a 20% reduction in NSL, both of which would be in accordance with the BRE Guidelines. Therefore the presence of the overhang rather than the impacts of the proposed development is the main factor in the relative loss of light.
- 10.91 2 Kings Cross Road: The BRE assessment demonstrates that while there would be reductions in daylight these would be within the BRE Guidelines. Furthermore, with the exception of a second floor window, the reductions in sunlight would be within the BRE Guidelines. The second floor window would fall marginally below expected winter sunlight levels, but would retain a good level of annual sunlight.
- 10.92 Block H, Mount Pleasant development: With the exception of five windows, although there would be reductions in daylight, these would be within the BRE Guidelines. Five windows would have reductions in VSC in excess of 20%. Although one window would have a reduction in VSC of 60% and two windows would have reductions in VSC of 40%, the reduction to the other two windows would be between 20-30% which is generally considered to be a lesser/minor infringement in urban areas. Notwithstanding this, each of the rooms served by these windows would retain acceptable levels of NSL and would have further large windows that continue to retain sufficient levels of VSC. Therefore, considered together, the resulting light to these units would be acceptable.
- 10.93 With regard to sunlight, the relevant windows in Block H are not within 90 degrees of due south and therefore do not require testing for sunlight.
- 10.94 The 'Holiday Inn' hotel: There would be some minor reductions in daylight at the hotel opposite the site but these would be within the BRE Guidelines, while the relevant windows do not face within 90 degrees of due south and therefore do not require testing for sunlight:
- 10.95 Taking into account the points set out above it is considered that the impact upon these properties can be accepted.
- 10.96 Overshadowing: The BRE guidelines state that to appear adequately sunlit throughout the year at least half of an amenity space should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The submitted Daylight/Sunlight and Overshadowing Report details that the communal amenity space would continue to receive sufficient sunlight in accordance with the BRE Guidelines.
- 10.97 At present none of the gardens serving the properties at Bagnigge House receive over 2 hours of sunlight to 50% of the garden on 21<sup>st</sup> March, with four of the six gardens receiving no direct sunlight. While two gardens receive some sunlight, the area receiving 2 hours or more of sunlight on the 21<sup>st</sup> March are minimal at 2.9% and 5.2% respectively and therefore their resulting loss would be negligible. However, a garden at Riceyman House would have a

significant reduction in the area receiving 2 hours of sunlight on the 21<sup>st</sup> March from 70.1% to 17.2%.

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

- 10.98 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.99 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes as expressed within this policy.
- 10.100 Aspect and outlook: Policy DM3.4 part D sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. With the exception of six units, all of the proposed flats would have a dual aspect and in some cases a triple aspect.
- 10.101 Of these six units, three single aspect units on the west and two single aspect units on the east of the development above ground floor level would have large floor to ceiling height windows with western or south eastern outlooks respectively. While all of the flats would have an efficient layout that locates more readily used space closer to the windows with the framed balconies providing a sheltered and useable amenity area with a more expansive outlook, which also acts as a buffer to the busy surrounding roads. These features are considered to provide sufficient mitigation in this instance, having regard to the unusual site shape.
- 10.102 The proposed one bed unit at ground floor level would be west facing and would be single aspect. However, it would have a large floor area with an efficient layout and the floor to ceiling height windows would provide an outlook onto a private garden set within a lightwell. Single aspect units that do not face north are less of a concern and the design provides sufficient mitigation in this instance.
- 10.103 With regard to outlook, the proposed oriel windows at upper floor level to the rear would direct views away from neighbouring properties whilst the raked obscured panel would allow some light through. The outlook from these windows, whilst restricted, would be acceptable. As such, all of the rooms within the proposal would have an acceptable outlook.
- 10.104 Daylight: Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of Vertical Sky Component (VSC) and Average Daylight Factor (ADF), as well as sunlight (APSH).
- 10.105 There are 75 windows within the proposal that would fall below the BRE Guidelines for VSC. Of these windows 11 serve rooms that have other windows that would have good levels of VSC. A further 23 of these windows are set within or immediately next to framed balconies, 20 are oriel windows, 5 are set within lightwells and 9 are located within the deepest recess of the rear 'V' profile of the building, all of which reduce the VSC levels at each window. The remaining 7 windows below the BRE Guidelines for VSC are located at first and second floor level on the south and south east facing elevations where the high buildings to the south of the site restrict access to light.
- 10.106 The framed balconies are integral to the design and would provide good sized amenity space and act as a barrier between the windows and the busy surrounding road network. The rear oriel windows face into an open area bound by high buildings that reduce light to the existing building at the site and this design has been employed to addresses overlooking to neighbouring properties. Furthermore, the larger raked panel serving the oriel windows would allow light into the rooms. The proposed lightwells provide defensible space to the ground floor

units, which are set into the rising ground levels and achieve dual aspect to one flat. It should also be noted that of the 75 windows below the BRE Guidelines for VSC, 30 windows would have VSC levels of 20%, which is often considered to be acceptable within a dense urban context such as this.

- 10.107 Notwithstanding this, although VSC models the extent of daylight received at the centre point of a window, it does not take into account window size, room layout or room size. Daylight distribution (the ADF assessment) considers these elements to provide a more representative model of actual daylight received within a defined space.
- 10.108 With the exception of five rooms, all of the rooms within the development would have sufficient daylight distribution. Of the five rooms with insufficient daylight distribution, one is a bedroom where the BRE Guidelines state that daylight distribution is of less importance. All of the other four rooms comprise living/kitchen/dining rooms, one at ground floor level and three rooms across the first, second and third floors.
- 10.109 The affected ground floor room is set within a lightwell due to the rising ground levels along Lloyd Baker Street, which together with the deep room layout limits the extent of daylight capable of being received. However, this room is laid out to locate the kitchen set furthest from the window, while the living and dining area are closer to the window openings. Furthermore, this unit also has a floor area over 10% larger than minimal requirements, which worsens Daylight Distribution at its rear but mitigates in terms of spaciousness of the living arrangements.
- 10.110 The three other affected rooms are located above one another on the south eastern elevation of the property. These rooms have deep layouts with a corridor at the furthest point from the window, which together with the previously discussed framed balconies exacerbates the results of the ADF assessment. Notwithstanding this, each of these three rooms has been laid out to locate those parts requiring less natural light, such as the corridor set furthest from the window, while the living and dining area are closer to the window openings. Furthermore, these rooms would have a dual outlook and direct access onto private amenity space.
- 10.111 Taking into account the points set out above it is considered that the proposed residential units would provide acceptable levels of amenity for future occupiers.
- 10.112 Amenity Space: Policy DM3.5 of the Development Management Policies identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above).
- 10.113 With the exception of the fifth floor family unit each of the proposed units would have adequate amenity space in accordance with policy DM3.5. Although the top floor family unit would have 26 square metres of amenity space, this would be split across two roof terraces with an open aspect and good levels of natural light and any increase in the quantum of amenity space would reduce the extent of biodiverse green roof. Furthermore, there would be an increase in play space immediately to the rear of the site.
- 10.114 Overlooking/Privacy: The ground floor windows serving the residential units would be set back from the highway within lightwells providing front garden areas, ensuring that these units would have adequate defensible space and privacy. There would be no mutual overlooking between the proposed units and subject to condition (4) all units would have adequate levels of privacy.

- 10.115 Noise and vibration: The site is located in an area of relatively high noise exposure, predominantly from Farringdon Road and noise and vibration from the Thameslink and London Underground lines running below the site. As such, conditions are recommended requiring sufficient noise insulation to the residential units to meet British Standards (condition 25) and a scheme of anti-vibration to be submitted (condition 27). While it is noted that some of the proposed amenity spaces would front onto highways, these have been located to front onto Margery Street and Lloyd Baker Street to minimise any impact.
- 10.116 A further condition (26) is recommended relating to plant noise and to ensure there is sufficient sound insulation between the residential units and the proposed community centre, flexible A1/A3/D1 unit and energy centre.
- 10.117 Air Quality: The development is exposed to poor air quality and the submitted air quality assessment report advises that mitigation (mechanical ventilation either drawing the cleaner air from height or using an air scrubbing system) should be employed for the ground to 3rd floor units only. Notwithstanding this, the predicted exposure is close to the limit for the upper floors and due to prediction uncertainty a condition (28) is recommended requiring mitigation to be fitted for all floors.
- 10.118 Refuse: The proposal includes the demolition of an existing bin store to the rear of the site which serves both Charles Simmons House and other properties on the Margery Estate.
- 10.119 The proposed building would have a shared refuse and recycling store for the proposed residential occupiers, which would be conveniently located close to all of the residential entrances onto Lloyd Baker Street. The flexible use unit and community centre would have independent refuse stores. Refuse collection arrangements would remain the same as existing.
- 10.120 Although the Margery Street Estate has a large refuse and recycling store located to the north of the site within a parking area, the proposal would reduce the amount of available refuse and recycling storage for existing residents. However, the submitted Planning Statement details that the applicant intends to re-provide this as part of wider estate improvements. As such, a condition (17) is recommended requiring details of a replacement refuse and recycling store to be submitted prior to the demolition of the existing refuse and recycling store.
- 10.121 Play Space: The proposal would result in a child yield of approximately 9, which requires 45 square metres of play space to be provided based on Islington's requirement of 5 square metres per child (including semi-private outdoor space, private outdoor space and gardens suitable for play).
- 10.122 All of the units would have private amenity space, the estate includes an open space for play to the rear of the site and the plans detail the re-provision of a play space to the rear of Charles Simmons House. Although full details of the play space and associated equipment have not been submitted, the quantum of useable space would be increased from approximately 50 square metres to 73.3 square metres. A condition is recommended (condition 5) requiring details of play equipment to be submitted. The proposed private amenity space and enlarged play space would provide sufficient space for the child yield of the proposal and represent an improvement to the semi-private amenity space and play provision for the wider estate residents.

## Dwelling Mix

10.123 The scheme proposes a total of 25 residential units with an overall mix comprised of:

Dwelling Type	Social Rent (No. units / %)	Policy DM3.1 Target Mix	Private (No. units / %)	Policy DM3.1 Target Mix
One Bedroom	3 / 21.4%	0%	4 / 36.4%	10%
Two Bedroom	9 / 64.3%	20%	7 / 63.6%	75%
Three Bedroom	2 / 14.3%	30%	0 / 0 %	15%
Four Bedroom or more	0 / 0%	50%	0 / 0%	0%
<b>TOTAL</b>	<b>14</b>	<b>100%</b>	<b>11</b>	<b>100%</b>

10.124 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.

10.125 The social rent dwelling mix, when compared to the target social rent dwelling mix departs in as much as an over provision of 1 and 2 bedroom units and an under provision of large family units. The private dwelling mix has an over provision of 1 bedroom units, an under provision of 2 bedroom units and no family units.

10.126 Although, the proposal includes the provision of only two family units, regard has to be given to the constraints of the site and characteristics of the development and its location. There is insufficient space at ground floor level to provide private family gardens due to the unusual shape of the site, while at first to third floor level the provision of adequately sized balconies for family units would severely impact upon the design and would restrict the amount of units provided and would be difficult to prevent overlooking of neighbouring properties. The family units are located at fourth and fifth floor level where there is sufficient space for the provision of private amenity space to meet policy requirements, whilst protecting the privacy of the adjoining properties. As such, the characteristics of the development and site constraints restrict the provision of family units.

10.127 The supporting text of Development Management policy DM3.1 relates to the objectives of Core Strategy Policy CS12, stating *'there may be proposals for affordable housing schemes that are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation). In these situations deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington'*.

10.128 Since the adoption of policy DM3.1, which was informed by Islington's *Local Housing Needs Assessment* (2008) changes to housing legislation (the Welfare Reform Act 2012) to address the under occupation of social housing have created a greater demand for smaller social housing units. This is reflected by the higher proportion of 1 and 2 bedroom units proposed

that will allow for mobility within the social housing sector to accommodate these national changes to the welfare system. The provision of smaller units will allow for mobility within the borough which would help to address under occupation.

- 10.129 For the reasons set out above it is considered that on balance the proposed dwelling mix is acceptable in this case.

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

- 10.130 The London Plan, under policy 3.11 identifies that boroughs within their LDF preparation should set an overall target for the amount of affordable housing provision needed over the plan period in their area and separate targets for social rented and intermediate housing and reflect the strategic priority accorded to the provision of affordable family housing. Point f) of this policy identifies that in setting affordable housing targets, the borough should take account of *“the viability of future development taking into account future resources as far as possible.”*
- 10.131 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that *“50% of additional housing to be built in the borough over the plan period should be affordable and that provision of affordable housing will be sought through sources such as 100% affordable housing scheme by Registered Social Landlords and building affordable housing on Council own land.”* With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the *“maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver **at least** 50% of units as affordable subject to a financial viability assessment the availability of public subsidy and individual circumstances on the site.”*
- 10.132 Policy CS12 confirms that an affordable housing tenure split of 70% social rent housing and 30% intermediate housing should be provided.
- 10.133 LB Islington Housing New Build Programme: The proposal forms part of a wider LB Islington Housing New Build programme to provide affordable housing to meet identified needs within the borough. The current programme includes investigation and progression of some 33 sites across the borough at various stages of progress (including on-site, pre-contract, pre-planning & feasibility/design) with the aim of delivering 500 new affordable social rented units within the borough by 2019. The programme factors in Right to Buy receipts, S106 funding, GLA grant and recycles returns from the sale of private sale units back into the programme. This then informs the amount of Housing Revenue Account (HRA) subsidy required to balance the financing of the programme. In the case of Major schemes (those proposing over 10 residential units) these often require significant HRA subsidy to address the shortfall between any revenues generated by the development through the sale of private tenure units (which are reinvested into the programme) and the costs of providing it. However, the wider programme currently enables Minor schemes (those proposing less than 10 residential units) to provide 100% affordable housing. All Major proposals forming part of the programme achieve an affordable housing level of over 50%, which together with the Minor schemes in the programme helps to deliver the Planning Policy target of 50% of additional housing within the borough being affordable, through Council New Build schemes.
- 10.134 The Affordable Housing Offer: The proposed development would provide a total of 25 residential units (both for private sale and affordable housing). Of the 25 units (73 habitable rooms, hr), 14 of these units (43 hr) would comprise affordable housing (social rent tenure). The scheme provides 56% affordable housing if measured by units and 59.7% affordable housing by habitable rooms.
- 10.135 Within affordable housing provision there is a policy requirement for 70% of provision to be social rent and 30% as intermediate/shared ownership. Although the proposal does not include any intermediate housing, a higher percentage provision of social rent tenure is not considered

to be of concern given the identified significant housing needs for this type of accommodation and the emphasis of the policy for the provision of social rented housing. Additionally there remain affordability concerns with respect of shared ownership tenures, particularly in the south of the borough. The Council will have 100% nomination rights in perpetuity on the proposed Social Rented units and these will be let through the local lettings policy.

- 10.136 The proposal fails to provide 100% affordable housing as sought by policy CS12 for developments on Council's own land. The proposed mix includes private housing to financially support the delivery of the affordable housing element.
- 10.137 The proposal would introduce only two additional social rented units when compared to the currently vacant, Charles Simmons House, which previously accommodated 12 social rented units. However, the previous social rented units at the site comprised of 7 studio units, 5 x 1 beds and 3 x 2 beds, comprising 19 habitable rooms. The proposal would significantly increase the number habitable rooms within the social rented units from 19 to 43 habitable rooms, whilst also providing units of a much higher quality and greater size than the existing units, and introducing family units
- 10.138 Viability Review: In accordance with policy requirements, a financial viability assessment has been submitted with the application to justify the proportion of affordable housing offered. In order to properly and thoroughly assess the financial viability assessment, the documents were passed to an independent assessor (BPS) to scrutinise and review.
- 10.139 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy to address the shortfall between the revenues generated by the development and the costs of providing it. The key constraints to the viability of the proposal in this case include the buyback of leaseholder properties and construction costs associated with the foundation design and loading above two railway tunnels. Furthermore, as set out in the pre-application section above an earlier design was not considered to be acceptable and the re-design of the proposal incurred considerable consultant costs. BPS has considered the information submitted and has advised that the scheme would be unviable without such a subsidy. The BPS Report is attached at Appendix 4.
- 10.140 In conclusion it is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing is unviable. However the applicant, LBI Housing is not a commercial developer and in line with Council corporate objectives, is primarily seeking to deliver affordable housing and the re-provision of non-residential uses to meet identified needs such as the re-provision of an improved community centre, the costs of which are included in the applicant's Viability Assessment.
- 10.141 Though Core Strategy Policy CS12 seeks 100% affordable housing schemes from development on Council land, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that considerable public subsidy is required to support the lower provision. In this case, it is not considered that it would be reasonable to require (in planning terms) an additional amount of public subsidy/grant funding to be committed to this scheme to provide a 100% affordable scheme. This offer provides for an element of mix of tenures to be added into this existing estate.
- 10.142 The offer of 56% affordable housing by units (59.7% by habitable rooms) is considered to deliver a good mix of tenures and as supported by a financial viability assessment is considered the maximum reasonable amount of affordable housing and thus is considered to accord with policy. This provision is secured with a Directors Level Agreement.



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

- 10.143 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.144 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).
- 10.145 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.146 Carbon Emissions: The applicant proposes a reduction in total CO2 emissions of 28%, compared to a 2013 Building Regulations baseline. This exceeds the minimum policy requirement and is therefore strongly supported. The development also considerably exceeds (at 54%) the London Plan policy requirement of 35% reduction on regulated emissions, which is again strongly supported. In order to mitigate against the remaining carbon dioxide emissions generated by the development a financial contribution of £46,543 will be secured in the Directors' Agreement. Condition 25 secures the Energy Strategy that is described in further detail below.
- 10.147 Efficiency: The proposal would include high performance building fabric, appropriate air tightness and 100% energy efficient lighting. This would result in highly efficient and well-insulated buildings.
- 10.148 Heating and CHP: Policy DM7.3 of the Development Management Policies document identifies that major development should connect to a Shared Heating Network linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible.
- 10.149 Currently there is no network within 500 metres of the site, however, should the Mount Pleasant scheme come forward then there would be an opportunity for a connection to this system. Notwithstanding this, due to uncertainty of delivery dates for the Mount Pleasant scheme it is considered acceptable to future proof the development to connect to this scheme.
- 10.150 As such, in accordance with the hierarchy set out in policy 5.6 of the London Plan and Islington's Environmental Design SPD, the application proposes a site wide CHP, which would be future proofed to allow a connection to a network should this be forthcoming. This is secured in the Directors' Agreement.

- 10.151 Renewables: The proposal includes the provision of a solar photovoltaic panel array on the roof of the development with a total capacity of 12kWp. This is supported as it maximises the potential of a green sustainable form of energy.
- 10.152 Overheating and Cooling: The energy strategy and overheating analysis do not propose artificial cooling for the residential units, which is supported. However, the proposed commercial unit and community centre would require ventilation and cooling, details of which have not been submitted. A condition is recommended requiring details of the cooling for these units to be submitted. Subject to this condition (19) the overheating modelling and cooling hierarchy is acceptable.
- 10.153 Sustainability: The proposed dwellings are detailed to be equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy. The community centre would have a BREEAM rating of 'Excellent', which is in accordance with policy (Policy 18). The flexible A1/A3/D1 unit falls below thresholds for a BREEAM assessment and has therefore not been assessed.
- 10.154 Green Performance Plan: This is secured by the Directors' Agreement.
- 10.155 Sustainable Urban Drainage: There is a loss of permeable soft landscaping to the front of the site which would need to be offset through the provision of soft landscaping elsewhere on the site at ground level. The proposed play space to the rear of the site offers an opportunity for this together with tree pits and the other landscape proposals. Although the volume of attenuation proposed is acceptable a complete SUDS strategy, inclusive of a drainage hierarchy and maintenance plan has not been submitted. As such, a condition (22) is recommended requiring the submission of a SUDS strategy and maintenance plans.
- 10.156 Green Roofs and Water Usage: The proposal includes green roofs, condition 24 requires details of grey water/rainwater harvesting systems to be submitted to and approved in writing by the Local planning Authority and condition 20 ensures that the water usage at the site is acceptable.
- 10.157 Bio-diversity: Condition 30 requires the submission of bird and/or bat box details and condition 21 secures the provision of biodiverse green roofs
- 10.158 The energy and sustainability measures proposed are, on balance, considered to be acceptable.

### **Highways and Transportation**

- 10.159 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'Excellent'. The site is located in close vicinity to Farringdon Train Station and a number of bus routes.
- 10.160 Public Transport Implications: The development would give rise to additional demands on transport infrastructure in terms of the introduction of residential occupiers and their visitors relative to the existing situation. However, due to the high PTAL level of the site, the proposal would not detrimentally impact upon the surrounding transport infrastructure. A Travel Plan is secured in the Directors' Agreement.
- 10.161 The application site is located directly over a TfL Underground railway tunnel and partially over a Network Rail Thameslink railway tunnel. Condition 7 requires details of the demolition and construction to be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London to ensure that the proposed development would not adversely impact upon the public transport infrastructure. Furthermore, condition 6 ensures that disruption to the highway would be minimised during construction.

- 10.162 Vehicle Parking: The site currently accommodates 5 garaged car parking spaces and the applicant has detailed that only two of these spaces are in use. The proposal includes the demolition of these garages and does not include the provision of any car parking in accordance with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies.
- 10.163 With regard to accessible parking there is insufficient space within the site or surrounding highway for the provision of accessible parking bays for the two proposed wheelchair accessible units. However, the Directors' Agreement requires the applicant to provide a contribution towards the provision of two accessible parking bays within the locality where this may be possible or to provide a contribution towards other accessible transport initiatives. Notwithstanding this, the site is highly accessible by a variety of sustainable transport modes and there is a safe drop off point opposite the two wheelchair accessible units on Lloyd Baker Street.
- 10.164 Residential occupiers of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure, this is secured in the Directors' Agreement. The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are currently living in residential properties within Islington prior to moving into the development and they have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. These residents are able to transfer their existing permits to their new homes. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.
- 10.165 Delivery and Servicing Arrangements: Policy DM8.6 of the Development Management Policies (2013) requires commercial developments in excess of 200 square metres to provide on-site servicing.
- 10.166 Although the proposed commercial unit and community centre would have a combined floor area below 200 square metres, the proposed community centre and energy centre would be serviced from the amenity space to the rear of the community centre, using the existing vehicular crossover onto Margery Street in accordance with this policy. While servicing and delivery vehicles would cross an important cycle route, this is an existing vehicular crossover serving five garages. It is considered that the community centre and energy centre would have limited servicing requirements and would represent a decrease in the potential use of this entrance by vehicles.
- 10.167 Transport for London have stated that should a dedicated servicing bay not be provided on Lloyd Baker Street they would raise an objection to the proposal. These comments seek to ensure that no servicing would be carried out to the front of the site for the proposed commercial unit. However, to the front of the site Farringdon Road is a TfL red route where servicing is prohibited at any time and controlled by strict parking enforcement outside of planning control. As such, it is considered that there are sufficient measures in place to ensure that Farringdon Road would not be used for servicing.
- 10.168 Notwithstanding this, the servicing entrance to the proposed commercial unit and both of the proposed residential entrances would be onto Lloyd Baker Street. Although outside of controlled parking times there is no restriction on loading and unloading to Lloyd Baker Street, due to the number of residential units and the commercial unit there is likely to be some pressure on the highway network and parking due to servicing requirements. As such, a condition (32) is recommended requiring further details to be submitted to and approved in writing by the Local Planning Authority.
- 10.169 Cycle Parking: The proposal would provide a total of 49 cycle parking spaces, in accordance with the requirements of Appendix 6 of the Development Management Policies 2013. The

residential cycle parking spaces would be located within the secure entrances to the residential units and would consist of stacking spaces due to space restrictions but would include accessible spaces.

- 10.170 Four cycle parking spaces have also been provided to the front of the community centre. The small size of the proposed flexible unit results in it not requiring the provision of cycle parking, TfL cycle hire is however available on Margery Street and the site is highly accessible by public transport.
- 10.171 **Construction:** The Directors' Agreement ensures the repair and re-instatement of the footways and highways adjoining the development and that the development would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee. Conditions 6 and 7 secure details of the construction methods to minimise disruption to surrounding streets and residential amenity.

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

#### **Community Infrastructure Levy:**

- 10.172 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

#### **S106:**

- 10.173 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval. The agreed heads of terms are set out in Appendix 1 to this report. All of those listed obligations are considered to meet the three tests set out above, including the updated requirements restricting the pool of more than five contributions towards a single project.

### **National Planning Policy Framework**

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

#### **Other Matters**

- 10.175 A representation received raises concern regarding the upkeep of the ground floor gardens in the wheelchair accessible units. The garden would be a private garden and would therefore be the responsibility of the occupier.
- 10.176 A representation has been received raising concern over the free flow of air. The proposal would maintain a gap between the site and Bagnigge House where there is a current gap and while enclosing part of the Margery Street due to its modest height, it is unlikely that the

proposal would result in a material impact upon the wind flow in the locality or detrimentally impact upon the neighbouring occupiers.

10.177 A representation has been received regarding the loss of views. Although the loss of a view is not a material planning consideration, all of the surrounding properties would retain acceptable outlook and the proposal would not be overbearing in views from these properties.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.8 of this report.

### **Conclusion**

11.2 It is recommended that planning permission be granted subject to conditions and Director Level Agreement securing the heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management:

- On-site provision of affordable housing in line with submission documents including a provision of 56% affordable housing (Social Rent) measured by habitable rooms or of 59.7% affordable housing measured by units.
- 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.
- Removal of eligibility for residents' on-street parking permits.
- Compliance with the Code of Employment and Training
- Prior to the demolition of the existing community centre, a community centre user group relocation strategy shall be submitted with the temporary facilities to be ready and available as soon as reasonably practicable;
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2500 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
- The provision of 2 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £4000.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920); Total amount to be confirmed by the Council's Energy Conservation Officer (£46,543).
- Connection to a local energy network (Bunhill Energy Network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period

- Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Prevention of wasted housing supply. To require all dwellings to be fully furnished and equipped for use as a home; dwellings not to be left unoccupied for any continuous period of 3 consecutive months or more (plus additional – as per the wording in the Wasted Housing Supply SPD). The applicant agrees to include obligations in sales and marketing information and also agrees to have the s106 requirements written in to any head lease or sublease should they be granted.
- Council’s legal fees in preparing the Directors’ Agreement and officer’s fees for the preparation, monitoring and implementation of the Directors Agreement.

**RECOMMENDATION B**

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

**List of Conditions:**

<b>1</b>	<b>Commencement (Compliance)</b>
	<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>	<b>Approved plans list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement (ref: LNBI/CSH/01), Design and Access Statement, Heritage Statement, Arboricultural Impact Assessment (ref: 02342R), Drainage Planning Statement (Ellis and Moore), Air Quality Assessment (ref: J0039/1/F1, Noise Assessment (dated 16<sup>th</sup> July 2015), Transport Statement (dated July 2015), Energy Strategy (ref: G6/K150022), Utilities Statement (ref: G6/K150022), Draft Green performance Plan (ref: G6/K150022), Daylight Sunlight Report (dated 19<sup>th</sup> May 2015), Updated Daylight Sunlight Report (Dated 18<sup>th</sup> August 2015), 472 PA 001, 472 PA 002 Rev A, 472 PA 003, 472 PA 004, 472 PA 005, 472 PA 006, 472 PA 007, 472 PA 010, 472 PA 011, 472 PA 012, 472 PA 013, 472 PA 014 Rev A, 472 PA 015, 472 PA 016 Rev A, 472 PA 017 Rev A, 472 PA 018, 472 PA 020 Rev A, 472 PA 021 Rev A, 472 PA 022 Rev A, 472 PA 023, 472 PA 024 Rev A, 472 PA 025 Rev A, 472 PA 026 Rev A, 472 PA 027 Rev A, 472 PA 028 Rev A, 472 PA 029 472 PA 030 and 472 PA 032.</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>	<b>Materials and Samples (Details)</b>
	<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 of the relevant phase commencing on site. The details and samples shall include:</p> <p>a) Sample panels of the facing brickwork, as detailed above, showing the colour, texture, pointing and interface between brick types and balustrades at roof level shall be provided</p>

	<p>on site;  b) window reveals, soldier courses and balconies;  c) Window Treatment, inclusive of obscure oriel window panels;  c) Roof capping;  d) Doors;  e) Balustrades;  f) Roofing materials;  g) Canopies;  h) Green procurement plan; and  i) Any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	<p><b>Obscure Glazing and Balcony Screens (Compliance)</b></p>
	<p>CONDITION: Notwithstanding the plans hereby approved, the north west facing windows facing onto the flank elevation of Bagnigge at first to fourth floor level shall only be obscurely glazed and non-opening and retained as such permanently thereafter.</p> <p>And notwithstanding the approved plans, a 1.7 metre high obscure glazed privacy screen shall be erected on the north eastern edge of each of the balconies at first to fourth floor level on Margery Street elevation and a 1.5 metre high obscure glazed privacy screen set to the rear of the brick parapet shall be erected to the north east edge of the fifth floor roof terrace.</p> <p>The privacy screens and obscure glazing shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking within the development itself and to protect the future amenity and privacy of residents.</p>
5	<p><b>Landscaping/Tree Planting/Play Space (Details)</b></p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size at planting and tree pit details;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls, hedges and the feature metal gate to the community centre;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces;</li> <li>g) all playspace equipment and structures; and</li> <li>h) any other landscaping feature(s) forming part of the scheme.</li> </ul> <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</p>



	<p>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>REASON: In the interests of residential amenity and ecological and biodiversity value.</p>
<b>6</b>	<p><b>Demolition and Construction Management Plan and Demolition and Construction Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management Plan (DCMP) and a Demolition and Construction Logistics Plan (DCLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved DCMP and DCLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
<b>7</b>	<p><b>Design and Method Statements (Compliance)</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved, a detailed design and construction method statement for all the 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 Transport for London) which shall:</p> <ul style="list-style-type: none"> <li>a) provide details on all structures</li> <li>b) accommodate the location of the existing London Underground structures and tunnels;</li> <li>c) accommodate ground movement arising from the construction thereof; and</li> <li>d) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels</li> </ul> <p>The development shall be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>REASON: To ensure that the development does not impact on existing London Underground transport infrastructure.</p>
<b>8</b>	<p><b>Site Waste Management Plan (Details)</b></p> <p>CONDITION: Full particulars and details of a Site Waste Management Plan (SWMP) which ensures waste produced from any demolition and construction works is minimised shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.</p> <p>The SWMP shall identify the volume and type of material to be demolished and or excavated and include an assessment of the feasibility of reuse of any demolition material in the development. The SWMP shall also consider the feasibility of waste and materials transfer to and from the site by water or rail transport wherever that is practicable.</p>

	<p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
<b>9</b>	<p><b>Impact Piling (Details)</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>10</b>	<p><b>Hours of Operation (Compliance)</b></p> <p>CONDITION: The flexible A1/A3/D1 unit hereby approved shall not operate except between the hours of 08:00 and 23:00 Monday to Saturday and 10:00 and 20:00 hours on Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity.</p>
<b>11</b>	<p><b>Community Centre Management Plan (Details)</b></p> <p>CONDITION: Prior to the occupation of the Community Centre hereby approved a Community Centre Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- Hours of operation</li> <li>- Type of use</li> <li>- Number of staff and site users</li> </ul> <p>The community centre shall only operate in accordance with the details of the approved document unless otherwise agreed in writing.</p> <p>REASON: To ensure the sustainable management of the Community Centre, in order to suitably mitigate/minimise any possible disturbance to existing and future residential occupiers of the estate.</p>
<b>12</b>	<p><b>Accessible Housing (Compliance)</b></p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 23 of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 2 units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 x 1-bed and 1 x 2-bed units shall be provided to Category 3 standards. Both of the Category 3 units shall be fully fitted out and ready for a wheelchair user at handover.</p> <p>A total of 6 x 1-bed, 15 x 2-bed and 2 x 3-bed units shall be provided to Category 2 standards.</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to any superstructure works beginning on site.</p>

	<p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with London Plan (FALP) 2015 policy 3.8 (Housing Choice).</p>
<b>13</b>	<b>Accessible Units (Compliance)</b>
	<p>CONDITION: The flexible A1/A3/D1 unit hereby approved shall be constructed to the standards set out in the Inclusive Design in Islington SPD (2014).</p> <p>REASON: To ensure the retail units are accessible and inclusive.</p>
<b>14</b>	<b>Platform Lift (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to the first occupation of the community centre, details of a platform lift between the community centre courtyard and the play space to the north of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved platform lift shall be installed and operational prior to the first occupation of the community centre hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the community centre and play space are accessible and inclusive.</p>
<b>15</b>	<b>Gates (Compliance)</b>
	<p>CONDITION: The pedestrian entrance onto Margery Street hereby approved shall be fixed open and shall not be closed at any time.</p> <p>REASON: To ensure that the site is accessible and inclusive at all times.</p>
<b>16</b>	<b>Cycle and Refuse Stores (Compliance)</b>
	<p>CONDITION: The cycle stores and refuse stores detailed on the plans hereby approved shall be provided prior to the first occupation of the relevant part of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>17</b>	<b>Refuse Store (Details)</b>
	<p>CONDITION: Prior to the demolition of the refuse store to the north of the site, details of a replacement refuse store shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse store shall be provided prior to the demolition of the existing store and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the estate and to ensure that responsible waste management practices are adhered to</p>
<b>18</b>	<b>Sustainability (Compliance)</b>
	<p>CONDITION: The residential units hereby approved shall achieve the credits detailed in the 'Code for Sustainable Homes Pre-Assessment Report' (Ref: G6/K150022) and the Community Centre hereby approved shall achieve a BREEAM New Construction rating (2014) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

<b>19</b>	<b>Ventilation and Cooling (Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works details of the proposed ventilation and cooling to the ground floor flexible A1/A3/D1 unit and the community centre shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and operational prior to the occupation of the relevant unit and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>20</b>	<b>Water Usage (Compliance)</b>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>21</b>	<b>Green Roofs (Details)</b>
	<p>CONDITION: Prior to any superstructure work commencing on the development a plan detailing the extent of biodiversity (green/brown) roofs across the development shall be submitted to and approved in writing by the Local Planning Authority. The green/brown roof shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80 -150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roofs should be maximised across the site and 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 as approved, shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
<b>22</b>	<b>Sustainable Urban Drainage System (Compliance)</b>
	<p>CONDITION: No development shall take place unless and until a detailed Sustainable Urban Drainage System (SUDS) scheme inclusive of detailed implementation and a maintenance and management plan of the SUDS scheme has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:</p> <ul style="list-style-type: none"> <li>I. a timetable for its implementation, and</li> <li>II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</li> </ul> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p>

	<p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>23</b>	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy (ref G6/K150022) which shall together provide for no less than a 28% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2030 as detailed within the Sustainable Design and Construction Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 28% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>24</b>	<p><b>Rain water/Grey water harvesting (Details)</b></p> <p>CONDITION: Details of the rainwater and grey water recycling system or where this is not possible a feasibility assessment shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>Where approved the rain water / grey water recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>25</b>	<p><b>Noise Control (Compliance)</b></p> <p>CONDITION: The residential units hereby approved shall employ sound insulation and noise control measures to achieve the following internal noise targets:</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</li> <li>- Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local</p>

	<p>Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>26</b>	<b>Sound Insulation (Details)</b>
	<p>CONDITIONS: Full particulars and details of a scheme for sound insulation between the proposed ground floor community centre and energy centre and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>27</b>	<b>Anti-vibration Treatment (Details)</b>
	<p>CONDITION: A scheme for anti-vibration treatment of the foundations and services shall be submitted to the Council for written approval prior to the commencement of the development, and implemented to the satisfaction of the Council to achieve the following internal noise targets:</p> <p>Internal vibration levels shall not exceed the category of "low probability of adverse comment" in Table 7 of Appendix A of BS 6472:2008."</p> <p>"Groundborne noise shall not exceed 40dB LAmax, Slow as measured in the centre of any residential room</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>28</b>	<b>Air Quality (Details)</b>
	<p>CONDITION: Prior to the commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> <li>- the area within the boundary of the site which may exceed relevant national air quality objectives;</li> <li>- specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;</li> <li>- identify areas of potential exposure; and</li> <li>- detail how the development will reduce its impact on local air pollution.</li> </ul> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>29</b>	<b>Plant Noise (Compliance)</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 5dB(A) below the background noise level LAF90 Tbg. The</p>

	<p>measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>30</b>	<b>Nesting Boxes (Details)</b>
	<p>CONDITIONS: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>31</b>	<b>No Plumbing or Pipes (Compliance/Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
<b>32</b>	<b>Delivery and Servicing Plan (Details)</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the flexible A1/A3/D1 unit and the residential units including the location, times and frequency of delivery/service vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant units of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>33</b>	<b>Contract for Redevelopment (Details)</b>
	<p>CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent premature demolition in a Conservation Area, in order to protect the heritage asset including the character and appearance of the designated heritage asset (conservation area) and prevent a gap site from occurring.</p>

## List of Informatives:

<b>1</b>	<b>Planning Obligations Agreement</b>
	You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.
<b>2</b>	<b>Superstructure</b>
	<p><b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b></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><b>INFORMATIVE:</b> 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>
<b>4</b>	<b>Car-Free Development</b>
	<p><b>INFORMATIVE:</b> (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
<b>5</b>	<b>Water Infrastructure</b>
	<p>There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>6</b>	<b>Working in a Positive and Proactive Way</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative</p>



	<p>manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>7</b>	<b>Materials</b>
	<p>INFORMATIVE: In addition to compliance with condition 4, materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 - 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 2.18 Green infrastructure: the network of open and green spaces

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.7 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 3.13 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

### **4 London's Economy**

Policy 4.1 Developing London's Economy

Policy 4.7 Retail and Town Centre Development

Policy 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services

Policy 4.9 Small Shops

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

### **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 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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

### **Spatial Strategy**

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

### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 Employment Spaces  
Policy CS14 (Retail and Services)  
Policy CS15 (Open Space and Green Infrastructure)  
Policy CS16 (Play Space)  
Policy CS17 (Sports and Recreation Provision)

### **Infrastructure and Implementation**

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

## **C) Development Management Policies June 2013**

### **Design and Heritage**

**DM2.1** Design  
**DM2.2** Inclusive Design  
**DM2.3** Heritage  
**DM2.5** Landmarks

### **Housing**

**DM3.1** Mix of housing sizes  
**DM3.2** Existing housing  
**DM3.4** Housing standards  
**DM3.5** Private outdoor space  
**DM3.6** Play space  
**DM3.7** Noise and vibration (residential uses)

### **Shops, cultures and services**

**DM4.1** Maintaining and promoting small and independent shops  
**DM4.7** Dispersed shops  
**DM4.8** Shopfronts  
**DM4.12** Social and strategic infrastructure and cultural facilities

### **Health and open space**

**DM6.1** Healthy development  
**DM6.3** Protecting open space  
**DM6.5** Landscaping, trees and biodiversity  
**DM6.6** Flood Prevention

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements  
**DM7.2** Energy efficiency and carbon reduction in minor schemes  
**DM7.3** Decentralised energy networks  
**DM7.4** Sustainable design standards  
**DM7.5** Heating and cooling

### **Transport**

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

### **Infrastructure**

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

## **Designations**

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

- Bunhill and Clerkenwell Core Strategy Area
- Central Activities Zone
- Major Cycle Route (Margery Street, Lloyd Baker Street and Farringdon Road)
- Within 100m of Transport for London Road Network
- Mayors Protected Vista – Kenwood to King Gazebo to St

- Paul's Cathedral
- Within 50 metres of Roseberry Avenue Conservation Area

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

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

**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: DRP Comments

9<sup>th</sup> December 2014



Mr David Ronan  
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Our ref: **DRP/48**

Date: 12 January 2015

Dear David Ronan,

### ISLINGTON DESIGN REVIEW PANEL

**RE: Charles Simmons House, 3 Margery Street and Margery Street Estate Community Centre, London – application reference P2013/3110/MJR**

Thank you for coming to Islington's Design Review Panel meeting on 9 December 2014 for review of a proposed development scheme at the above address. The proposed scheme under consideration was for demolition of existing 4 storey residential building facing onto Farringdon Road and the single storey building housing a community centre facing onto Lloyd Baker Street. Redevelopment of the site through the erection of part 4, 5 and 6 storey building comprising of 27 residential units, a community centre and a commercial (A1/A3) unit. Landscaping works and other minor associated works proposed. (Officer's description)

### Review Process

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

### Panel's observations

As in the previous review in May 2014, the Panel supported the concept of provision of housing and community facilities on the site and considered the scheme to be a vast improvement to the previous one. They were of the opinion that fundamental concerns which had been previously raised in relation to the proposed design, in particular regarding the quality of the accommodation being delivered, the lack of contextuality, the varied language and materials, had been addressed or improved.

**Height, scale, massing and form** – Panel members thought the general composition and distribution of massing was positive. The Panel expressed their views that the articulation and

complexity of the form was commensurate with the building's position on the larger urban block. However, comments were made in relation to the resolution of the corner and panel members were of the opinion that that the subtle curve detracted from the overall concept and felt that a stronger resolution was required for the ends. However the composition of solid wall and windows on this end was in principle supported

**Materiality and elevational treatment** – Panel members welcomed the proposed use of brickwork but stressed the importance of conditions to ensure the quality of the brick was fully understood and would be delivered at implementation stage. They also strongly recommended that more detail/information was required on the interface detail at roof level between red, white brick and balustrade. It was suggested that an isometric view and/or model would assist in exploring and understanding this aspect of the scheme.

**Ground floor** – Some concerns were raised in relation to the flexibility of the community centre. Panel members felt that a rectangular plan would be more positive with a suggestion that the bike storage could be pushed to where the toilets were proposed which in turn would deliver a better commercial unit (squarer in plan). Panel members encouraged a rethink of the ground plan to provide a better resolution of both the community and commercial spaces appreciating that this could potentially mean the loss of a residential unit.

**Courtyard** – The Panel did not raise direct concerns but pointed out that a model of the courtyard would be useful as it is a very complex space with a series of complex relationships.

**Landscaping** – The Panel encouraged the design team to give further thought to the landscaping of the front area in particular the relationship with the commercial unit and the community centre to ensure the delivery of a meaningful amenity space. The current proposal did however use landscape as a buffer to protect the glazed community centre frontage which was a positive step.

### **Summary**

The Panel once more supported the aspirations of the scheme to provide housing and community uses on site with the added commercial unit at ground floor. Panel members were happy to see significant and meaningful improvements to the scheme since it was first reviewed in May 2014. The Panel was generally supportive of the scheme but identified some areas for further development and design evolution.

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

### **Confidentiality**

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

**Charles Simmons House, Margery Street,  
WC1X**



**Independent Viability Review**

Planning application Reference: P2015/3050/FUL  
5<sup>th</sup> November 2015

**1.0 INTRODUCTION**

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington to review a viability assessment of the proposed scheme at Charles Simmons House, WC1X.

1.2 The application site is approximately 0.09 ha and is located in the Clerkenwell Ward. The proposed scheme comprises:

*"Demolition of an existing four-storey residential building and a two-storey community building and 5 garages. Construction of a part-four / part-five / part-six storey mixed use building comprising of a new community centre (D1) of 123sqm, a retail unit (A1/A3/D1) of 42 sqm, and 25 residential units comprising of 7 x 1B2P flats, 7 x 2B3P flats, 9 x 2B4P flats, 2 x 3B5P flats."*

1.3 Of the 25 proposed residential units, 14 will be affordable and the remaining 11 units will be privately owned representing 56% affordable housing provision by unit (60% by hab room). Islington Borough Council's Core Strategy policy CS 12 sets a strategic target that "50% of additional housing to be built in the borough over the plan period should be affordable." This is a borough wide target across all sites and as such it is still relevant to test the level of provision to ensure that this is at the maximum level.

1.4 CS 12 also sets out the Council's tenure split requirement of 70% social housing and 30% intermediate housing. The applicant is providing 100% of the affordable units as Social Rent tenure which therefore exceeds the target for this unit type.

1.5 Our review of viability is based primarily on the following submissions:

- Valuation report prepared by JLL, dated July 2015
- Excel spreadsheet of the proposed scheme valuation prepared by the applicant
- Cost Plan prepared by Baily Garner, dated 4<sup>th</sup> June 2015
- Schedule of market values prepared by JLL, dated 24<sup>th</sup> July 2015
- Information regarding the applied viability benchmark, received 22<sup>nd</sup> October 2015

We have subsequently received the following additional documents from the applicant:

- Update note prepared by the applicant dated 4<sup>th</sup> November 2015
- Update Cost Plan prepared by Baily Garner dated 5<sup>th</sup> November 2015.



We have also had reference to relevant documents contained on the Council's planning portal.

- 1.6 Our review has sought to scrutinise the methodology together with the costs and value assumptions that have been applied in the applicant's development appraisal in order to evaluate whether the currently proposed level of affordable housing represents the maximum that can viably be delivered.

**2.0 CONCLUSIONS AND RECOMMENDATIONS**

- 2.1 Our findings confirm this scheme is in deficit and viability would only be further impacted through any increase in the level of affordable housing proposed.

Benchmark Value

- 2.2 The proposed benchmark land value for the purposes of viability testing is circa £3.83 million. This figure is based on a composite value of the 16 existing residential units currently on site together with five garages and community space.
- 2.3 We accept that the residential units appear to have been ascribed broadly realistic values although we have no information concerning the condition of the existing units.
- 2.4 The five garages have been valued at a level which is lower than our market evidence would suggest. We have allowed for a total value of [REDACTED] compared to the proposed [REDACTED] when undertaking our assessment.
- 2.5 We have received a further submission in respect of the valuation of the existing community space and we accept the assumptions adopted in its valuation appear reasonable.
- 2.6 Our estimate of the total existing use value is £3,782,844 which is not dissimilar to the value proposed by the applicant. It should be noted that it is generally regarded as reasonable for a landowner to share in any uplift in value generated by a planning consent. This usually takes the form of a premium over existing use value. Our analysis has not allowed for a premium which is usually applied in a range of 10%-30% of EUV and if applied would only serve to increase the apparent deficit further.

Private Unit Values

- 2.7 We have analysed the private unit values and have adjusted them in line with advertised and sales information for new and second hand units. In undertaking our own analysis we have also included anticipated ground rent revenue. We calculate that the total revenue from private residential units equates to approximately [REDACTED] million.

Social Rent Unit Values

- 2.8 We have undertaken our own assessment of the value of the social rent units which broadly accords with the value proposed. We are therefore satisfied that this figure is reasonable.

Commercial Space Value

- 2.9 The value ascribed within the financial appraisal is [REDACTED] which reflects JLL's estimated value. We have analysed the proposed valuation of the commercial unit

and are of the view that the rental value is reasonable, however the yield assumption has not been supported by comparable market evidence. We ascribe a value of circa [REDACTED] to this space based on our own research.

Community Space Value

- 2.10 JLL's report outlines potential income that can be generated from library halls/meeting rooms. We are of the view that community centres of this type often run at a loss or the income generated is only sufficient to cover costs. We have allowed for a value of [REDACTED] within our residual appraisal to reflect the valuation attached to the existing community space. We have not factored in a profit allowance on this element.

Development Costs

- 2.11 Our Cost Consultant initially concluded that the build costs had been overstated by approximately £1m. We have since received an updated cost plan which shows a cost saving and provides additional information regarding the fees attributed to the development over rail tunnels. We now accept that the proposed development costs are reasonable.
- 2.12 No finance cost allowance has been included within the financial appraisal. In running our own appraisal we have allowed for typical finance costs at current market rates.
- 2.13 No allowance has been made for a development 'profit' although in this case we are of the view that this figure relates to the internal costs incurred by the Council. We have included market standard profit allowances within our residual appraisal.

Summary

- 2.14 Following our adjustments of the financial viability appraisal based on market research and standard assumptions, we are of the view that the residual value of the scheme is circa [REDACTED]
- 2.15 When allowing for the EUV, we identify a scheme deficit of approximately -£3.14. Therefore, we conclude that the scheme cannot feasibly deliver additional affordable housing contributions.

**3.0 BENCHMARK LAND VALUE**

- 3.1 The proposed benchmark land value for the purposes of viability testing is £3,828,750 million as demonstrated within the table below.

Unit type	Total	Number of Units	£ per unit
Private flats	[REDACTED]	4	[REDACTED]
Social flats	[REDACTED]	12	[REDACTED]
Community Centre	[REDACTED]	1	[REDACTED]
Garages	[REDACTED]	5	[REDACTED]
<b>Total</b>	<b>£3,828,750</b>		

- 3.2 The submitted Design and Access statement confirms that 4 of the 16 existing residential units are private (1x studio, 2x one bed and 1x 2 bed flats). We have

not been given details regarding the condition or size of these units which creates difficulty in establishing a clear estimate of value. We are aware of the following second hand sales transactions which are likely to be relevant in valuing these units:

- A studio apartment at 102 Russel Court, WC1H 0LP sold in April 2015 for £310,000 (£1,314 sq.ft / £14,091 sq.m). The unit was sold in good condition and is set within a 1930's mansion block with the benefit of porter service. A slightly larger unit sold in April 2015 for £353,900 (£1,255 sq.ft / £13,508 sq.m).
- A studio apartment at 171 Sinclair House, WC1H 9QA sold in February 2015 for £390,000 (£1,342 sq.ft / £14,444 sq.m). The unit was sold in reasonable condition on the third floor of a residential block
- A one bed unit at 6 Amwell House, WC1X 9HG sold in June 2015 for £387,000 (£776 sq.ft / £8,413 sq.m). The unit was sold in satisfactory condition and is within a dated residential block
- A one bed unit at 11 Bruswick Mansions, WC1N 1PE sold in August 2015 for £485,000 (£1,095 sq.ft / £11,687 sq.m). This unit is in good condition and is situated on the third floor of a residential block
- A two bed unit at flat 6 Merlins Court, WC1X 0LG sold in December 2014 for £600,000 (£774 sq.ft / £8,333 sq.m). The unit was sold in good condition and has the benefit of a private balcony and a communal roof terrace
- A two bed unit at flat 26 Wells House, EC1R 4TR sold in August 2015 for £635,000 (£1,000 sq.ft / £10,763 sq.m). The unit was sold in good condition but is situated within a dated residential block.

3.3 Based on our market evidence, the four existing private units could be valued at a total of [REDACTED] however, without further information concerning their size and condition there is a degree of ambiguity in arriving at this conclusion. It is our preliminary finding that the proposed value of [REDACTED] for the private units is not unreasonable.

3.4 The social units have been valued at [REDACTED] each. The Design and Access statement notes that these units are made up of:

- 7 x studio/bedsits
- 3 x one bed flats
- 2 x two bed flats.

3.5 We note that the social units could potentially be valued on the assumption of private market values assuming they are currently vacant. It has not been ascertained whether the social and private units have been finished to a similar standard. We do not have information regarding existing social tenancies and any statutory compensation that may be payable in securing vacant possession which may or may not need to be included in the assessment of current value.

3.6 On the basis of our social valuation model, we have ascertained a total value for existing units at a value of [REDACTED]. This is slightly lower than the proposed value of [REDACTED].

3.7 We understand that five garages are situated below the community centre and are accessed from Margery Street. The applied value per garage is [REDACTED]. We have reviewed garages/parking spaces currently for sale or recently sold within close proximity of the subject site:

- The new Lexicon development provides a limited number of car parking spaces for £50,000 each
- We are aware that allocated spaces at the Bramah, Grovesnor Waterside development were costed within a range of £50,000 - £80,000 each
- Car parking spaces within the New Providence Wharf have been valued at £25,000. Parking is subterranean and valet service is available.

We have applied a figure of [REDACTED] to reflect the fact this is a second hand development. We therefore calculate a total value for the five garages of [REDACTED]

3.8 The existing community centre measures 1,141 sq.ft / 106 sq.m GIA and has been valued at [REDACTED]. We have been advised that this is based on a rental rate of [REDACTED] sq.ft and a yield of 9%.

3.9 We have acquired the following D1 market rental evidence:

- 333 High Street, Wood Green, London, N22 8JA was let for £12.90 sq.ft (£139 sq.m). In use as a nursery. Modern building in good condition. In less central location than the application site.
- 93 Camberwell Station Road, SE5 9JJ is a three storey building with adjacent car park located in Camberwell. The unit has planning permission for nursery, youth and community space. Total gross internal floor area equals approximately 8,356 sq.ft / 776 sq.m) and the annual rent is £100,000 (£12 sq.ft / £129 sq.m)

3.10 A rental rate of [REDACTED] sq.ft for D2 space is slightly lower than the market evidence would suggest. However, in light of the fact this is a second hand unit with no car park we accept the proposed rate. In addition, the proposed yield does not appear to be unreasonable.

3.11 Based on our assessment of the existing site we calculate a combined value of circa £3.8 million.

#### 4.0 PRIVATE RESIDENTIAL UNIT VALUES

4.1 The total value of the private market housing is £7.18m, which is based on 11 market sale units. JLL proposed the following range of values:

- 4x one bed units with a range of £557,500 - £650,000
- 7x two bed units with a range of £692,500 - £800,000.

4.2 The units comply with London Plan minimum space requirements, the Planning Statement includes measurements as follows: 1B2P 50 sq.m and 2B3P 61 sq.m.

4.3 We accept that the specification of the proposed units may not reach the same standard as all-private schemes in the surrounding area.

### One Bed

- 4.4 We have undertaken research into the local residential market in order to determine whether the values that have been applied in the appraisal are realistic. JLL draw on another development in Margery Street. One bed advertised prices for this scheme provided average values of £528,333 (£1,039 sq.ft / £11,184 sq.m). We are aware of a one bed unit in this scheme which sold within the last year for £520,760 (£1,076 sq.ft / £11,582 sq.m).
- 4.5 We note that 1 bed units in the Pakenham Street development are currently advertised for £495,000 (£1,398 sq.ft / £15,048 sq.m).
- 4.6 The Lincolns development in Camden recently completed and includes 16 private residential units. The site is located towards the southern end of Gray's Inn Road and Chancery Lane station is located 200m south of the site. We understand this scheme is car free. The units have been refurbished to a high standard. We have had access to asking price/reserved price information which averages at a rate of £1,703 sq.ft / £18,359 sq.m (see appendix 1).
- 4.7 The Pickstock Court development site is located on the western side of Gray's Inn Road, close to the junction with Guilford Street and is a converted warehouse building. Residents will have access to an underground car park and landscaped communal gardens. Advertised sales prices for one bed unit's average at a rate of £1,423 sq.ft / £15,415 sq.m.
- 4.8 We have had reference to sale prices of second hand units in very good condition and allowed for House Price Index (HPI) increases referenced from Land Registry information for Islington. This information averages at a rate of £1,124 sq.ft / £12,103 sq.m.

### Two Bed

- 4.9 We note that 2 bed units in the Pakenham Street development are currently advertised within a range of £725,000 - £795,000 (£1,272 sq.ft / £13,692 sq.m - £1,233 sq.ft / £13,272 sq.m).
- 4.10 We have reviewed reserved prices for units within the Lincoln development which average at a sales rate of £1,659 sq.ft / £17,851 sq.m.
- 4.11 The average asking rate for two bed units within the Pickstock Court development is £1,365 sq.ft / £14,634 sq.m.
- 4.12 We have also reviewed second hand sales information for units within close proximity of the subject site. This information averages at a sales rate of £1,127 sq.ft / £12,133 sq.m.
- 4.13 We have included an assumption that the private flats will generate further revenue from capitalised ground rental income. The Lexicon development notes ground rental values to be £450, £500 and £550 per annum for one, two and three bed flats respectively. We have applied an average value £500 per private unit and capitalised this at a yield of 6%. Purchaser's costs at 5.80% have been deducted. This generates additional revenue of £86,367.

## 5.0 SOCIAL RENT UNIT VALUES

5.1 The proposals include the provision for 14 social rent units which breaks down to 3x one bed units, 9x two bed units and 2x three bed units. The proposed total revenue from social units equals £2.83 million.

5.2 The social rent units will be let at target rents, set by the Council, as follows:

- One bed flat: £193.52
- Two bed flat: £237.41
- Three bed flat: £283.99.

All target rents are set below the LHA caps.

5.3 We have valued the proposed units on the basis of a 30 year cashflow period and our basic fee assumptions. Our valuation takes into account the reductions of -1% real terms for the next 4 years and then rental growth at 1% thereafter.

5.4 We value the units at £2.3 million. We have adopted the Council's figure within our residual appraisal as this serves to maximise viability.

## 6.0 COMMERCIAL VALUES

6.1 The proposed scheme includes a 'flexible A1/A3/D1 unit' measuring 409 sq.ft / 38 sq.m. The commercial space is organised on a single level with its main entrance at the junction of Farringdon Road and Lloyd Baker Street. We note that the commercial unit is likely, due its relatively small area, to be restricted in the uses it can accommodate and the quality of tenant it can attract. We consider it could be suited to operate as newsagents or small convenience store.

6.2 The value ascribed within the financial appraisal is £120,000 which reflects JLL's estimated value. JLL note that the estimated annual rental income for this unit could be £12,500 per annum.

6.3 JLL have analysed commercial rental value evidence within a 3 mile radius of the subject site. We note that the site is not considered 'prime' for retail space, however, may be viable due to the numbers of surrounding residential units and the anticipated increase in numbers from planned developments. We note that the larger units within JLL's evidence reflect rental values around the £25 sq.ft level.

6.4 We have had reference to currently advertised retail rental values and note the following:

- 2B Kings Road WC1X is currently advertised for £10,000 pa and is located on the east side of Kings Cross Road (A201), just north of the junction with Lloyd Baker Street. The unit is located on a road with numerous other retail units. The unit measures 295 sq.ft / 27 sq.m (£33.90 sq.ft / £370.37 sq.m). We are of the view that this unit would command significantly higher rents when compared to the subject unit due to its location
- 324A St John Street EC1V is currently on the market for £26,000 pa and is located on St John Street between its junctions with Rawstorne Street and Friend Street. The unit comprises 442 sq.ft of ground floor space and 291 sq.ft of basement space which totals 776 sq.ft (72.09 sq.m). The advertised rental value converts to a rate of £33.50 sq.ft / £360.66 sq.m)

- 338 Caledonian Road is currently on the market for £16,000 pa and measures 432 sq.ft / 40 sq.m (£37.04 sq.ft / £400 sq.m). The property is prominently located on Caledonian Road between its junctions with Bridgeman Road and Richmond Avenue. The retail unit is situated on the ground floor and was previously used as a florist.
- 6.5 We further note that 9 Penton Street let in March 2013 for £17,500 pa and has an area of 717 sq.ft / 66.72 sq.m (£24.41 sq.ft / £262.29 sq.m). The lease length is 8 years with a break in 2018 (5 years). The premises comprise the ground floor and basement of a corner building which has been refurbished throughout.
- 6.6 On the basis of the provided evidence we conclude that the proposed rental rate is not unreasonable in light of the unit size and secondary location.
- 6.7 JLL have applied a capitalisation yield of 10%. There is no apparent end user type or prospective tenant for this space.
- 6.8 A newsagent was sold at auction on June 2014 for £500,000. The property is situated on Rosslyn Hill, Hampstead and comprises of an A1 ground floor shop with basement. The upper part comprises four flats. The unit is situated some distance from the subject site, however, gives indication of a reasonable yield. The rental income per annum at the time of the sale was £40,000. We calculate a net yield of 7.5%.
- 6.9 A convenience store on 212-220 Essex Road was sold on a long leasehold of 994 years unexpired. The unit comprises the ground and basement floors of a mid-terraced building which formerly traded as a supermarket. We calculate the net yield to equal 7.3%. This retail space is significantly larger than the proposed commercial unit at 331 sq.m / 3,562 sq.ft which may allow for a larger pool of potential investors.
- 6.10 The subject site is in a more central location and we would anticipate a slightly lower yield. We have applied a yield of 7%.
- 7.0 **COMMUNITY VALUES**
- 7.1 The proposed community centre measures 127 sq.m / 1,367 sq.ft. The community centre is organised on a single level with its main entrance being on Margery Street. A secondary entrance is provided to the courtyard space at the rear of the block. The new community centre includes a large hall and associated ancillary uses including a kitchen, storage, toilets, disabled access and the retained play area.
- 7.2 JLL notes regarding this space that *"most of the custom will come from locals wanting a large room for children's parties or small cell meetings."* The applicants Planning Statement is broadly in alignment with this view.
- 7.3 JLL have relied on the rates charged by Islington Council for their library halls and meeting rooms which are £85 - £100 an hour.
- 7.4 It may be suggested that community space may not generate an inherent value. On the assumption that non-residents could be permitted to hire the community space we expect the valuation to be at least £99,000 i.e. reflecting the existing community space valuation.

7.5 We also note that this space may potentially have a higher value in an alternative use if converted.

7.6 If the proposed application was submitted by a private developer, we would consider that the re-provision of community space could potentially be required through a s106 agreement. This would therefore represent a cost to the scheme and a profit on this element would not be factored into the financial appraisal. We have followed this approach for the purpose of our analysis.

## 8.0 BUILD COSTS

8.1 Our Cost Consultant, Neil Powling reviewed two documents prepared by Baily Garner dated 4<sup>th</sup> June and 6<sup>th</sup> October 2015. Neil concluded, based on BCIS benchmark data and standard market assumptions, that the proposed build costs were higher than anticipated by circa £1.0 million (see appendix 2 for full report).

8.2 We subsequently received additional justification for the proposed build costs. Firstly, as the development has undergone a full redesign we understand that the Council incurred substantial abortive consultant costs amounting to £150,000. Furthermore, the development spans two rail tunnels which will inevitably increase complexity as well as costs. We have been informed that the initial survey will cost £84,000. The applicant has also allowed for a £300,000 fee for Network Rail tunnel monitoring. These costs are not unreasonable and can be legitimately included within the development cost total. These additional costs total £534,000.

8.3 Furthermore, the updated cost plan prepared by Baily Garner concludes that the current cost forecast is £6,590,589 which represents a saving of approximately £260,000 on the original cost plan. The updated information also includes a relevant level of detail in the explanation and quantification of the additional costs associated with developing over rail tunnels.

8.4 The updated information accounts for £794,000 of the £1.0 million apparent difference in cost estimates. We consider that a margin of £200,000 is negligible in that our cost benchmarking makes no allowance for the additional design and construction costs inevitably associated with development over tunnels. We are therefore broadly satisfied that the proposed costs are adequately justified.

8.5 An additional contingency allowance of £690,000 has been included within the cost plan which is largely unexplained. We have removed this additional allowance from our residual appraisal for the purpose of our analysis, however, we accept that a higher contingency level may be justified in acknowledging specific site circumstances and the complexities involved with the tunnels.

8.6 The financial appraisal includes an allowance for 'developer profit' however, in this instance this allowance may be reflective of internal costs incurred by the Council. The proposed allowances differ from what we would accept to be standard profit allowances for private developments. To demonstrate this, we express the proposed allowances as an approximate of revenue for each component as follows:

	Applied Assumption	Market Norm
- Private residential	5%	20%
- Social residential	11%	6%
- Commercial	108%	15%

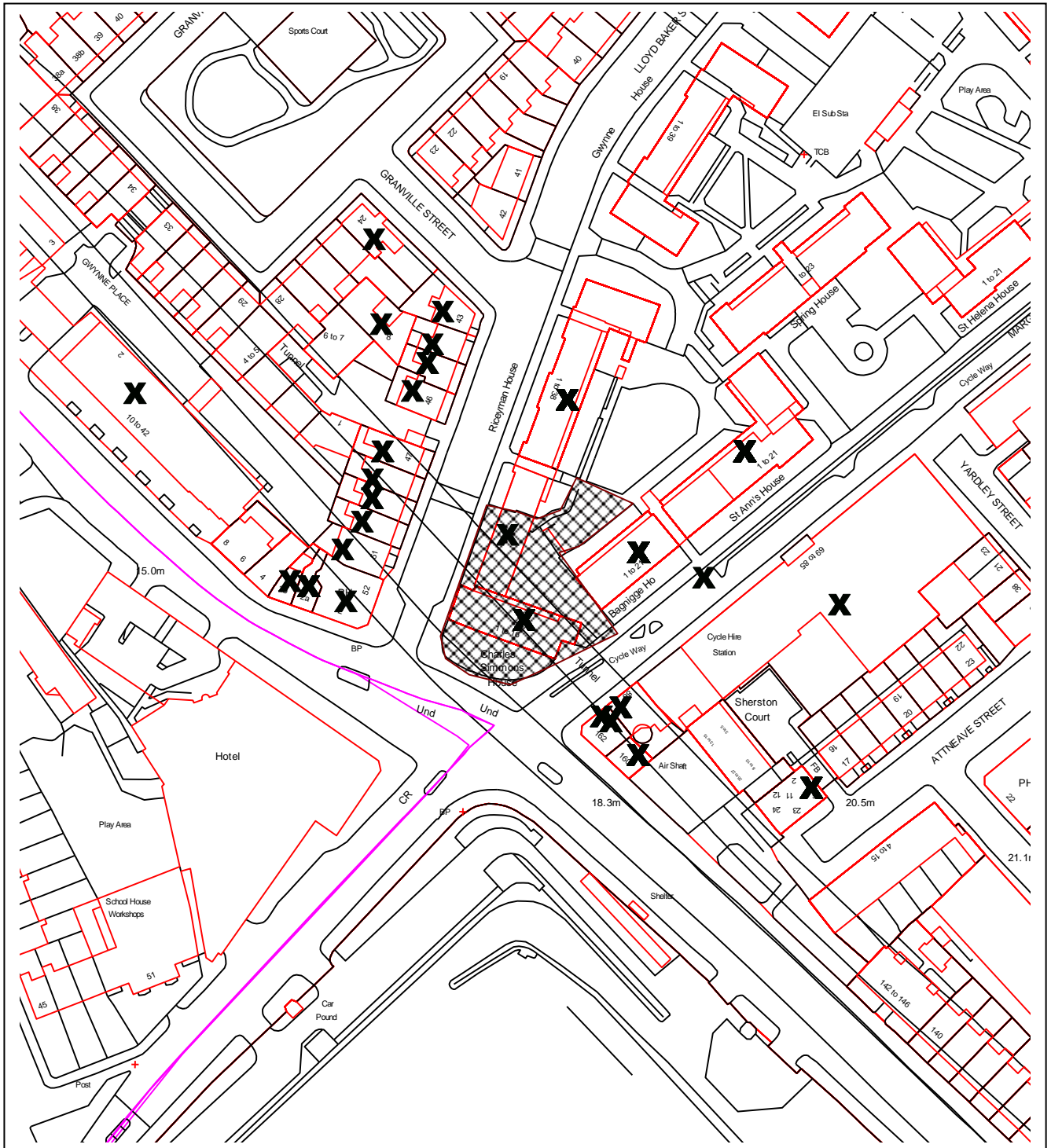


We can see that the residential allowances are lower than the market norm for private scheme profit allowances, however, the value of the commercial space is effectively eliminated after the respective "profit" allowance has been included.

- 8.7 We have adjusted the allowances along with standard market assumptions which we consider to be 20% profit on private residential, 15% on commercial revenue and 6% for social rent units.
- 8.8 We have allowed for sales agent and legal fees of 1.5% on residential market sales revenue and marketing fees of 2.5%.
- 8.9 No allowance for the costs of development and land finance has been made in the appraisal. We have calculated finance costs on all construction costs using Argus software based on a 7% finance rate.

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