



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **9 February 2016 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 1 February 2016

Welcome:

Members of the public are welcome to attend this meeting.

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


Committee Membership

Wards

Substitute Members

Councillor Khan (Chair)	- Bunhill;	Councillor Diner	- Canonbury;
Councillor Fletcher (Vice-Chair)	- St George's;	Councillor Kay	- Mildmay;
Councillor Klute (Vice-Chair)	- St Peter's;	Councillor A Perry	- St Peter's;
Councillor Chowdhury	- Barnsbury;	Councillor Wayne	- Canonbury;
Councillor Convery	- Caledonian;		
Councillor Nicholls	- Junction;		
Councillor Poyser	- Hillrise;		
Councillor Spall	- Hillrise;		
Councillor Picknell	- St Mary's;		
Councillor Donovan	- Clerkenwell;		

Quorum: 3 councillors



A. Formal Matters	Page
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
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B. Consideration of Planning Applications	Page
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2. 119 Farringdon Road, London, EC1R 3DA	69 - 144

3.	139A and 139B Grosvenor Avenue, London, N5 2NH	145 - 224
4.	Part of Mason's Place, London, EC1V	225 - 236

C. Consideration of other planning matters

D. Urgent non-exempt items (if any)

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

Date of Next Meeting: Planning Committee, 10 March 2016

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Committee - 19 January 2016

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 19 January 2016 at 7.30 pm.

Present: **Councillors:** Robert Khan (Chair), Kat Fletcher (Vice-Chair), Martin Klute (Vice-Chair), Paul Convery, Alice Donovan, Tim Nicholls, Angela Picknell, David Poyser and Marian Spall

Councillor Robert Khan in the Chair

161 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Chowdhury.

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

There were no substitute members.

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

Councillor Donovan declared that she had a predetermined view on Agenda Item B1 so would not take part in the consideration of this item. Councillors Poyser and Spall declared that they had a predetermined view on Agenda Item B4 so would not take part in the consideration of this item. Councillor Poyser declared that, in relation to Agenda Item B3, he was a member of the Town Centre Management Group.

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

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

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

RESOLVED:

That the minutes of the meeting held on 10 December 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

167 **119 FARRINGDON ROAD, LONDON, EC1R 3DA (Item B1)**

Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1, A3, D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm.

(Planning application number: P2015/4143/FUL)

Councillor Donovan, who had declared an interest in this item, left the table for the consideration of this item.

In the discussion the following points were made:

- Concern was raised about the level of affordable workspace provision and whether the units were in fact designed for small and micro enterprises as sought by policy) and not medium sized enterprises.
- The amount of uplift compared to the total employment floorspace within the scheme was queried in relation to the affordable workspace offer.
- The lack of affordable housing was considered. The planning officer stated that it would be possible to include residential units in the scheme but this would reduce the amount of office floorspace. Heritage and conservation policies meant it was not possible to add more floors to the scheme.
- Discussion took place on whether the proposed affordable housing contribution was satisfactory.
- The loss of some of the plane trees was discussed.
- It was stated that the issue of trees hung in the balance and if all other aspects of the proposal were clear, then there might be a case justifying their loss based on the mitigation set out in the scheme.
- The planning officer clarified that there would be 461sqm of floorspace for micro or small businesses and affordable workspace.
- The amenity of residents of Crawford Passage was considered as this route would be for service delivery.
- The design was considered consistent with the street scene.

Councillor Khan proposed a motion to defer the application for further work to be done on the affordable housing contribution, affordable workspace provision and the further servicing information for Crawford Passage. This was seconded by Councillor Klute and carried.

RESOLVED:

That planning permission be deferred for the reasons outlined above.

168

423-425, 429-435 [ODD] CALEDONIAN ROAD; 1-11 BALMORAL GROVE; 4-6 [EVEN] BREWERY ROAD AND GROVE HOUSE, 1 MARKET ROAD, LONDON, N1 (Item B2)

Demolition of all existing buildings on site to provide a mixed use development within new buildings ranging from 1-11 storeys; providing 252 residential units [use class C3]; flexible employment [use class B1 a-c]; flexible retail [use class A1-A3]; and community [use class D1] floorspace; together with the creation of a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road and associated highway works; basement car parking; cycle parking; creation of a new pedestrian access into the site from Caledonian Road; and provision of open space and associated works of hard and soft landscaping.

(Planning application number: P2015/3989/FUL)

In the discussion the following points were made:

- An addendum report had been circulated and a copy would be interleaved with the agenda.
- The daylight/sunlight impact on Carrick House was considered.
- The estimated employment figures of between 184 and 641 were based on the proposed floorspace being flexible within Use Classes B1a-c. If the floorspace was put to office (B1a) use, then the development could support up to 641 full time equivalent jobs, whereas if it was put to uses falling within Classes B1b-c, then the employment density on the site would be lower.
- At earlier Design Review Panels, building heights had been raised as a concern but this was not identified as an issue at the most recent Panel. The height of some of

the buildings had been reduced following feedback from the Panel, whilst the highest building would be marginally under 30m and a datum levels condition was recommended to ensure that it would not exceed the proposed height.

- The requirement for 475 residential cycle spaces was based upon Development Plan policy requirements which sought a provision equivalent to one space per bedroom.
- The impact on the listed building was considered, in relation to the height of the immediately adjacent building and concerns raised by the DRP in relation to its height.
- The proposed 40.5% (by unit number) affordable housing provision was lower than the 50% policy requirement. The independent surveyors appointed by the council confirmed that this was the maximum provision that the scheme could viably support. The applicant's viability model indicated that the scheme would produce a deficit but would be viable based upon anticipated sales value growth over the course of the development programme, and this was a commercial risk accepted by the applicant. The applicant and Family Mosaic (Registered Provider) confirmed that a contract for the purchase of the affordable housing subject to the grant of planning permission had been signed.
- It was noted that the developer had liaised with Haywards Playgrounds in addressing their concerns.
- The scheme would provide a good amount of affordable housing and upgraded commercial floorspace.
- The scheme would deliver a policy compliant amount of affordable workspace which would be suitable for small or micro operators and also be affordable and 50% of market rents.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1, as revised by the addendum report; and 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 Appendix 1; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London; and subject to the completion of a stopping up order for Balmoral Grove.

169

HILL HOUSE, 17 HIGHGATE HILL, LONDON, N19 5NA (Item B3)

Recladding of existing building; creation of a new residential entrance in eastern façade; erection of a ground floor front extension and reconfiguration of existing retail floorspace; installation of new shop fronts; erection of a wind canopy and landscaping; creation of roof terraces above the plinth; erection of a two storey extension to the tower to create 9 self-contained dwellings and rooftop terraces; and creation of a 2 storey refuse/recycling facilities and cycle store in undercroft of west elevation.

(Planning application number: P2015/3977/FUL)

In the discussion the following points were made:

- Permeability would not be affected as the details of the scheme had already been approved.
- The planning officer stated that the extra height, when canopies were used, would have a neutral impact on wind levels.
- The proposals had to be judged on their merits and therefore the committee would not discuss the overall masterplan.

RESOLVED:

That planning permission be granted subject to the conditions, informatives and Section 106 legal agreement set out in Appendix 1 of the officer report.

170

**SOUTHERN PART OF THE SITE OF WHITEHALL PARK PRIMARY SCHOOL
(FORMERLY ASHMOUNT PRIMARY SCHOOL), ASHMOUNT ROAD, LONDON, N19
3BH (Item B4)**

The demolition of the existing buildings on the southern part of the Former Ashmount School site and the erection of 46 residential units in three blocks with associated landscaping.

(Planning application number: P2015/2913/FUL)

Councillors Poyser and Spall, who had declared an interest in this item, left the table for the consideration of this item.

In the discussion the following points were made:

- An addendum report had been circulated and a copy would be interleaved with the agenda. In the addendum report a number of conditions had been amended.
- The planning officer confirmed that the community use agreement for the Multi Use Games Area (MUGA) would be secured as part of the S106 agreement related to the Whitehall Park School planning permission. Proposed condition 25 of this recommendation also sought details to secure access from this development into the MUGA outside of school hours, the details of which were to be drawn up in conjunction with the school's S106 requirement.
- Following concern from objectors that there might not be sufficient playspace for those over 12 years old, the planning officer stated that they would be able to use the MUGA. When the MUGA was not available (due to the school being in session) then those children would also still be at school themselves.
- There was an eclectic mix of architectural styles of houses and flats on Ashmount Road and within the wider conservation area.
- A member suggested that the design of the Ashmount Road elevation could be improved by more detailed modelling, including picking up on the brickwork variations in the conservation area.
- Contractors should engage with the school and the Education Funding Authority (EFA) to ensure construction would not affect the children's learning.
- A member referred to initial concerns regarding overshadowing, but was reassured by the dual aspect design of the main habitable rooms.
- The Design Review Panel were not concerned about the loss of trees as they would be reprovided.
- It was noted that the lost trees would be replaced at a greater number and would achieve a slightly greater canopy cover, and future residents would be made aware of the relationship with retained trees.
- A member commented that the architects, PTE had done good work in the borough previously.
- Compromises had to be made in applying policies and in this case it was considered that safeguards had been put in place to mitigate problems and deliver social benefits.
- The scheme provided a high percentage of affordable housing, for which there was a desperate need.

Councillor Klute proposed a motion to add conditions to require further detailed modelling work to be conducted on the design of the Ashmount Road elevation and to require the contractors to engage with the school so that construction could go ahead

and not affect the children's learning. These were seconded by Councillor Fletcher and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended by the addendum report and the conditions set out above, the wording of which was delegated to officers; plus the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

171

PLANNING ENFORCEMENT AND APPEAL PERFORMANCE: YEAR END 2014/2015
(Item C1)

RESOLVED:

That the report be noted.

WORDING DELEGATED TO OFFICERS

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

MINUTE 170

**SOUTHERN PART OF THE SITE OF WHITEHALL PARK PRIMARY SCHOOL
(FORMERLY ASHMOUNT PRIMARY SCHOOL), ASHMOUNT ROAD, LONDON, N19
3BH**

Additional Condition – Ashmount Road Elevations – Updated Detailed Design:

CONDITION: Notwithstanding the approved drawings, amended Ashmount Road elevations (Blocks A1 and B1) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.

The details shall be submitted in 1:50 scale, with detailed 1:20 drawings to show intricate details to deliver a more detailed modelling of these elevations, including picking up on the brickwork variations in the conservation area.

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.

REASON: In the interests of improving the design of the Ashmount Road elevation through more detailed modelling, including picking up on the brickwork variations in the wider conservation area.

Amended Condition 6:

CONDITION: Notwithstanding the Demolition Survey Report submitted and approved, no development (including demolition works) shall take place on site unless and until a programme/plan indicating the extent of the separate construction phases of the development and the order in which the phases are to be completed has been submitted to and approved in writing by the Local Planning Authority.

The details shall include details of safe and separate temporary pupil entrance routes, playground areas etc. designed and laid out in a manner that safeguards pupil safety and education provision (in the event that construction commences prior to the movement of the school to its permanent site).

The details of the phasing for construction shall be drafted in conjunction with discussions with the school and Education Funding Authority (EFA) to ensure construction would not affect the children's' learning. Details of this engagement shall be submitted as part of the application to discharge this planning condition.

The development shall not be carried out otherwise in accordance with the programme/plan so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the phased construction is logical, appropriate and does not unduly impact on neighbouring residential amenity or the locality generally and to safeguard the continued and effective school operation and to maintain pupil safety.

Update to Condition 34 - Accessible Housing – Major Schemes (Details):

CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority, prior to any works commencing on site (with the exception of site clearance) confirming which of the residential units hereby approved shall be constructed to (of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings'):

- a. Category 2 : M4 (2)
- b. Category 1

However, no less than four (4) x 2 bedroom units shall be constructed to Category 3 (of the National Standard for Housing Design as set out in the Approved Document M 2015).

Building Regulations Approved Plans and Decision Advice Notice, confirming that the units approved to each category, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site.

The development shall be constructed strictly in accordance with the details so approved.

REASON: –To secure the provision of visitable, adaptable and wheelchair accessible homes appropriate to meet diverse and changing needs, in accordance with London Plan Policy (2015) 3.8.

Condition 7 as amended by the addendum report:

CONDITION: Notwithstanding the Demolition Survey Report submitted and approved, no development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

This condition may be discharged in two parts, or phased in accordance with the details approved under condition 6:

- a. Demolition phase; and
- b. Construction phase.

The approved Statement(s) shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Statement(s) shall be prepared in the context of the approved phasing strategy and the need to ensure that the following details are located and carried out in a manner that seeks to protect the safety of school pupils arriving and leaving and using the school (both temporary and recently approved scheme). Consideration for pupil drop offs should also be considered and movement of construction vehicles should have particular regard to and avoid significant vehicle movements at school start and school end times in order to minimise potential conflicts between pupils and construction vehicles.

The report(s) shall confirm that noise works will not take place outside of the following hours (including Sundays and public and bank holidays):

- 8am and 6pm, Monday to Friday and
- 8am and 1pm, Saturdays.

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.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation and to safeguard the continued and effective school operation and to maintain pupil safety.

Condition 8 as amended by the addendum report:

CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Environmental Management Plan (CEMP) assessing the environmental impacts of the development has been submitted to and approved in writing by the Local Planning Authority.

This condition may be discharged in two parts, or phased in accordance with the details approved under condition 6:

- i) Demolition phase; and
- ii) Construction phase.

The details shall include (but not limited to):

- a. noise;
- b. air quality including dust, smoke and odour;
- c. vibration; and
- d. TV reception).

The report(s) shall assess impacts during the demolition and construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall pay reference to Islington's Code of Construction Practice the GLA's SPG on Control of Dust from construction and demolition (including the NMRR register), BS5228:2009 and any other guidance.

The report(s) shall confirm that noise works will not take place outside of the following hours (including Sundays and public and bank holidays):

- 8am and 6pm, Monday to Friday and
- 8am and 1pm, Saturdays.

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.

REASON: In order to minimise impacts on the amenity of neighbouring residents, and maintain highway safety and the free flow of traffic on the surrounding highway network and to safeguard the continued and effective school operation and to maintain pupil safety.

Condition 16 as amended by the addendum report:

CONDITION: Details (1:20) of all boundary treatment(s) including cross sections and elevations and a 1:50 scale (minimum) site location sections shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the

Planning Committee - 19 January 2016

development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.

The details shall include an: arboricultural method statement for all boundaries informing the:

- placement of footings; and
- the method of constructing them (i.e. by hand dig).

The drawings shall also be informed by a site survey that shall accompany the discharge of condition submission.

The applicant shall formulate the boundary treatment proposal in consultation with local residents who will directly adjoin the site and the submitted details shall include a summary of consultation undertaken.

The submitted details shall be consulted on with local residents who directly share a boundary with the site. Residents will therefore have the opportunity to submit comments to the Local Planning Authority for its consideration prior to determination of the condition discharge application.

The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure, and designed and installed in a way that protect the roots of retained, protected trees, in consultation with local residents who share the above concerns.

The meeting ended at 10.30 pm

CHAIR

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COMMITTEE AGENDA

1 112-116 Old Street, London EC1V 9BD

2 119 Farringdon Road London EC1R 3DA

3 139A and 139B Grosvenor Avenue London N5 2NH

4 Part of Mason's Place, London, EC1V

1 112-116 Old Street, London EC1V 9BD

Ward: Bunhill

Proposed Development: Two storey roof level and single storey basement extensions to existing B1 office building; remodelling and extension to rear/side facade, replacement windows and shopfront to front facade and various internal alterations. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73. [Please note that Octavia House 50 Banner Street was incorrectly included in the site address on our consultation letters dated 20th November, 2015. This address has now been removed and we apologise for any confusion caused] .

Application Number: P2015/4651/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: Coastview Estates Ltd

Recommendation:

2 119 Farringdon Road London EC1R 3DA

Ward: Clerkenwell

Proposed Development: Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm. This application may affect the character and appearance of a conservation area and the setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 67 and 73.

Application Number: P2015/4143/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: Viridis Properties 5 Ltd

Recommendation:

3 139A and 139B Grosvenor Avenue London N5 2NH

Ward: Mildmay

Proposed Development: Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO- use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

Application Number: P2015/2917/FUL

Application Type: Full Planning Application

Case Officer: Simon Greenwood

Name of Applicant: Mr Carlton James

Recommendation:

4 Part of Mason's Place, London, EC1V

Ward: Bunhill

Proposed Development: Stopping up of an area of existing highway under Section 247 of the Planning Act 1990 to enable redevelopment of the King Square Estate.

Application Number: P2016/0025/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: The Mayor & Burgesses of the London Borough fo Islington

Recommendation:



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	9 th February 2016	NON-EXEMPT

Application number	P2015/4651/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	None
Conservation area	St Luke's Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Core Strategy Key Area – Bunhill and Clerkenwell - Finsbury Local Plan Are BC3 – Old Street - Central Activities Zone (CAZ) - Employment Priority Area (General) - Within 50m of Grade II Listed St Luke's Church - Archaeological Priority Area 2 - Moorfields - St Luke's Conservation Area
Licensing Implications	None
Site Address	112-116 Old Street, London, EC1V 9BD
Proposal	Two storey roof level and single storey basement extensions to existing B1 office building; remodelling and extension to rear/side facade, replacement windows and shopfront to front facade and various internal alterations.

Case Officer	Stefan Sanctuary
Applicant	Coastview Estates Ltd
Agent	Planning Sense

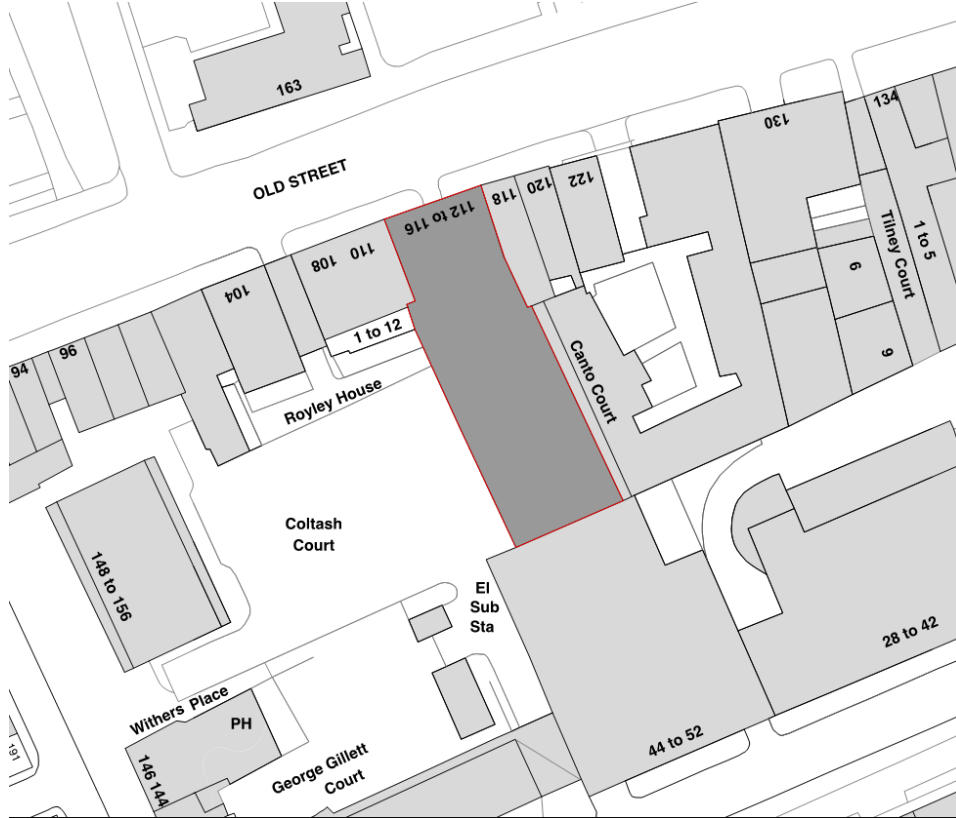
1. RECOMMENDATION

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

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

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

2. SITE PLAN (site blocked dark grey)



3. PHOTOS OF SITE/STREET



Birds-eye view of site



View of building frontage from Old Street



View of site looking south-west



Looking east along Old Street



View of site from car park at rear

4. SUMMARY

- 4.1 The application site is located on the south side of Old Street and is roughly rectangular in shape. The site is occupied by two attached buildings, which provide full site coverage. To the front (north) of the site is an attractive three storey (over basement) Victorian former workshop building, with a large central arched window, pilasters and decorative cornice. To the rear (south) of the site is a larger, post war, three storey former workshop building, of a modest functional design. Both buildings currently operate as a single building providing several separate B1(a) office units occupied by a variety of tech / media firms. The planning application proposes a two storey roof level and basement extension to the existing office building. The proposal also involves the remodelling of and extensions to the rear and side façade, installation of replacement windows and shopfront to front façade as well as a number of internal alterations.
- 4.2 The land-use element of the proposal is considered to be acceptable through delivering a quality office development that would increase and improve the existing office (B1a) floorspace on the site, provide a small workspace unit with the remainder of the workspace capable of being flexibly divided for medium enterprises. Finally, the application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites, though at a reduced level, as supported by a financial viability report. As such, the proposal is in accordance with Core Strategy Policy CS13 as well as Policies BC3 and BC8 of the Finsbury Local Plan
- 4.3 The proposal is considered to be of a high quality in terms of architecture and urban design. The concerns of the Design Review Panel (DRP) have been

addressed by creating a visual separation between the retained frontage building and the new rear building providing a robust justification for the use of Crittal windows and the retention of the chimney stack. As such, the application is considered to reinforce the borough's unique character by adopting traditional and contextual materials and articulation. In this respect, the application is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7, Finsbury Local Plan BC3 and Islington's Development Management Policy DM2.1 and DM2.3.

- 4.4 Subject to appropriate conditions relating to noise and disturbance, the proposal is not considered to have a significant detrimental impact on neighbouring residential amenity in terms of noise and disturbance, sunlight, daylight, privacy or an increased sense of enclosure. The application is thus considered to be in accordance with London Plan Policies 7.6, 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1.
- 4.5 Subject to appropriate conditions, the energy and sustainability measures proposed as part of this application are considered to meet the environmental objectives of the Council in accordance with London Plan Policies 5.1, 5.2 and 5.5, Islington Core Strategy Policy CS10, Development Management Policy DM7.1 as well as the aims and objectives of Islington's Environmental Design SPD. The scheme's financial viability precludes the application from contributing towards off-setting carbon emissions at present. However, a section 106 review clause is recommended to review viability at the end of the construction process to ascertain whether office values have improved to the degree that this and other contributions can then be afforded.
- 4.6 The proposal is not considered to give rise to any unacceptable impacts on transportation or the highway network and is considered to be acceptable, in accordance with relevant Islington Core Strategy Policy CS10 and Development Management Policies DM8.2 and DM8.6 subject to conditions and clauses within the s106 legal agreement.
- 4.7 Whilst the scheme is not viably able to financial contribute towards the full planning obligations required in relation to off-site affordable housing, carbon off-setting or Crossrail infrastructure, the recommendation includes provision for a viability review clause to test viability at completion stage of the development. In the event of improved office values, the outstanding contributions would be secured. In this regard, the scheme is considered to comply with Islington Core Strategy Policy CS12 and Finsbury Local Plan Policy BC8.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the south side of Old Street and is roughly rectangular in shape. The site is occupied by two attached buildings, which provide full site coverage. To the front (north) of the site is an attractive three storey (over basement) Victorian former workshop building, with a large central arched window, pilasters and decorative cornice. To the rear (south) of the site is a larger, post war, three storey former workshop building, of a modest scale and functional design. Both buildings currently operate as a single building

providing several separate B1(a) office units occupied by a variety of tech / media firms (three firms occupy the building at present, one per floor).

- 5.2 The front part of the site, comprising the Victorian building, is located within the St Luke's Conservation Area while the whole of the site is located within the Moorfields Archaeological Priority Area. The site is located within the Central Activities Zone (CAZ) and within the Old Street / Whitecross Street Employment Priority Area (General). The site is within the Bunhill and Clerkenwell Key Area (Core Strategy) and Finsbury Local Plan – Old Street Area (BC3). The site has a PTAL rating of 6b.
- 5.3 The surrounding area comprises a mix of commercial, residential, and community use properties. Adjoining the west of the front section of the site is a four storey residential building (104-110 Old Street). Adjacent to the west of the rear section of the site is an open car park. Adjoining the south of the site is a four storey office building (44-52 Banner Street). Adjoining the east of the front (northern) section of the site are two small four storey Victorian terraced properties (118 & 120 Old Street), which comprise commercial (A1 retail and A5 takeaway) units at ground floor level with residential accommodation on the upper floors.
- 5.4 Adjoining the east of the rear (southern) section of the site is a large student accommodation building (Canto Court 122-128 Old Street) which is eight storeys high at the north, adjacent to the street, dropping to six storeys at the rear. To the north of the site on the opposite side of Old Street is the Redbrick housing estate, which comprises 4-storey residential blocks with a recent planning permission for infill housing including a 9-storey building at its eastern most end. To the northwest of the site is the Grade I listed St Luke's Church.

6. PROPOSAL (IN DETAIL)

- 6.1 The planning application proposes a two storey roof level and basement extension to the existing office building. The proposal also involves the remodelling of and extensions to the rear and side façade, installation of replacement windows and shopfront to front façade as well as a number of internal alterations.
- 6.2 Whilst the application proposes the retention of the frontage building, the proposal would include the reinstatement of traditional windows and original shopfront features. The third floor extension to the building would be set-back from the frontage by 3.6 metres while the extension at fourth floor level would be set back by a further 7 metres in order to lessen its impact.
- 6.3 The existing void between the frontage building and the rear building would be filled in to provide additional floorspace. The remodelling of the rear building involves the demolition of part of the ground floor, the creation of a courtyard space at basement level and a narrow extension to the building at ground, first and second floor level. The full length basement excavation and extension at third and fourth floor level along with a new and improved side elevation complete the development.
- 6.4 The development proposes 3,437 sq.m (36,995.6 sq.ft) (GIA). This amounts to an uplift of 1,538.7 sq.m (16,562.4 sq.m) (GIA) of B1(a) floorspace (or

1,034sqm (NIA). All floorspace will be of improved quality. The new floorspace has been designed to be flexible enabling it to accommodate a variety of unit types and sizes including SMEs.

- 6.5 A separate 75sqm unit is proposed at basement level, with a generous lightwell to bring light and ventilation to it. This unit constitutes greater than 5% of the floorspace uplift and would be secured as a small unit within the section 106 agreement.

7. RELEVANT HISTORY:

- 7.1 The most relevant and recent planning history associated with the site, is as follows:

Application Ref(s)	Proposal	Decision	Date
P041331	Refurbishment and extension of existing office (B1) adding space at first and second floors and a new third floor and new core within existing lightwell, all to be used for B1 purposes, with a flexible use on part of the ground floor for either B1 or A1 (retail) use. Elevational alterations facing Old Street.	Withdrawn	11/10/2007
P072176	Replacement of windows with UPVC double glazing, installation of railings to the front and replace shop fronts, with powder coated aluminium shop fronts.	Withdrawn	23/01/2008

ENFORCEMENT:

- 7.2 There is no enforcement history of relevance to this site.

PRE-APPLICATION ADVICE:

- 7.3 A series of pre-application meetings and discussions have taken place over the last 12 months, including presentation at Islington’s Design Review Panel.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 439 adjoining and nearby properties on Old Street, Whitecross Street, Banner Street, Tilney Court and in Canto Court, on the 20th November 2015. A site notice and press advert were displayed on the 26th November 2015. The public consultation of the application therefore expired on the 17th December 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 no responses had been received from the public.

External Consultees

- 8.3 Lead Local Flood Authority raised no objection to the proposal.
- 8.4 Metropolitan Police (Crime Prevention) raised no objection to the proposal.
- 8.5 Thames Water raised no objection to the proposal subject to relevant informatives.
- 8.6 The London Fire and Emergency Planning Authority raised no in principle objections to the proposal.
- 8.7 The Health & Safety Executive raised no objections to the proposal.

Internal Consultees

- 8.8 The Access Officer raised the following points about the proposal:
- The ramp from front entrance to reception should be 1:15;
 - The WC by the front reception should be at least 1500mm wide;
 - Storage for mobility scooters should be provided.

Confirmation has been provided by the applicant that these features would be provided and in the event that planning permission is granted these features would be secured by way of condition (14).

- 8.9 Design and Conservation Officer raised a number of issues:
- the windows used on the front elevation should be reconsidered;
 - the original features of the shopfront should be reinstated;
 - the brick proposed on the rear and side elevations should be lighter.

These points have now been addressed. Crittal windows shall be used on the front elevation as these are considered more appropriate to the prevalent architectural language of the Old Street area and reflective of the grain of the St Luke's Conservation Area. Moreover, the shopfront details would be

reserved by condition to ensure a successful design. Finally, the lighter brick has been agreed but this will be reserved by condition.

- 8.10 The Energy Conservation Officer raised concerns regarding the lack of information provided on connection to the District Heating Network, the maximisation of solar PVs and thermal modelling. The information requested has now been provided to the satisfaction of the Council's Energy Officer.
- 8.11 Public Protection Division raised no objections in principle subject to relevant conditions on construction, noise and land contamination.
- 8.12 Spatial Planning and Transport (Transport Officer) raised no objections to the proposal.
- 8.13 Street Environment Division queried the lack of provision of a bin store. Details of refuse / recycling storage would be required by condition.
- 8.14 The Sustainability Officer raised no objection to the proposal.

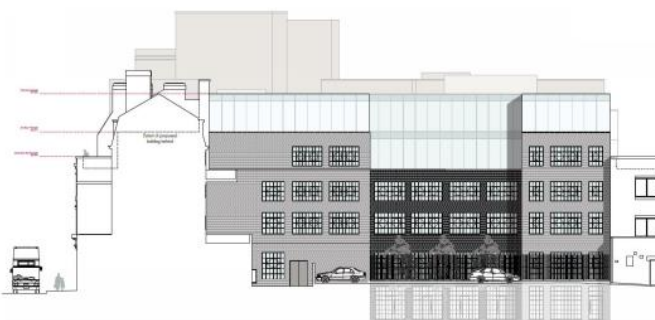
Other Consultees

- 8.15 The application was presented to the Members' Pre-application Forum on the 20th April 2015.
- 8.16 The proposal was presented and reviewed at the Design Review Panel on the 14th July 2015. A copy of the letter is attached as Appendix 3. The panel raised the following points:

- The panel welcomed the proposal to restore the building's front elevation but questioned whether timber sash or Crittal windows should be used.

Officer Response: the use of Crittal windows on the front elevation is considered to be more appropriate to the prevalent architectural language of the Old Street area and reflective of the grain of the St Luke's Conservation Area. The windows originally used on the building could have been timber sash or Crittal as the first Crittal steel windows were manufactured in 1884, which coincides with the late 19th century remodelling of the host building and would have been more appropriate for the building's historical use as a workshop/yard/factory.

- The Panel felt that the extensive use of glazing on the rear elevation would create serious problems with solar gain and overheating.

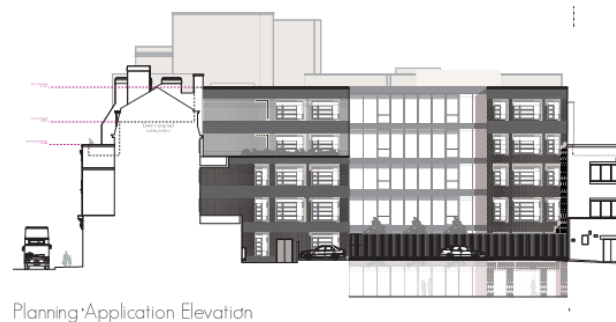
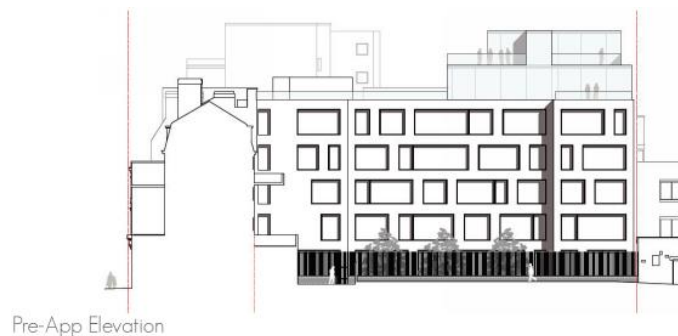


Design Review Panel Elevation

Officer Response: the amount of glazing has now been reduced and the Council's energy officer is satisfied that the proposal would not result in problems with overheating. A thermal comfort report has also been submitted which demonstrates this.

- It was considered more suitable to have a stronger distinction between the identity of the original front building and the new rear extension. Panel members suggested that an option could be to create more of a physical separation between the front building and the rear extension.

Officer Response: this physical separation has now been achieved. A large section of the side elevation is recessed and designed using a glazed curtain wall system, which creates a visual separation between the brick-built character of the front and rear of the building.



- It was argued that the upper storey might be better designed as part of the rear building in terms of materiality and design.

Officer Response: This has now been achieved through the use of consistent materials from ground to fourth floor level. Earlier iterations of the proposal involved a large glazed roof extension which separated it visually from the lower levels of the building.

- The Panel raised concerns over the internal relationship between the original front building and the rear extension, particularly the uneven floor plates.

Officer Response: Even floorplates and level access have now been achieved throughout.

- It was encouraged to retain the chimney stack to add interest to the front elevation.

Officer Response: The chimney stack is included in the design.

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 London Zone (CAZ)
 - Archaeological Priority Area
 - St Luke's Conservation Area
 - Cycle Routes (Local)
 - Employment Priority Area (General)
 - Bunhill & Clerkenwell Core Strategy Key Area
 - Finsbury Local Plan Area
 - BC3 (Old Street)

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 No EIA is required for this development as the development proposed does not exceed the threshold of development required by Schedule 1 or 2 of the EIA regulations.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Demolition of buildings within a Conservation Area
- Design, Conservation and Heritage
- Landscaping and Trees
- Neighbouring Amenity
- Accessibility
- Energy and Sustainability
- Highways and Transportation
- Section 106 and CIL

Land-use

11.2 The site falls within an Employment Priority Area (General). Policy BC8, part A of the Finsbury Local Plan (FLP) requires that in addition to protecting existing business floorspace, proposals should incorporate the maximum amount of business floorspace reasonably possible. The principle of an increase in office floorspace is therefore supported. The proposals would deliver an additional 1,538.7sqm (GIA) or 1,034sqm (NIA) of B1a office floorspace across the site.

11.3 Policy BC8, part B states that *“the employment floorspace component of a development should not be unfettered commercial office uses, but, where appropriate, must also include retail or leisure uses at ground floor”*, alongside:

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

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

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

11.4 As the proposal essentially constitutes an extension to an existing building whereby the size and dimensions of the ground floor would be largely unchanged, the application has not included any retail or leisure uses at ground level. The width of the building and its narrow shopfront also lessen the potential to accommodate an office entrance and at the same time provide a mix of active uses at ground floor level. However, the ground floor frontage onto Old Street would involve large “frameless” glazing to provide a more active frontage and greater activity and visual connection with the street. This is discussed in more detail in subsequent sections of the report.

11.5 In accordance with Policy BC3 (Old Street) and BC8 (Achieving a balanced mix of uses), commercial developments of this nature and scale should provide business workspaces suitable for SMEs or affordable workspace managed for the benefit of occupants whose needs are not met by the market. The proposal is by nature suitable for small and medium-sized enterprises because of the site’s city fringe location and the small floorplates within the

building. However, a small area of 75sqm (NIA) would also be reserved for use as small workspace with details of management and monitoring arrangement with the Council detailed in the section 106 agreement. The unit, by virtue of its size, meets the affordability requirement of Policy BC8. This exceeds the policy requirement as a 5% of net internal area uplift would amount to a 52sqm (NIA) unit, whereas a 75sqm (NIA) unit is offered.

11.6 The SME space is also required to achieve a basic, but good quality fit-out, which incorporates servicing to all areas of workspace; flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces; good standards of internal sound insulation; a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading in accordance with Development Management Policy DM5.4. These requirements would be secured through the legal agreement.

11.7 Turning to housing, policy BC8 part D states that:

“Where there is a net increase in office floorspace, proposals should incorporate housing consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for provision of off-site housing”.

11.8 The proposal is design- and conservation-led and thus has been sensitively designed with respect of building heights and the retention of heritage assets.

11.9 Given these site constraints through the retention of the existing frontage building and the need to install additional circulation, entrance, core, plant room and ancillary space required by the introduction of residential accommodation, it is considered more appropriate to require a financial contribution towards the off-site provision of affordable housing in this instance. The financial contribution required is set out in the Planning Obligations SPD as follows:

“Increase in office floorspace (sqm) x 20% minus uplift in residential floorspace divided by average residential unit size (75sqm gross internal area) = number of additional housing units that could be achieved.

Contribution due = number of additional housing units that could be achieved (see above) x £60,000 (as this site is located south of Pentonville Road / City Road), in line with the Council’s Small Sites Affordable Housing Policy (see Chapter 6) x the Council’s affordable housing requirement (50%)”.

11.10 In this regard, the calculation is:

$$(1538.7 \times 20\%) / 75 = 4.10$$

$$(4.10 \times 60,000) \times 50\% = \text{£}123,000$$

11.11 While the financial viability (Appendix 4) demonstrates that the proposal could not viably make additional financial contributions (based on current day

values), the applicant has agreed to an upfront contribution of £60,000 towards the off-site provision of affordable housing. It is considered that a very minor improvement in office values would enable this contribution to be delivered without putting the deliverability of the scheme in jeopardy. The applicant has confirmed the deliverability of the scheme with this contribution in writing. This amount would be secured in the legal agreement, with a review clause also included in the legal agreement to test financial viability towards the end of the construction process to ascertain whether the outstanding amount can then be paid.

- 11.12 In summary, the land-use element of proposals is considered to be acceptable through delivering a quality office development that would increase and improve the existing office (B1a) floorspace on the site, provide a small workspace unit with the remainder of the office floorspace capable of being flexibly divided for medium enterprises. Finally, the application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites, and secure an employment and training contribution of £12,926.

Demolition of Buildings within a Conservation Area

- 11.13 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.
- 11.14 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). Notwithstanding this, Development Management Policy DM2.3 and Islington Core Strategy Policy CS9 resist any harm to the significance of a conservation area unless there is a clear and convincing justification. As such, substantial harm to the significance of a conservation area will be strongly resisted.
- 11.15 The St Luke's Conservation Area includes the front part of the building and while the frontage building is proposed to be retained, a small section of the rear part to be demolished is within the Conservation Area. Notwithstanding the above, the rear part to be demolished is not significant in size and is not considered to contribute positively to the character and appearance of the St Luke's Green Conservation Area. Its demolition is therefore supported in principle subject to a satisfactory replacement building of a sensitive scale and design.
- 11.16 It is not considered therefore, given the lack of visibility of the rear part of this building that a condition requiring a contract for the construction of the replacement extension, prior to demolition commencing is necessary in this instance.

Design, Conservation and Heritage Considerations

- 11.17 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 11.18 The London Plan (2015) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 11.19 Islington's Core Strategy Policy CS7 identifies the Bunhill and Clerkenwell area as having a rich character and significant historic value. Throughout Bunhill and Clerkenwell, a number of buildings, monuments, spaces and townscape attributes contribute positively to its character. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The borough's unique character will be protected by preserving the historic urban fabric and by promoting traditional street patterns in new developments. The aim is for new buildings to be sympathetic in scale and appearance and to be complementary to the local identity. Finsbury Local Plan Policy BC3 moreover requires buildings to relate positively to each other, improve the character, quality and identity of the area and conserve and enhance heritage assets.
- 11.20 Finally, Islington's Development Management Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place.
- 11.21 The site is located within the St Luke's Conservation Area and thus the site and its context needs to be treated sensitively in terms of heritage assets and local views in line with Policy DM2.3. The development proposals have been formulated through detailed pre-application discussions. In terms of scale, massing and height, any development proposal would need to have regard to the prevailing building heights in the immediate surroundings. Old Street is characterised by a variety of historic, Victorian and more modern buildings of varying heights and scale. While buildings in the vicinity range from two to seven storeys in height, the site's immediate neighbours, at between 3 and 5 storeys, are very similar in height to the subject building.
- 11.22 A number of views of the application site have been tested, in particular from points along Old Street as well as St Luke's Close adjacent to the grade II St Luke's Church, in order to inform the height of any proposed building. It was also determined that the building's attractive front façade and the existing parapet should be retained in its current form. Set back behind the parapet by 3.5 metres, the application proposes a brick façade roof extension with frameless glazing. On top of this, a fourth floor extension is proposed which

would be set back from the frontage by a further 7 metres and designed with protruding brick detail and recessed “blind windows” to add texture and depth. The part single, part two-storey extension at roof level set behind the parapet maintains the front façade and is considered a good architectural response to the site context.

- 11.23 The removal of the subdivision to the shop front is not acceptable. A more appropriate response for the ground floor frontage would be for a traditionally proportioned shopfront, which should be framed and legible as a shopfront. A stall riser, fascia, transoms and mullions should be incorporated, with a bit more horizontal subdivision to address the height. The details of the shopfront would be agreed as part of condition 4 to ensure that the best solution is agreed.
- 11.24 In terms of the upper storeys, a convincing heritage argument has been put forward for the use of Crittal windows on the front elevation. The windows originally used on the building could have been timber sash or Crittal as the first Crittal steel windows were manufactured in 1884, which coincides with the late 19th century remodelling of the host building and would have been more appropriate for the building’s historical use as a workshop/yard/factory. The cue could also be taken from the wider street elevation and the Conservation Area for a contextual response. The use of Crittal windows would be historically accurate and is considered to result in an attractive appearance.



Proposed front elevation

- 11.25 The main impact of the proposal is to the rear where the facades of the rear building are replaced and two additional stories are proposed across the entire width and length of the building. While a significant amount of the existing building to the rear would be retained, the façade of the building would be replaced with a new brick façade, a glazed curtain wall system and recessed powder coated “critical style” windows to match the existing. The existing void within the building would be infilled and even floorplates would be provided throughout, providing level access across the building from the front to the rear.



Existing rear / side elevation

11.26 As originally shown, the brick had an undertone of grey which is not suitable in the location proposed. The brick made the design heavy and in an enclosed backland space this is inappropriate. The brick now agreed upon is a lighter brick with a variety of tones including darker tones as well as lighter and pinkish tones so as to provide a lightness to the design. The grey Crittal windows currently shown underline the 'heaviness' of design. The Crittal should be a low gloss finish so as to partially reproduce the warehouse feel of the original building. These material details would be suitably conditioned (condition 3) so ensure a successful design.



Proposed rear / side elevation

11.27 The proposal is considered to significantly improve the design and appearance of the side elevation providing a simplified yet high quality finish. The use of a

glazed curtain wall system is considered to break up the facades and provides a visual separation between the fronts and rear of the building.

- 11.28 The proposal is considered to be of a high quality in terms of architecture and urban design. The concerns of the DRP have been addressed by creating the visual separation between frontage building and the rear. The applicant has provided a robust justification for the use of Crittal windows and the proposal now retains the existing chimney stack. As such, the application is considered to reinforce the borough's unique character by adopting traditional and contextual materials and articulation. In this respect, the application is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7, Finsbury Local Plan BC3 and Islington's Development Management Policy DM2.1 and DM2.3.

Neighbouring Amenity

- 11.29 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 11.30 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.31 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'.
- 11.32 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.

- 11.33 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an unacceptable loss of daylight, it is commonly held that losses in excess of 50% NSL are not acceptable and should be avoided even in dense urban areas unless where this is unavoidable within an appropriate townscape response.
- 11.34 Sunlight: In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.
- 11.35 The most affected properties in terms of daylight and sunlight are those closest to the subject site.
- 11.36 104-110 Old Street One of the windows at second floor level on the rear elevation of this property would experience a 39% loss of daylight (as measured by VSC) as a result of the development, while a further two windows at third floor level would experience losses of between 24% and 34%.
- 11.37 In terms of Daylight Distribution, all of the windows within this building would retain at least 80% of their former value and thus the daylight impacts on the dwellings within this property are considered to be acceptable.
- 11.38 In terms of sunlight, all of the windows within this building which front the development have been tested. All of the windows within the building would either continue to receive 25% of annual probable sunlight hours or retain 80% of their former value.
- 11.39 118 Old Street and 120 Old Street, two properties with commercial uses at ground floor level and residential above. The resulting VSC daylight losses experienced by the windows serving habitable rooms in these properties range from 21% to 0% of their former value following the proposed development, being either fully BRE compliant or involving a marginal loss above BRE guidance.
- 11.40 In terms of Daylight Distribution, a third floor bedroom window would experience losses of 48% which constitutes a noticeable loss of daylight. While this would be a regrettable impact, this kind of reduction is not unusual for a dense urban location such as this.
- 11.41 The room experiencing the greatest loss in terms of daylight distribution (referred to above) would retain 80% of its annual probable sunlight hours, which is welcome. On the other hand, two of the windows at first and second floor level of 120 Old Street would experience losses of between 21% and 25% of annual probable sunlight hours. While these are considered to be noticeable losses, they are only marginally above being fully BRE compliant and thus the impacts are not considered significant enough to warrant refusal on this basis.
- 11.42 Canto Court, No 122 Old Street, which is a student accommodation development. While the losses of daylight (VSC) suffered by some of the windows are beyond those stipulated by the BRE guidance, the only windows

with noticeable losses, i.e. above 20% losses of daylight, serve corridors or bathrooms rather than habitable rooms. In terms of sunlight and daylight distribution, the only windows experiencing noticeable losses serve non-habitable accommodation.

- 11.43 No other neighbouring residential properties would be noticeably affected in terms of loss of sunlight. Again, the design of the proposed building, particularly the set-back top floors and the tiered rear elevation, would protect the amenities of neighbouring residential properties.
- 11.44 Overlooking / Privacy – Policy DM2.1 identifies that *‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.
- 11.45 Given the orientation of existing buildings and windows in the vicinity of the site and the built form and windows proposed on site, the proposal is not considered to lead to infringements in privacy. The only windows proposed within 18 metres of existing windows of neighbouring properties are at such oblique angles so as to prevent any additional opportunities for overlooking.
- 11.46 Sense of enclosure: The proposal is considered to affect the outlook of neighbouring properties, in particular those within 118 and 120 Old Street as well as 104-110 Old Street (Royley House). The top floor flats within Royley House currently have an outlook over the roof top plant of the application building and onto the student accommodation of Canto Court. The development proposal, particularly the third and floor extensions would impede this outlook. However, the windows of Royley House would maintain an unimpeded southerly and south-westerly outlook over the existing car park.
- 11.47 The rear windows of properties within 118 and 120 Old Street already suffer from an enclosed outlook as they look onto a lightwell formed by a number of surrounding buildings. The proposal has been set back from this side boundary at third and fourth floor in order to lessen its impact on these neighbouring properties and while the proposal is considered to result in a further increased sense of enclosure, the impact is likely to be minimal. The feeling of enclosure experienced by neighbouring properties is not considered to be significant nor unusual for a central London location.
- 11.48 Noise: In terms of noise, a noise survey was carried out at the site between the 17th and 22nd June 2015 to assess existing noise levels in the area. It was determined that the average noise levels across the site were generally

dictated by road traffic on Old Street, general activity in the vicinity of the site and some existing mechanical services equipment.

- 11.49 The potential noise from mechanical plant on the proposed building was identified as one of the main sources of noise during the operational phase of development. There is mechanical plant proposed at roof level. In order to mitigate any noise impacts from plant, permission would be subject to conditions (condition 17) regulating noise transfer so that noise is kept to below existing background noise levels.
- 11.50 Subject to appropriate conditions relating to plant noise, the proposal is not considered to have a significant detrimental impact on neighbouring residential amenity in terms of noise and disturbance, sunlight, daylight, privacy or an increased sense of enclosure. The application is thus considered to be in accordance with London Plan Policies 7.6, 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1.

Accessibility

- 11.51 The relevant policies are 7.2 of the London Plan 2015 and Development Management Policy DM2.2, which seeks inclusive, accessible and flexibly designed accommodation throughout the borough. The London Plan Policy requires all new development in London to achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples' needs and (iv) are realistic, offering more than one solution to future users.
- 11.52 Islington's Development Management Policies require all developments to demonstrate that they provide for ease of and versatility in use; that they deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. Any development needs to be assessed against this policy background to ensure that they are genuinely inclusive from the outset and remain so for the lifetime of the development.
- 11.53 In accordance with policy, level access is provided throughout. The entrance lobby is accessed via a ramp up from street level with a gradient of no greater than 1:15. Accessible WC and bathroom facilities are provided on all levels and an accessible shower/WC is provided at basement level. Further detail shall be provided on the accessibility of the cycle storage and charging facilities for mobility scooters as well as on the travel and transport facilities available to mobility impaired building users. These details would be required by condition (condition 14) in the event of permission being granted. Contributions towards the provision of accessible parking bays in the vicinity of the site would also be required as part of the section 106 agreement.
- 11.54 Subject to relevant conditions (*condition 12 & 14*), including further details on cycle storage facilities and fire escapes, the proposal is considered to meet the Council's inclusive design objectives in accordance with London Plan Policy 7.2 and Islington's Development Management Policies DM2.1 and 2.2.

Energy and Sustainability

- 11.55 The London Plan (adopted July 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 Islington's Core Strategy Policy CS10 'Sustainable Design' requires all developments to minimise on-site carbon dioxide emissions and sets an overall target for all development to achieve a 40% reduction in total CO2 emissions in comparison with total emissions from a building that complies with Building Regulations 2006 (or a 27% reduction compared to a Building Regulations 2013 compliant building), unless it can be demonstrated that such a target is not feasible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013.
- 11.57 The submitted Energy Strategy proposes a reduction in carbon emissions, based on regulated emissions, of 35% against a Building Regulations 2013 compliant building. This is in accordance with the London Plan target. Whilst the proposed total reduction in carbon emissions (regulated and unregulated) of 18% compared to a Building Regulations 2013 compliant building fails to meet the Islington target of 27%, the obvious constraints of working with the existing building render this acceptable. The applicant has maximised the amount of solar PVs at roof level as well as the energy efficiency of the building. Whilst a CHP has not been proposed for the development, the building would be future-proofed to ensure future connection in the event that the District Heat Network extends to this part of Old Street.
- 11.58 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." The energy statement shows final total CO2 emissions of 100.7 tonnes.
- 11.59 Based on this and the current Islington rate of £920 / tonne, the development will be subject to an offset payment of £96,628. The applicant has submitted a viability appraisal which confirms that the development cannot viably afford this contribution. The viability appraisal has been independently assessed and the assumptions and conclusions within it have been agreed. While it is unfortunate that contributions towards carbon offsetting cannot be achieved in this instance, the proposed development would significantly improve the building's energy efficiency and reduce carbon emissions in the long-term. A section 106 review clause is recommended to review viability at the end of the construction process to

ascertain whether office values have improved to the degree that this and other contributions can then be afforded.

- 11.60 Development Management Policy DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major development. 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. The applicants have committed to provide a BREEAM 'Excellent' building and this would be secured by condition. All of the other energy efficiency and carbon reduction measures are contained within the applicant's Sustainable Design and Construction Statement and would be secured by condition. The development would be required to provide a green roof as well as bird/bat boxes. These measures would be secured by condition.
- 11.61 Subject to appropriate conditions, the energy and sustainability measures proposed as part of this application are considered to meet the environmental objectives of the Council in accordance with London Plan Policies 5.1, 5.2 and 5.5, Islington Core Strategy Policy CS10, Development Management Policy DM7.1 as well as the aims and objectives of Islington's Environmental Design SPD.

Highways and Transportation

- 11.62 The application site is in a central London location, with very good links to public transport and a Public Transport Accessibility Level of 6b, the highest rating. The site is located on the southern side of Old Street, a road with a mixture of uses including office, commercial and residential uses. Old Street and the surrounding side roads are all part of a controlled parking zone (Zone C). There are two bus stops within 100 metres of the site providing access to four bus services. Moreover, it is only a short walking distance to Old Street Station along Old Street where London Underground Northern Line services and a range of bus services.
- 11.63 Bus lanes operate between 7am to 10am and 4pm to 7pm on both sides of Old Street in the vicinity of the site on weekdays and on Saturdays between 8am and 10.30pm. Furthermore, there are "no waiting" restrictions in the form of double yellow lines that are in force outside of the bus lane operational restrictions. Old Street serves as an important east-west route at the southern end of the Borough with Bus Lanes running both north and southbound in both directions. The road is part of the TfL Priority Network (Red Route).
- 11.64 The site is in close proximity to a local network of cycle routes and a number of London-wide cycle initiatives. At present there are no cycle parking facilities at the site, though there are several easily accessible cycle hire stations located at Central Street, Golden Lane and Bath Street all with cycles available for hire.
- 11.65 London Plan Policy 6.3 states that proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Moreover Policies 6.9 and 6.10 state that the Mayor will work with all relevant partners to bring about a significant increase in cycling as well as walking across London.

- 11.66 Development Management Policy DM8.1 requires the design of developments to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 requires development to meet its own transport needs in a sustainable manner, while Policy DM8.5 states that vehicle parking will only be allowed for non-residential developments where it is essential for the operation of the business and need has been demonstrated.
- 11.67 The site's high PTAL rating means that those travelling to and from the site are expected to use sustainable modes of transport. As such, the proposed development would be car-free which is supported by policy. The site is very well served by the existing cycle route infrastructure surrounding the site and secure cycle parking for 43 cycles will be provided in the form of a secure cycle storage area in the basement. Access to the basement is via a lift and the basement is also configured to provide changing room, locker and shower facilities for cyclists. This provision is in accordance with policy and would provide a sufficient level of alternative sustainable modes of transport. In addition to this, a dedicated area for mobility scooters would be provided (condition 12)

Servicing & Refuse:

- 11.68 Deliveries by suppliers (excluding refuse collection) are estimated to be around 6 per working day and from experience of other similar developments we do not expect them to be significant in number. All servicing will take place from the Old Street frontage as it currently happens with the existing B1 use and outside of the operational hours of the passing Bus Lane. The submission and approval of a final Service and Delivery Management Plan would be required by legal agreement to ensure servicing and delivery is successfully managed. Further details of refuse / recycling storage arrangements would also be required by condition (condition 11).
- 11.69 The proposal is not considered to give rise to any unacceptable impacts on transportation or the highway network and is considered to be acceptable, in accordance with relevant Islington Core Strategy Policy CS10 and Development Management Policies DM8.2 and DM8.6 subject to conditions and clauses within the s106 legal agreement.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 11.70 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 or site-specific employment and training among others cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary affordable housing, accessible transport and highway reinstatement to ensure that the development does not cause unacceptable impacts on the local area.
- 11.71 Islington's CIL has been calculated to be £139,089.54 and the Mayoral CIL has been calculated to be £93,168.16 (subject to formal submission in

accordance with CIL Regulations). These contributions have been factored into the costs of delivering this development and were factored into the applicant's viability assessment.

11.72 In terms of the s106 financial contributions that are sought, none of the financial contributions included in the heads of terms represent general infrastructure that were included in the CIL calculations, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.

11.73 Financial Viability Assessment: Whilst the applicant has successfully demonstrated through their submission of a viability appraisal that they cannot viably afford financial contributions towards carbon offsetting, the Crossrail contribution or the full amount towards off-site affordable housing, the legal agreement would include a review mechanism which would require the viability to be reviewed at the end of the construction process to ascertain whether office values have improved to the degree that these contributions can then be afforded. The Council has had the applicant's viability assessment independently reviewed by BPS and a copy of the BPS report is appended (**Appendix 4**).

11.74 Note that the applicant was offered the opportunity to identify what parts of the BPS report they would like to see redacted but did not reply prior to the publication of the Committee agenda and for this reason that report is not redacted. The applicant has offered to pay £60,000 towards off-site affordable housing confirming by letter that they view the likelihood of office market improvements to be likely and therefore that the scheme is deliverable with this additional level of contribution.

11.75 The accessible transport contribution is a site-specific obligation with the purpose of mitigating the negative impacts of this specific development. 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.

11.76 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.

11.77 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.

12. SUMMARY AND CONCLUSION

Summary

12.1 A summary of this report is provided at paragraphs 4.1 to 4.7.

Conclusion

12.2 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the 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. Condition surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Facilitation of 1 work placement during the construction phase of the development. Each placement must last a minimum of 26 weeks.
4. Compliance with the Code of Local Procurement.
5. Compliance with the Code of Construction Practice, including a monitoring fee of £1,539.
6. The provision of 3 accessible parking bays or a contribution of £6,000 towards bays or other accessible transport initiatives.
7. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect).
8. Submission of a Green Performance Plan.
9. Outstanding CO2 off-set contribution of £96,628 following the end of construction process viability review (in the event that this can be covered).
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. Payment towards employment and training for local residents of a commuted sum of £12,926.
12. The Crossrail contribution generated by this development comes to £215,418. The Crossrail amount is not added to the amount secured via the Mayoral CIL, therefore the final Mayoral CIL amount is deducted from the above figure. As a result of financial viability, the outstanding Crossrail amount (estimated to be £122,249.84 would be sought via and end of construction viability review).
13. A contribution towards provision of off-site affordable housing of £60,000. Note that the outstanding amount of £63,000 following a viability review will be sought.
14. Provision of 75sqm (NIA) of small workspace which shall be occupied by companies and organisations as per a nomination and approval mechanism to be agreed with the council. The unit shall achieve a basic, but good quality fit-out, which incorporates servicing to all areas of workspace; flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces; good standards of internal sound insulation; a range of shared spaces and facilities, such as communal

- breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading.
15. The submission of an agreed Servicing and Delivery Management Plan.
 16. A review mechanism to determine the viability of financial contributions at completion stage. The review mechanism is required to seek to secure the outstanding contributions that cannot currently be afforded.
 17. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

All payments to the Council are to be index linked from the Committee Date and are due upon implementation of the planning permission.

The above list of Heads of Terms may be amended as a result of a process of internal consultation or further issues arising in the course of the application. Solicitors details will be needed, proof of title and an undertaking to meet the reasonable legal fees of the council.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list (compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p>

	<p>Drawing Numbers 408-PA.01 Rev A; 408-PA.02; 408-PA.03; 408-PA.04; 408-PA.05; 408-PA.06; 408-PA.07 Rev A; 408-PA.08; 408-PA.09 Rev A; 408-PA.11 Rev A; 408-PA.12; 408-PA.14; 408-PA.15.</p> <p>Area Schedule by Gpad.</p> <p>Planning Statement dated October 2015;</p> <p>Design & Access Statement dated October 2015;</p> <p>Daylight & Sunlight report by BVP; additional / supplementary information dated 27th January 2016;</p> <p>Historic environment assessment by MOLA dated August 2015;</p> <p>Supporting Statement by Stephen Levrant dated January 2016;</p> <p>Delivery & Servicing Management Plan by TPC dated September 2015;</p> <p>Phase 1 Environmental Assessment dated August 2015;</p> <p>Noise Assessment Report by Philip Acoustics Ltd dated October 2015;</p> <p>Drainage Strategy report by GDC Consulting Engineers;</p> <p>Site Waste Management Plan by Delta-Simons dated August 2015;</p> <p>Construction Management Plan by RFM dated October 2015;</p> <p>Green Performance Plan by Metropolis Green dated October 2015;</p> <p>Transport Assessment by TPC dated September 2015;</p> <p>Travel Plan by TPC dated September 2015;</p> <p>Heritage Statement dated October 2015;</p> <p>Energy Strategy by Metropolis Green dated October 2015;</p> <p>Energy Strategy Addendum by Metropolis Green dated January 2016;</p> <p>Sustainable Design & Construction Statement by Metropolis Green dated October 2015;</p> <p>BREEAM UK New Construction 2014 Pre-assessment Estimator dated 4/9/2015;</p> <p>Thermal Comfort Report by Metropolis green dated January 2016;</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>
<p>3</p>	<p>Materials and Samples (Details)*</p> <p>CONDITION: Notwithstanding the plans and elevations hereby approved, details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (no brick slips), bond and mortar courses; b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling); c) windows and doors (including Crittal windows on front elevation); d) entrance and access gates; e) roofing materials; f) any other materials to be used on the exterior of the development; and g) a Green Procurement Plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and</p>

	<p>samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Shopfront (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, further details of the ground floor shopfront at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard. The removal of the subdivision to the shop front is not acceptable. A more appropriate response for the ground floor frontage would be for a traditionally proportioned shopfront, which should be framed and legible as a shopfront. A stall riser, fascia, transoms and mullions should be incorporated, with a bit more horizontal subdivision to address the height.</p>
5	External pipes, cables and CCTV (Compliance/Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
6	Landscaping (Details)*
	<p>CONDITION: Notwithstanding the plans hereby approved, details of the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p> <ul style="list-style-type: none"> a) a schedule detailing sizes, species and numbers of all new trees/plants; b) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) soft plantings: including grass and turf areas, shrub and herbaceous areas;

	<p>e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>h) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site. To avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
7	BREEAM
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
8	Green/Brown Biodiversity Roofs (Compliance/Details)*
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green/living roofs to the development hereby approved (illustrating increased coverage and potential for run-off attenuation or including details and justification of the maximum extent of green/living roofs) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The green/living roofs shall:</p> <p>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</p> <p>b) cover the roof areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</p> <p>c) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</p> <p>An explanation as to why any areas of roof would not be covered with green/living roofs shall be included with the above details.</p>

	<p>Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>The green/living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
9	Sustainable Urban Drainage (Details)*
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec.</p> <p>The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates and rainwater recycling in accordance with DM Policy 6.6 and the Environmental Design SPD.</p>
10	Energy Efficiency – CO2 Reduction (Compliance/Details)
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 35% (regulated) / 18% (total) on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised energy strategy shall provide for no less than a 35% (regulated) 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 C02 emission reduction targets are met.</p>
11	REFUSE / RECYCLING (Details)*
	<p>CONDITION: Prior to the implementation of the development hereby approved, a plan showing the dedicated refuse / recycling storage area shall be submitted and approved in writing by the Local Planning Authority. The refuse / recycling area shall be maintained as such thereafter.</p> <p>The refuse and recycling enclosures and waste shall be managed and carried out at all times in accordance with the details of the approved 'Delivery and Servicing Management Plan'.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
12	Cycle Parking (Compliance)
	<p>CONDITION: The bicycle storage area hereby approved shall be covered, secure and provide for no less than 43 cycle spaces for the office use hereby approved.</p> <p>These spaces shall be provided prior to the first occupation of the relevant part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
13	Loading / unloading hours (Compliance)
	<p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p> <p style="padding-left: 40px;">Monday to Saturday – 10:00 - 16:00 Sundays/Bank Holidays - not at all</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
14	Inclusive Design (Details)*
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the following further details shall be submitted and approved in writing by the Local Planning Authority prior to works commencing on site:</p> <ul style="list-style-type: none"> - details of wheelchair accessible WC and shower facilities; - location and details of mobility scooter storage and charging facilities; - further details of fire evacuation lifts. - ramp details 1:15 gradient. <p>The development shall be constructed carried out strictly in accordance with the</p>

	<p>details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
15	Security & General Lighting (Details)*
	<p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
16	Nesting Boxes (Details)
	<p>CONDITION: At least two nesting boxes / bricks for birds or bats shall be provided within the development, installed prior to the first occupation of the building and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
17	Plant noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level 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.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
18	Construction Management (Details)*
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.</p> <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. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>

19	Roof-Level Structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing.</p> <p>The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
20	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
21	Plant (Details)*
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the plant to between the hours of 07:00 to 19:00 Monday to Friday only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
22	Land Contamination
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p>

	<p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p> <p>The land contamination details that are addressed by this condition are required to be addressed prior to the commencement of the development or at the earliest stages of the development. Therefore, these details are required to be agreed prior to commencement of the development.</p>
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23	Archaeological Investigation
	<p>CONDITION: No development shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.</p> <p>No development or demolition shall take place other than in accordance with the details set out in approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with Historic England) wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p> <p>The archaeological details and/or design that are addressed by this condition relate to works that would take place either prior to any demolition commencing or at the beginning of the construction phase, and/or the details would affect the subsequent design of other critical elements of the scheme. Therefore, these details are required to be agreed prior to commencement of the development.</p>

List of Informatives:

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

2	<p>Superstructure</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>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Sustainable Sourcing of Materials</p> <p>INFORMATIVE: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
5	<p>Car-Free Development</p> <p>INFORMATIVE: All new developments are to be car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
6	<p>Roller Shutters</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>

7	NPPF
	INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.
8	Thames Water
	A Groundwater Risk Management Permit from Thames Water will be required discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures are undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team.
9	Non-Return Valve
	Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
10	Water Pressure
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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 2.12 Central Activities Zone – predominantly local activities

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

4 London's economy

Policy 4.1 Developing London's economy

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 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 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 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 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land

Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

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

Strategic Policies

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

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy 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

Shops, culture and services

DM4.3 Location and concentration of uses
DM4.8 Shopfronts

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

Employment

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

Health and open space

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

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

D) Finsbury Local Plan June 2013

- BC3** Old Street
- BC8** Achieving a balanced mix of uses
- BC10** 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:

- Central London Zone (CAZ)
- Archaeological Priority Area
- St Luke's Conservation Area
- Cycle Routes (Local)
-
- Employment Priority Area (General)
- Bunhill & Clerkenwell Core Strategy Key Area
- Finsbury Local Plan Area

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
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

APPENDIX 3: Design Review Panel Response



CONFIDENTIAL

ATT: Matt Bailey
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61 Cavendish Road
St Albans
AL1 5EF

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: DRP/67

Date: 04 August 2015

Dear Matt Bailey,

ISLINGTON DESIGN REVIEW PANEL

RE: 112-118 Old Street (in connection with pre-application ref. Q2015/0174/MJR)

Thank you for attending Islington's Design Review Panel meeting on 14 July 2015 for an assessment of the above scheme. The proposed scheme under consideration is for the demolition of the existing three storey rear section of the office building for the redevelopment of the site through the erection of a replacement five storey (over basement) rear building, with a single storey glazed roof extension erected above the existing three storey front building at third floor level, together with installation of large pane glazing at ground floor level on the street facing elevation. The whole development would remain in B1 office use.

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), Richard Brown, Philip Cave, Michael Richter, Sarah Featherstone, and Simon Foxell on 14 July 2015 including a site visit and a presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

The Panel was generally supportive of the principles of the scheme: refurbishment of the historic building, recessive roof addition and contemporary rear extension. However, concerns were raised in relation to how the proposals had been developed in particular the fenestration to the host building, the appearance of the rooftop and the design (including external appearance and internal layout) of the rear extension.

Front elevation

The Panel appreciated the intention to restore the original front elevation, particularly at ground level. The Panel did however question the proposal to use Crittall windows and suggested that timber sash windows would have been more historically appropriate for the building.

In response to the design teams enquiry regarding the chimney stack, the Panel felt that it should be retained as it added interest to the roofscape and assisted in concealing the proposed roof extension.

Rear extension

The Panel felt that the design approach of the earlier iteration of the rear extension was more successful, which was a clear new build and was not an attempt to create a faux warehouse look.

The Panel felt that it would have been more suitable to have a stronger distinction between the identity of the original front building and the new rear extension. Panel members suggested that an option could be to create more of a physical separation between the front building and the rear extension.

The Panel argued that extensive use of glazing on the rear extension would create serious problems with solar gain and overheating.

Roof extension

Given the proposed recessive character of the roof addition, the Panel argued that there was no need to use the same pattern of fenestration or materials as on the host building. Panel members argued that the upper storey might be better designed as part of the rear building in terms of materiality and design.

Layout

The Panel raised concerns over the internal relationship between the original front building and the rear extension, particularly the uneven floor plates. It was strongly recommended that level floor plates between the front building and the rear extension should be achieved, possibly by creating a deeper basement.

The Panel questioned whether the core was in the right position and whether alternative options had been explored. Panel members felt that the proposed position of the core would make subdividing the office floors more difficult and made fire escape routes from the building potentially challenging.

Summary

In conclusion, the Panel felt that there was confusion over the overall strategy for the building. In particular the panel members felt that the original front building and the new rear extension should be given much clearer and more distinct identities. The Panel argued that in light of the rear extension essentially being a new building, there was no reason to settle for compromised solutions, and that a much higher quality building should be sought, particularly in terms of layout, access and sustainability.

The Panel recommended that the scheme should undergo a further review by the Panel.

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 since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,



Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager

APPENDIX 4: VIABILITY REPORT

112-116 Old Street, London, EC1V 9BD



Planning application reference: P2015/4651/FUL

Addendum Report

15 January 2016

1.0 INTRODUCTION

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington (the Client) to review a viability submission prepared by ULL Property (the applicant's consultants) on behalf of Costview Estates Ltd (the applicant) in respect of a proposed development of the above property.

2.0 SUMMARY

2.1 Our previous report, dated 08 January 2016, concluded that when benchmarking against the EUV there would be a modest surplus of £213,440. This conclusion was primarily based on an alteration to the EUV based on the lease terms that had been supplied to us which showed a total rent for the property of £450,350 as opposed to £495,000.

2.2 Since the submission of our report we have been provided with a Deed of Variation to the lease covering the basement and ground floors. This deed revised the rent to £173,750 from £128,575 and removed clause 40, relating to break options, from the original lease.

2.3 Based on this updated information we revise our initial position and ultimately agree with ULL that when benchmarked against the EUV the scheme is in deficit and that therefore the site is unable to deliver either any on-site affordable workspace or an off-site payment in this regard.

Planning application reference: P2015/4651/FUL

Independent Assessment of Economic Viability

8 January 2016

1.0 INTRODUCTION

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington (the Client) to review a viability submission prepared by ULL Property (the applicant's consultants) on behalf of Costview Estates Ltd (the applicant) in respect of a proposed development of the above property.

1.2 The proposed application comprises:

Two storey roof level and single storey basement extensions to existing B1 office building; remodelling of rear/side facade, replacement windows and shopfront to front facade and various internal alterations.

1.3 The Planning Statement describes the subject site as below:

The site is located on the South Side of Old Street. The site is a roughly rectangular shape and is occupied by two attached buildings, which provide full site coverage. The site is approximately 670sq.m (0.067 ha), with an existing internal floorspace of 1,898.3 sq.m (20,433.1 sq.ft) split between the front and rear building elements.

1.4 The Planning Statement also makes the following observation:

The development proposes 3,437 sq.m (36,995.6 sq.ft) (GIA). This is an additional 1,538.7 sq.m (16,562.4 sq.m) (GIA) of B1(a) floorspace which will be improved quality. The new floorspace has been designed to be flexible enabling it to accommodate a variety of unit types and sizes including SMEs.

1.5 ULL's submission demonstrates a deficit of £-526,560 when the proposed benchmark land value of £8.13m is compared to the proposed developments residual value of £7,603,440. On this analysis they conclude that the scheme is not sufficiently viable to provide any affordable workspace on site or an offside payment.

1.6 ULL state that the Council are seeking 5% of the proposed office accommodation to be affordable workspace and a S106 contribution of £630,900.

2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 We are satisfied with the approach ULL have taken in arriving at their Benchmark Land Value (BLV). The BLV is based on an existing use value approach reflecting the current rental income generated from the tenants of the building.
- 2.2 In analysing the leases and tenancy schedule provided by the applicant we note that the basement and ground floor rent did not correspond with the rent specified in the relevant lease. Therefore by using the corrected rent which produces a revised rent for the property of £450,350 instead of £495,000 adopted by ULL we calculate a lower BLV of £7.39m compared to ULL's figure of £8.13m.
- 2.3 Having analysed ULL's proposed rental values and yields against the comparable evidence provided and in light of our own research, we are of the view that the estimated rental values and investment yields applied are broadly reasonable.
- 2.4 Our retained Quantity Surveyor Neil Powling has reviewed the proposed costs and benchmarked these against relevant BCIS elemental rates. He confirms the proposed overall cost rate of £2,356 per m2 appears reasonable on this basis. Neil's full report can be found at Appendix 2.
- 2.5 Reflecting our slightly lower BLV of £7.39m we conclude the scheme shows a modest surplus of £213,440 which could be available to assist the provision of affordable workspace or other planning obligation.
- 2.6 We understand from the applicant that the Council are currently seeking a contribution from the applicant in the order of £800,000 for connection to a proposed combined heat and power. For the sake of clarity any contribution that may be agreed in this respect has been excluded from our analysis and conclusions but would serve to reduce current scheme viability.

3.0 PLANNING CONSIDERATIONS

Affordable Workspace

- 3.1 The Islington Guidance on Affordable Workspace December 2014:

The proportion of small/affordable floorspace be provided within specific schemes will be addressed on a site specific, case-by-case basis, taking into account the cost of development. Seeking to standardise cost and value estimates is problematic, as there are too many unknown variables. These include land values at acquisition stage; the site preparation and servicing costs related to each scheme; possible abnormal site preparation costs such as contamination; the condition of existing buildings where refurbishment would be involved; differences in costs between low and high rise developments; and a wide range of location, site and market specific factors. On top of this, delays due to planning or legal disputes can increase holding costs.

As a starting point for negotiation, 5% of the total amount of business floorspace in major developments should be provided as affordable workspace. Consistent with policy DM5.4, part B, where existing low value workspace is proposed to be redeveloped, an equivalent amount of affordable workspace should be provided unless it can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses. DM5.4, part E provides flexibility where public education, community uses or social infrastructure (e.g. childcare or health facilities) are provided on-site; this will be offset against the overall floorspace requirement for affordable workspace.

Within any particular scheme, the council will accept any form of small, micro or affordable workspace as contributing towards the overall proportion to be provided. As an example, if the council considers that a development should provide 25% of floorspace as affordable workspace, but only 20% is proposed, the 8 remaining 5% may be sought through the subdivision of retail units, the provision of additional small or micro units or (where appropriate) an equivalent financial contribution.

3.2 We also note:

Where genuinely exceptional circumstances can be demonstrated to the council that the provision of affordable workspace on-site is a) inappropriate, or b) would have an unacceptable impact on the viability of a scheme, financial contributions will be sought to secure equivalent provision off-site. Off-site provision will be achieved by the council bringing redundant properties into use (e.g. converting vacant garages to workshops), or by the council working in partnership with the voluntary sector to secure improvements to existing workspaces or providing additional workspace.

The off-site contribution will be negotiated on a case by case, cost per sqm basis. This will also be dependent on the outcomes of a viability assessment and discussions with the council.

4.0 VIABILITY BENCHMARK

Viability Benchmarking

4.1 Development appraisals work to derive a residual value. This approach can be represented by the simple formula below:

Gross Development Value - Development Costs (Inc. Developer's Profit) = Residual Value

4.2 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.

4.3 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.

- 4.4 In line with the Council’s emerging SPD on development viability 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 can effectively be relegated to a minor consideration in analysing market transactions. 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 meet policy obligations by virtue of a higher price paid for land, the use of this benchmark becomes circular and can potentially lead to negligible contributions.
- 4.5 The NPPF recognises at 173, the need to provide both land owners and developers with a competitive return. In relation to land owners this is to encourage land owners to release land for development. This has translated to the widely accepted practice when using EUV as a benchmark of including a premium. Typically in range from 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.

Proposed Benchmark

- 4.6 The proposed benchmark reflects an Existing Use Value (EUV) of £7.07m. The EUV is based on the subject site’s existing use of office accommodation (B1 use class). A land owner’s premium of 15% has been added to this figure to derive the proposed benchmark of £8.13m
- 4.7 The proposed BLV of £8.13m equates to a sales rate of £4,283psm/£398psf. We have confirmation that the existing office space has a total area of 1,898.3sqm/20,433sqft (GIA) as shown below:

Use Class	Floor	NIA (sq m)	NIA (sq ft)	GIA (sq m)	GIA (sq ft)
B1 Offices	Basement	97.0	1,044	176.9	1,904
B1 Offices	Ground	516.4	5,558	669.7	7,209
B1 Offices	First	450.4	4,848	523.9	5,639
B1 Offices	Second	501.7	5,400	527.8	5,681
TOTAL		1,565.5	16,851	1,898.3	20,433

Rental Value

- 4.8 ULL have based the rental values of £29psf in line with the existing aggregate passing rent of £495,000 per annum.
- 4.9 We have requested for a tenancy schedule for the existing subject site to confirm the rent proposed in this case. We note that the aggregate passing rent as identified under copy leases provided total £450,350 per annum equating to of £291psm/£26.73

4.10 This compares to ULL’s analysis which assumes a total rent roll of £495,000 which equates to a rate of £312psm/£29psf.

4.11 The amended tenancy schedule is shown below:

Floor	Tenant	NIA (sqft)	Unexpired Months	Annual Rent Passing	£/Sqft
Basement & Ground	Waddell Ltd	6,602	5	£128,575	£19.48
First	BP Media Ltd	4,848	12	£187,500	£38.38
Second	Crate Enterprises Ltd	5,400	12	£134,275	£24.87
	Total	16,850		£450,350	£26.73

4.12 We have inspected the property and are of the opinion that the space would be classed as grade tertiary or poor grade B accommodation, although it offers relatively clear space but the building quality is quite poor but would no doubt appeal to design and media occupiers such as the current occupiers. We have also reviewed the buildings Energy Performance Certificate (EPC) and note that the rating is currently ‘G’. It should be highlighted that from April 2018 the minimum required rating for letting a commercial property would be an ‘E’. The current EUV calculation includes an all risk yield of 7% which is designed to reflect the need for refurbishment but we question whether this softer yield adequately reflects the void period and scale of works likely to be required to raise the EPC performance to the requisite level as no detailed assessment of the works required to bring the property up to an acceptable standard have been provided.

4.13 However if we take ULL’s assumption that the current tenants remain in occupation beyond their current terms then there would be a need for comprehensive refurbishment factored into the valuation of this property before April 2018. We have not been able to make a realistic estimate of the costs involved but note that in addition to preplacing widows there would be a need to address wall and roof insulation as well as possibly current heating arrangements and therefore is doubtful whether tenants could remain occupation throughout these works.

Capitalisation Yield

4.14 An all risk yield of 7% has been applied in this case which is in accordance with our comparable evidence at Appendix 1. The comparable which shows the highest yield is at 6.9% but the general trend is much lower, therefore we accept there is a reflection in the yield of the refurbishment issues

Land Owner’s Premium

4.15 We note that a 15% premium has been applied to the EUV. The purpose of a premium is to provide an incentive to a landowner to release land for development. This reflects NPPF and NPPG Guidance.

- 4.16 Both NPPG and GLA Guidance stress that the application of premium should not be applied on a formulaic basis and should reflect the circumstances of the property.
- 4.17 In our considerable experience we generally see premiums in a range of between 0% and 30% of EUV.
- 4.18 The proposed premium is relatively modest, however given the poor standard of the property and the need to make substantial investment due to the current energy rating there is reason to think an owner would need comparatively little incentive to look to renew this asset. We do however accept that a premium to an extent is applicable in this case and accept 15% is not unreasonable.

BPS Existing Use Value

- 4.19 Using the same EUV approach as ULL but applying the correct rental income of £450,350 p.a. we calculate a lower figure of £6.43m. With the inclusion of a 15% premium we arrive at a proposed benchmark of £7.39m. This compares to ULL’s proposed EUV figure of £7.07m and with premium £8.13m.
- 4.20 In arriving at our overall conclusions we have adopted our lower benchmark figure.

5.0 MARKET OFFICE ACCOMMODATION

- 5.1 The table below summarises the proposed office accommodation to be provided by this scheme.

Use Class	Floor	NIA (sq m)	NIA (sq ft)	GIA (sq m)	GIA (sq ft)
B1 Offices	Basement	360.0	3,875	619.0	6,663
B1 Offices	Ground	428.5	4,612	626.0	6,738
B1 Offices	First	522.3	5,622	629.5	6,776
B1 Offices	Second	522.3	5,622	628.8	6,768
B1 Offices	Third	432.0	4,650	528.7	5,691
B1 Offices	Fourth	334.5	3,601	405.0	4,359
TOTAL		2,599.6	27,982	3,437.0	36,996

- 5.2 ULL state that the applicant intends to sell the asset to an institutional investor once fully let. Therefore the revenue in this case will include the rental income received to the point of sale.
- 5.3 We note that the location of the site is within London’s ‘tech city’. The map below illustrates this. The black arrow shows the location of the subject site. 0.3 miles east of so called silicon roundabout.



Rental Value

- 5.4 Below we have analysed ULL’s supporting evidence used to establish an appropriate rental value and capitalisation rate. ULL note their comparables are sourced from within 0.25 miles from the subject site and are between 1,500 sqft and 10,000 sqft that have been transacted in the last six months. We have also sought our own evidence and include this within our analysis.
- 5.5 ULL have proposed a rental value of £619psm/£57.50psf to the ground and upper floors. For the basement a rental value of £35psf has been applied. ULL have assumed that a term of 10 years would be granted for a new lease, subject to a six month rent-free period.
- 5.6 ULL have provided comparables that comprise second-hand office accommodation which includes units that are in need of refurbishment and updating, for example lighting for many of them is category 2 whereas current regulations demand category 7. Some of these transactions we have not been able to confirm whether they are air conditioned or not. The comparables gives a range of rental values from £431psm/£40psf to £554psm/£51.50psf averaging at £506psm/£47psf.
- 5.7 We sought our own comparables which comprise new build office in the surrounding area of the subject site. These include White Collar Factory and The Bower both of which have slightly better locations in the heart of ‘Tech City’ on ‘Silicon Roundabout’ next to Old Street underground station. Both comparables reflects the high end of the rental value spectrum in this area.
- 5.8 The White Collar Factory is still under construction, near completion and achieved pre-let rental values ranging from £603psm/c£56psf to £678psm/c£63psf which average at £635psm/£59psf. This comparable comprises a modern high quality specification including; generous and flexible working space, reception, landscaped courtyard 6m head room, communal roof terrace with running track and concrete core cooling.
- 5.9 The Bower is also still under construction, near completion and achieved a pre-let rental values from c£50psf to c£60psf averaging at £55psf. This comparable includes; a new

public realm, air conditioning, roof top terraces, and in one of two plots (The Tower) there are cityscape views and double-height space.

- 5.10 Overall we are of the view that the proposed rental value of £619psm/£57.50psf is appropriate. We also note that for the basement office accommodation ULL have proposed discounted rental value at 60% of the normal rental value, £377psm/£35psf, which is realistic for space with practically no natural lighting.
- 5.11 Appendix 1 sets out the relevant transaction evidence used to inform our assessment.

Capitalisation Yield

- 5.12 ULL propose a capitalisation yield of 5.75% which once applied to the proposed rental values generate a capital value of £10,016psm/£931psf.
- 5.13 ULL have provided comparable evidence which shows a range of yields achieved from 4.75% to 5.25% which average at 5%. These comparables give capital values ranging from £607psf to £1,170psf which average at £857psf.
- 5.14 Our comparables show two yields of 5% and 6.9% and in terms of capital value they show a range from £2,217psm/£206psf to £7,352psm/£683psf which average at £4,338psm/£403psf.
- 5.15 The yield spectrum ranges from 4.75% to 6.9%. This gives an average yield of 5.8% which is in line with the proposed yield of 5.75%, therefore we are of the opinion that it is broadly reasonable, however yield will also reflect the eventual lease terms and tenant covenant strength which are of course unknown at this point.

6.0 BUILD COSTS

- 6.1 Our Quantity Surveyor, Neil Powling has reviewed the proposed costs and is of the view that they appear reasonable when benchmarked against BCIS averages as outlined in his report which can be found at Appendix 2.
- 6.2 In his report Neil gives the following overview of his assessment:

'The result of our adjusted benchmarking yields a rate of £2,374/m² that compares to the Applicant's £2,356/m². We therefore consider the Applicant's construction costs to be reasonable.'

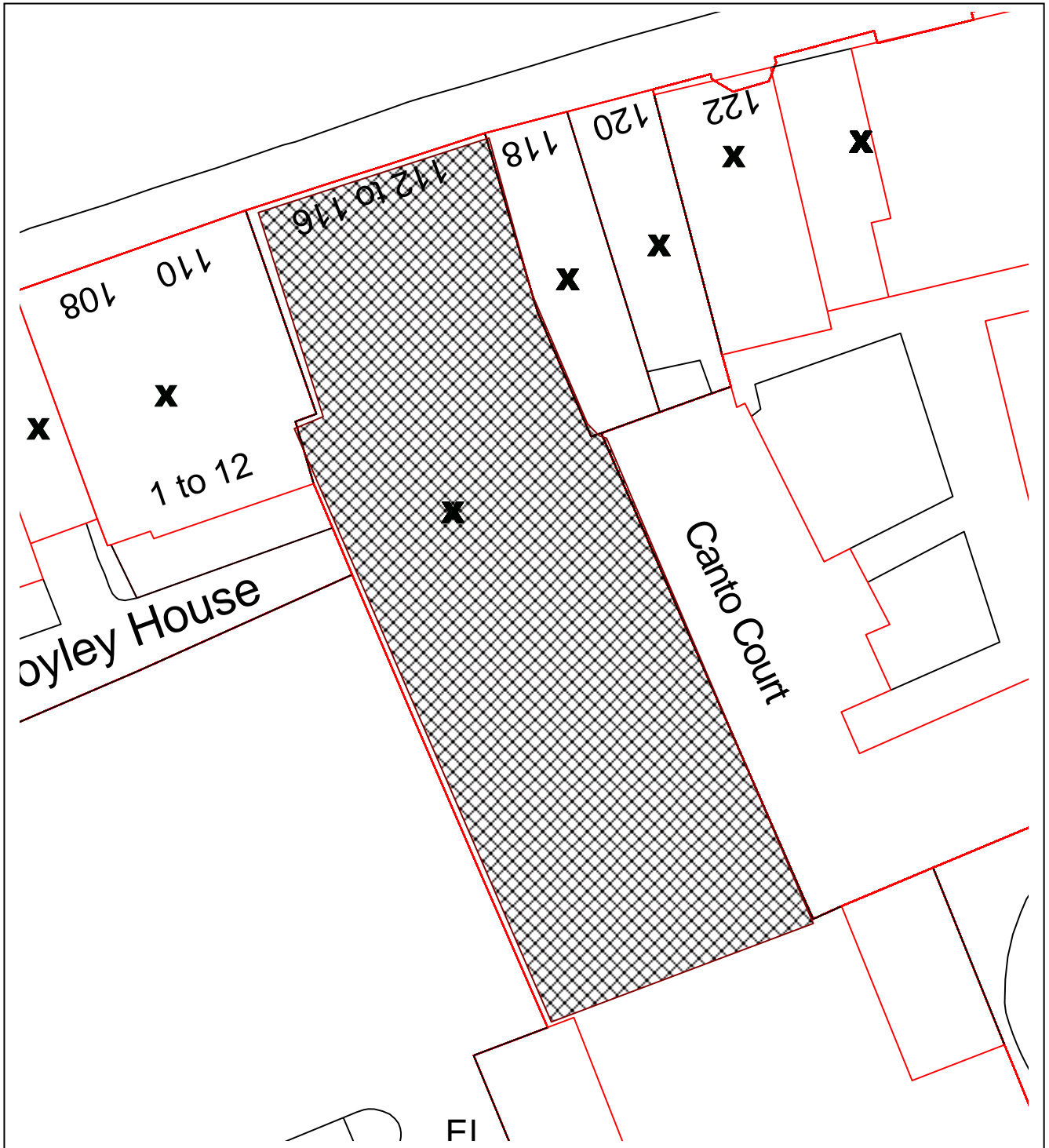
Other Fee assumptions

- 6.3 The adopted profit target is 15% of the GDV of the market office element representing a standard market assumption which we would not dispute.

- 6.4 The development finance rate assumed is 7%, as a blended cost of capital, to included arrangement and exit fees. We view this to be is in line with current market expectations.
- 6.5 Site purchase costs are comprised of stamp duty land tax rate at 4%, 1% agent fees and 0.5% legal fees, as are the purchaser's costs for the market office investment sale.
- 6.6 Mayoral CIL and Borough CIL payments have been identified as a total of £200,031 which we have not tested.
- 6.7 We view the following additional assumptions within the appraisal as being realistic and in line with market norms:
- Professional fees of 10% (contingency is included within construction costs)
 - Marketing costs for letting of £50k (% of GDV)
 - Investment sale costs of £50,000 (% of GDV)
 - Letting agents fees a 10% of rent
 - Letting legal fees at 5% of rent
 - Sales agents fees at 1% of GDV
 - Sales legal fees at 0.5% of GDV

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Islington 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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	9 th February 2016	NON-EXEMPT

Application number	P2015/4143/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	None on site.
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Core Strategy Key Area – Bunhill and Clerkenwell - Central Activities Zone (CAZ) - Employment Priority Area (general) - Within 50m of listed buildings – 113 Farringdon Road (Grade II); 3 Ray Street (Grade II); 11 Ray Street (Grade II) and 1 Herbal Hill (Grade II) - Site Allocation BC43 - Clerkenwell Green Conservation Area - Protected Vista – Kenwood viewing gazebo to St Paul’s Cathedral & Parliament Hill summit to St Paul’s Cathedral - Within 100m of TLRN Farringdon/Smithfield Intensification Area
Licensing Implications	In the event of the flexible ground floor use being taken up by an A3 use, a licence may need to be applied for.
Site Address	119 Farringdon Road, London, EC1R 3DA
Proposal	Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm.

Case Officer	Stefan Sanctuary
Applicant	Viridis Properties
Agent	Gerald Eve

APPLICATION DEFERRED

1. The current application was previously heard at the Planning Committee held on the 19 January 2016. A decision on the application was deferred by Committee Members for the following reasons:
 - a) Further clarification regarding the affordable housing contribution (in relation the Central Activities Zone (CAZ) mixed use policies;
 - b) Further clarification regarding the correct application of the affordable workspace requirements of policy BC8 (Finsbury Local Plan 2013);
 - c) Servicing details and the relationship to 2-3 Crawford Passage.

Further responses:

2. Since the previous Planning Committee meeting on 19 January 2016, one further response has been received from the Mount Pleasant Association. The issues raised include:
 - Lack of housing component in the proposal and inadequate monetary compensation for this lack.
 - Proposed removal of most of the protected plane trees fronting the proposed building (and loss of trees in Crawford Passage).
 - Local residents in Crawford Passage will suffer nuisance and inconvenience from both the proposed relocation of the goods access point, and from proposed commercial usage of public space by retail customers.
 - Better architectural design should be required in light of the impending commercial importance of the Farringdon Road area following the completion of the Cross Rail development.

Reason a) Affordable Housing Contribution

3. The proposals, as presented at planning committee, do not provide any residential floorspace on site as the application site is within an Employment Priority Area (General), Central Activities Zone and Farringdon/Smithfield Intensification Area. Whilst there is uplift in office floorspace, the potential to achieve a significant increase in floor area is, in relative terms, fairly limited, due to the constraints of the site along with the desire and policy requirement

to provide a mix of uses/active frontages at ground floor level. Furthermore, as the Site falls within an Employment Priority Area(General) where there should be no net loss of office floorspace.

4. Policy BC8D states that:

“...major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.”

5. Whilst discussion at the previous Committee referred to the heights of buildings being extended and consideration being given to this in order to maximise opportunities for housing on this site, the height of the proposed building on the site is considered to have been maximised. The bulk and massing is also considered to have been maximised whilst still protecting nearby residential amenity, respecting the relationship to historic buildings and spaces around the site and offering an opportunity to enhance the public realm.

6. The supporting text to BC8 refers to supporting the area’s economic role within Central London by prioritising employment development in area’s located on the fringes of the City, reflecting their existing character as well as their exceptional accessibility (which will be further enhanced following the implementation of Crossrail).

7. The calculation for arriving at the appropriate off-site affordable housing contribution, in the event less than 20% of the uplift in business floorspace is provided on site as housing is set out within the Planning Obligations SPD as follows:

“Increase in office floorsapce (sqm) x 20% minus uplift in residential floorspace divided by average residential unit size (75sqm gross internal area) = number of additional housing units that could be achieved.

Contribution due = number of additional housing units that could be achieved (see above) x £60,000 (as this site is located south of Pentonville Road / City Road), in line with the Council’s Small Sites Affordable Housing Policy (see Chapter 6) x the Council’s affordable housing requirement (50%)”.

**(470sqm x 20%) - 0 / 75sqm = 6.27 residential units
(6.27 x 60,000) x 50% = £188,100**

8. If the necessary units were to be accommodated on site, a significant amount of the gross residential floorspace (required as part of the 20% minimum to be provided) would be taken up by lift lobbies, circulation, plant, waste and cycle storage requirements associated with the residential units. The scheme architects carried out an exercise and confirmed that no more than 2

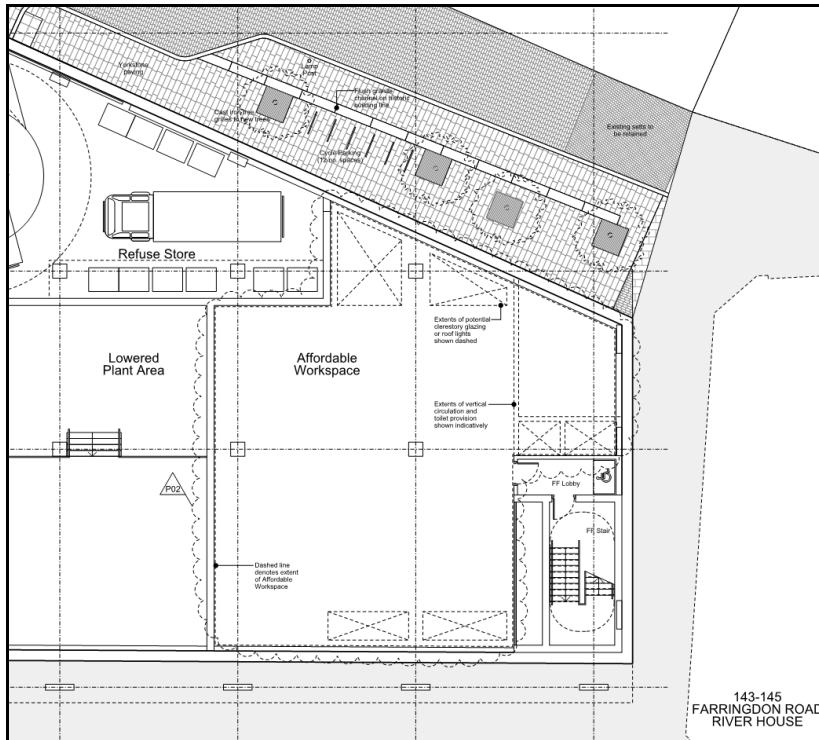
residential units could be provided in practice, once the above necessary supporting facilities' and the floorspace required to provide them was deducted from the floorspace necessary by policy to be provided on site. This 20% of office uplift should be seen in context of the need to maximise employment floorspace at this site, as required by other policies.

9. Whilst the Mount Pleasant Association has written stating that the lack of housing within the proposal forms one of their objections and that the affordable housing contribution in lieu of this is inadequate, it was in fact a compliant financial contribution offered by the applicant as illustrated above.
10. In light of the above, and as only 2 residential units could effectively be achieved on site utilising the 470sqm (20% uplift) floorspace (to meet the policy requirement), a payment in lieu was considered appropriate by officers. Whilst a greater amount of housing could be provided on site, this would be at the direct expense of employment floorspace uplift, which is the priority in this location.
11. In response to the reason for deferral, the applicant has reviewed again the previous policy compliant financial contribution of £188,100. As a consequence of the increase in affordable workspace (and reduction in retail floorspace – see below), the office uplift increases by 224sqm resulting in a total office uplift of 2,575sqm (including affordable workspace). It has therefore been calculated that, based on 20% of this increased uplift, the site could now potentially accommodate 6.87 residential units based on 515sqm GEA, with a policy requirement to provide a payment in lieu of on-site residential floorspace of £206,100.
12. This has been calculated as follows:
 - $2,575$ (increase in office and affordable workspace) \times 20% = 515sqm
 - $515\text{sqm} / 75\text{sqm}$ (average residential unit size) = 6.87 units that could be accommodated on site
 - $6.87 \times £60,000$ (value per unit) = $£412,200$
 - $£412,200 \times 50\%$ = $£206,100$
13. Notwithstanding this, in light of Members concerns about the level of financial contribution, the applicant has confirmed that they are willing to provide an additional contribution taking the total sum to £412,200.
14. For the above reasons, the lack of housing on-site is considered to be appropriate in this instance so as to maximise employment floorspace at this site particularly given the degree of floorspace that would be taken up by ancillary residential floorspace, without actually delivering units, additionally having a knock on by reducing active frontages at ground floor level. The proposal therefore is considered acceptable and to prioritise employment floorspace as is sought by the specific locational policies applying at this site.

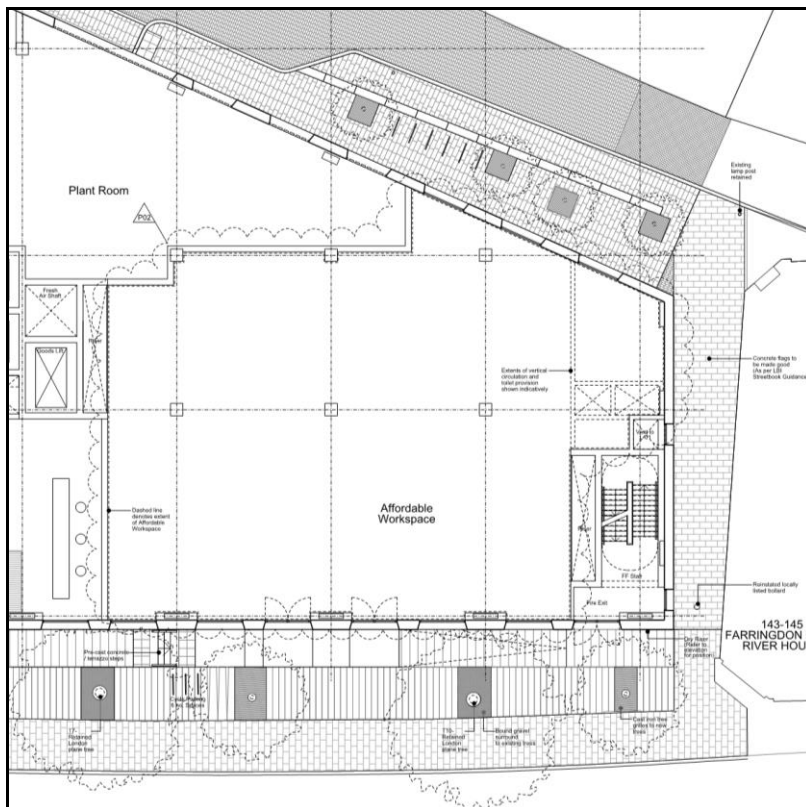
Reason b) Affordable Workspace Provision

15. The proposals when presented to 19 January Planning Committee provided for 461sqm Gross External Area (GEA) of SME space of which 50% of that floor area would be affordable workspace. This is equivalent to 12% of the uplift in employment floorspace.
16. Having reviewed the policy relating to this part of the Borough, policy BC8 'Achieving a balanced mix of uses' of the Finsbury Local Plan (2013), part B of the policy is applicable as the site is within an Employment Priority Area (General). The later part of the policy states:

"For proposals in excess of 10,000sqm gross employment floorspace, the proportion of micro, small and / or affordable workspace or retail space to be provided should be equivalent to at least 5% of the total amount of proposed employment floorspace..." [emphasis added]
17. It was not considered clear within this text, nor does the supporting text clarify if this is intended to be applied to the uplift or the total scheme being delivered. Officers, having reviewed this again now take the view that it could be applied to the total floorspace being delivered, rather than the uplift.
18. This proposal delivers a total quantum of 12,952sqm (GIA) of employment floorspace (employment floorspace including both the office and the retail floorspaces within this proposed development). As this proposal offers more than 10,000sqm of gross employment floorspace, then the above requirement is triggered, resulting in an affordable and/or a small/micro workspace provision requirement of 647.6sqm (GIA).
19. In light of Members' concerns, the applicant (Viridis) has confirmed that the entire 461sqm of SME workspace will now all be affordable, provided at a peppercorn rent for 10 years.
20. Furthermore, a further 224sqm of affordable workspace is now proposed, again at peppercorn rent for 10 years. This takes the total to 685sqm GEA which equates to 5% of the total proposed employment floorspace (as opposed to just the uplift). This has been achieved through a small reduction (224sqm) in retail area.
21. Whilst the updated plan now demonstrates that 685sqm of affordable workspace can be achieved, the detailed design requires finalisation which may result in some minor changes to the final plans and elevations. It is therefore recommended that a new planning condition be attached to any permission requiring final plans and elevations of the lower ground and ground floor levels (and elevations) to be submitted and approved prior to superstructure works. This will pick up any slight movement of louvres and doors to accommodate the shift from retail to workspace use and internal change to facilitate this.



Basement Plan (now proposed)

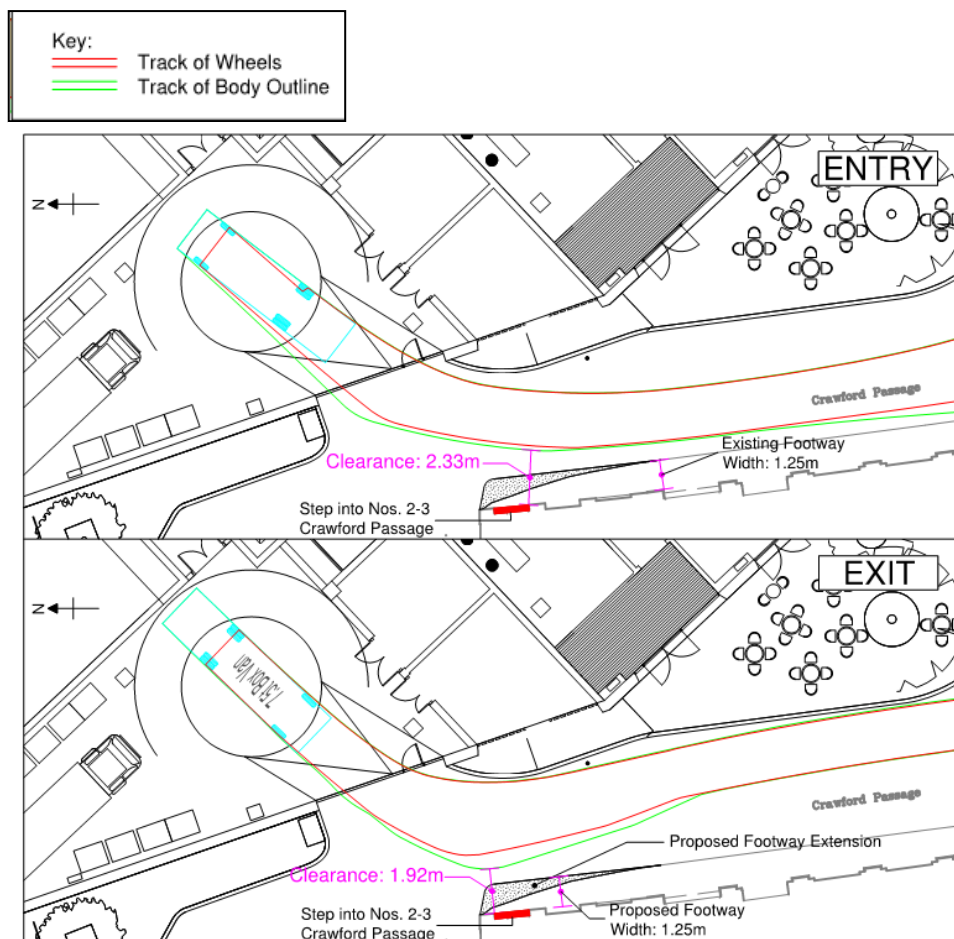


Ground floor plan (now proposed)

22. On this basis, the scheme will include a total of 685sqm of affordable workspace which equates to 37.4sqm of affordable workspace floor area above the policy requirement for 5% of the total employment floorspace. This is to be secured in an amended head of term for the legal agreement.

Reason c) Servicing Arrangements and Crawford Passage

23. The proposals currently offer a fully compliant position (Highways Act) in respect of servicing and deliveries, and the swept paths pass in excess of a minimum (1.2m) footway width from the residential building line opposite.
24. Notwithstanding this, following Members deferral of this item, the applicant has considered this matter further and has proposed to implement an extension of the footway to run in front of the entrance to Nos. 2-3 Crawford Passage to provide additional protection between the vehicles and the building line. This would not affect use of the three resident inset parking spaces. This would be secured by updated head of term as set out below.
25. The 'zoomed' in drawing for the entry and exit path of the 7.5t Box Van, the largest vehicle that will visit the site, clearly illustrates the clearances from the entrance to Nos. 2-3 Crawford Passage and also footway widths. These are in excess of minimum footway width requirements, and therefore comply with the Highway Act requirements and meet minimum safety requirements. The drawing referred to is inserted below:



26. The landscaping plan has been updated to reflect this change and the heads of terms are also amended to secure the extension of the footway at the cost of the developer.

27. It is important to note that the existing building at 119 Farringdon Road has not been fully occupied since 2008 and therefore the servicing yard has not been used to its full capacity since this time. Clearly if the existing building were to be fully occupied the open service yard (with no controls over servicing) would have a significant detrimental impact on residential amenity. It should also be noted that there would be no increase in HGV servicing as a result of the proposals (the largest vehicle undertaken for the assessment).
28. Notwithstanding this, alternative solutions for the location of the servicing were previously considered and the proposed location is considered to be the only suitable location for the servicing of the building for the following reasons:
- a. The existing servicing is located on Crawford Passage, the proposals do not change this;
 - b. Servicing could not take place on Farringdon Road as it is a strategic TLRN and would impede traffic flow. It would also compromise the landscaping and public realm works proposed;
 - c. The continuous drop in levels along Ray Street makes it impossible to provide off-street loading and would also interfere with the active frontages which are required by planning policy. Ray Street is also proposed to be part of the GLA's North-South Cycle Super-Highway (NSCS) and servicing in this location would create a risk of conflict between cyclists and servicing vehicles;
 - d. The key decision to internalise the servicing area within the building was made in order to reduce the impact on the amenity of local residents and to meet relevant highways policy requirements. The location was carefully considered with the access being sited opposite the inset residential parking area at a point where the existing residential building is furthest from the proposed service access;
 - e. The proposed location allows all servicing to be undertaken within the fully enclosed (with a shuttered door) service yard in line with formal management strategy controlling access and arrival and departure times. The turntable also allows vehicles to service by entering and exiting in forward gear. Both of these factors offer a significant improvement on the existing situation.

Trees

29. It is acknowledged that Policy DM6.5Bii) has a presumption against the removal of protected trees. However, the supporting text of the policy states that:

“in wholly exceptional circumstances, where protected trees are proposed to be removed or where their health would be detrimentally affected, suitable re-provision will require replacement and/or additional planting to re-provide at least equal canopy cover and/or equal environmental

amenity and visual value. Where on-site re-provision cannot be provided, a financial contribution of the full cost of appropriate re-provision will be required.”

30. For the following reasons it is considered that the proposals fulfil all of these requirements:
- The impact on the townscape and visual amenity will be in some respects minimised through the retention of 3 of the 10 existing London Plane trees;
 - This will be further enhanced through the planting of an additional 14 new trees, including mature and semi-mature trees of between 6-10m on site;
 - A further 11 new trees will be planted within the Clerkenwell ward, where detailed analysis has been carried out in order to locate positions where these new trees can be accommodated, in a ward that has traditionally been considered as extremely difficult to identify new public locations for tree planting. An increase of 25 new trees in total which will more than replace the existing canopy cover;
 - The 25 new trees will be planted using a Silva Cell System, an advanced tree pit system which will ensure their survival and future potential;
 - The new trees will provide increased species diversity whilst also delivering sustainable and successional planting;
 - The proposals will have substantial arboricultural, ecological and biodiversity benefits;
 - The historic building line will reinstated;
 - The pedestrian environment along Farringdon Road will be significantly improved.
 - A new area of public realm will be provided.
31. It must be acknowledged that Islington’s Tree Officer is supportive of the proposals.
32. Member’s need to be aware that the redevelopment of the existing building would not be feasible without the replacement of 7 of the existing Plane trees, proposed for removal. As such, the existing, unattractive, not fit for purpose, building would remain. None of the substantial public benefits of the

proposals, including the enhancement to the character and appearance of the Conservation Area, would be realised with the retention of these 7 trees.

33. 119 Farringdon Road is a physically constrained site. There is very little opportunity to extend the footprint of the existing building to the rear due to daylight and sunlight and amenity issues, as highlighted by residents at committee. There is also little opportunity to extend the building upwards as the site is within the strategic viewing corridor of the LVMF view of St Paul's Cathedral from Parliament Hill. There are additional local townscape issues with increasing the height further than proposed and whilst options for an additional storey were explored with Islington officers, it was considered unacceptable in townscape terms. For this reason, the only way in which to increase the floorspace of the building (in order for it to be feasibly redeveloped) is to extend the building line forwards on Farringdon Road, resulting in the removal of seven of the London Plane trees.
34. Notwithstanding the removal of the trees, officers including Design and Conservation Officers as well as the Design Review Panel consider that the proposed scheme proposed is the right approach, in architectural, environmental and townscape terms.

Conclusion and Updated Condition:

35. The proposed replacement commercial building has been designed to be particularly high quality reintroducing the historic building line to Farringdon Road and whilst the existing building is taller than its immediate neighbours and the proposed replacement building would stand one storey taller, its exceptional design does enable it to sit much better with its immediate neighbours and to contribute much more positively to the character and appearance of the conservation area.
36. Whilst the proposal to remove 7 of the 10 TPO trees from the frontage of the site is unfortunate the wider benefits of the proposal including the substantial replanting and species diversity is considered to achieve a net improvement in biodiversity terms.
37. The proposal would see the increase in employment floorspace at this site within an employment priority area and also within the Clerkenwell and Farringdon / Smithfield intensification area, with a total of 685sqm of floorspace to be secured as affordable workspace (peppercorn rent) for a minimum of 10 years. The proposal secures an off-site affordable housing contribution of £412,200 in lieu of on-site provision of housing, which is considered appropriate given that the provision of circulation cores, refuse storage and other ancillary residential space would take up a considerable amount of floorspace leaving little for actual housing provision at the expense of employment floorspace which would be at odds with the locational designation of the site within this part of the borough.

38. The following updated conditions are recommended in order to secure the amendments to the scheme following the deferral of the item from the 19th January Planning Committee:

- Condition 2 (Approved drawings) of the previous 19 January recommendation to be updated to replace the following plans:

12164_(00)_P101 Rev P02	replaces 12164_(00)_P101 Rev P01
12164_(00)_P102 Rev P02.	replaces 12164_(00)_P102 Rev P01.
Plan 001.001 Rev. B	replaces plan 001.001
TPHS/045/DR/25 Rev A	(additional)

- New Condition 31: Affordable Workspace:

CONDITION: Notwithstanding the details and plans hereby approved, prior to superstructure works commencing on the site, final ground floor and lower ground floor plans including elevations shall be submitted to and approved in writing by the Local Planning Authority.

The details shall confirm 685sqm of affordable workspace is provided and the drawings shall be provided at 1:100 scale (floorplans) and 1:50 scale (elevations).

REASON: The current updated drawings of the affordable workspace area have been confirmed as able to accommodate the 685sqm required by policy, however it is considered that the final detailed design would need to be worked up. The only likely changes to the elevations as a result of the changes to the affordable workspace will be changes from window to louvre or vice versa albeit not changing the extent of solid (brick) panels. The condition is recommended in order to ensure that the affordable workspace is designed to be of a high quality internal working environment without adversely impacting on the appearance of the building or the character or appearance of the wider area.

UPDATED RECOMMENDATION

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

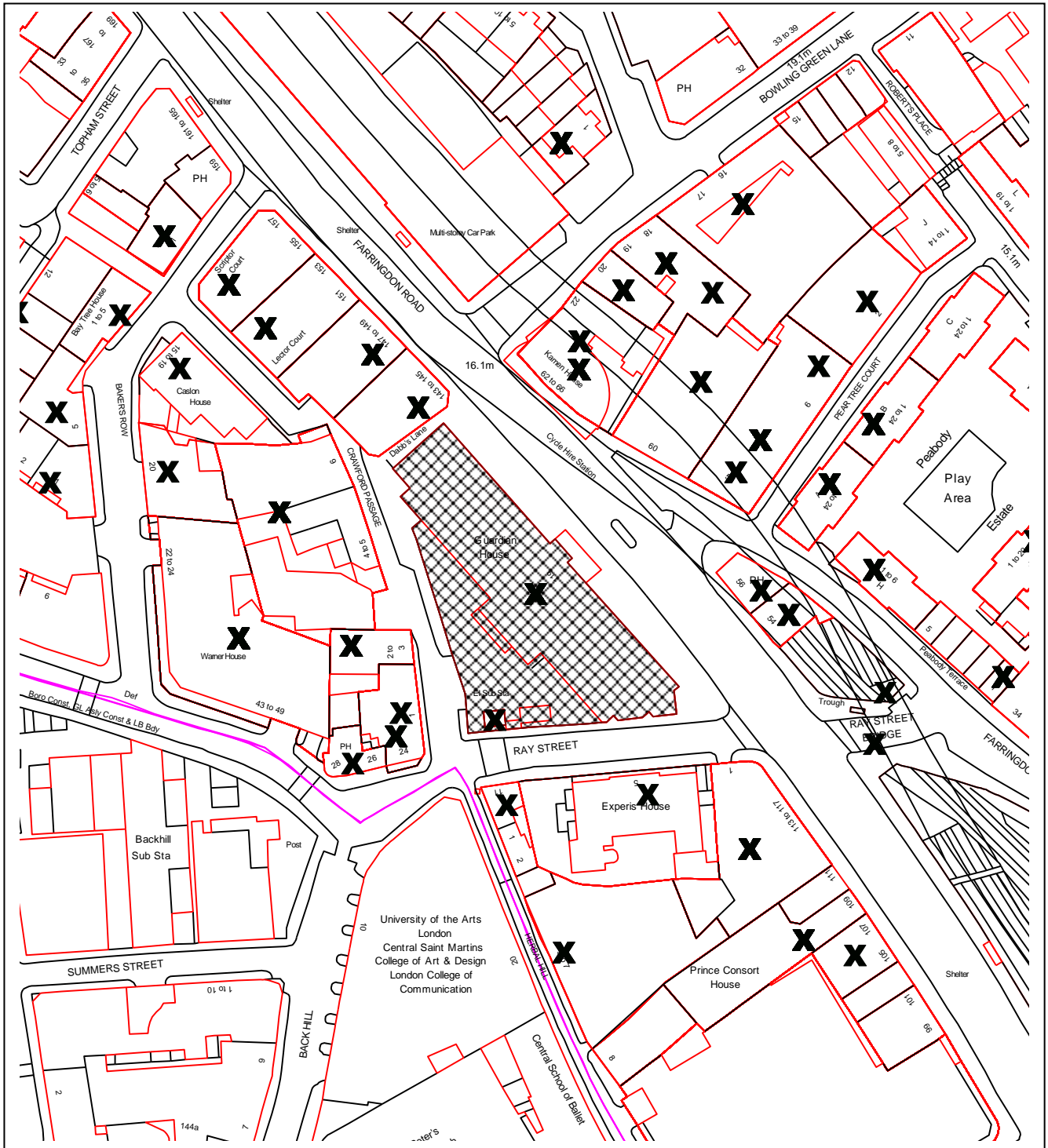
1. subject to the conditions set out in Appendix 1 of the 19th January 2016 Committee report (Appended) as amended by suggestions set out above;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the 19th January 2016 Committee report (Appended), with the following heads of terms amended (**new text provided in bold** below);
14. A contribution towards provision of off-site affordable housing of **£412,200** where it is accepted that housing cannot be provided on site.

15. The off-site provision of **a minimum of 11** new trees at three separate locations **across the Clerkenwell ward, all of which will be planted using a silva cell system.**
 16. The delivery of public realm improvements around the site, **to include the installation of granite setts on the carriageway (Crawford Passage/ Ray Street) and Yorkstone paving on the footway, the works to be carried out by the developer as part of a s278 agreement with the Council and finished to an adoptable standard, based on drawing 001 001 Rev B.**
 18. Provision of **685sqm** of affordable workspace which shall be occupied by companies and organisations as per a nomination and approval mechanism to be agreed with the council. **The whole of this floorspace shall be let at a peppercorn rent for a minimum period of 10 years.**
3. subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

Appendix 1 – 19th January Planning Committee Report

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Islington SE GIS Print Template



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Appendix

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	19 th January 2015	NON-EXEMPT

Application number	P2015/4143/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	None on site.
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<ul style="list-style-type: none">- Core Strategy Key Area – Bunhill and Clerkenwell- Central Activities Zone (CAZ)- Employment Priority Area (general)- Within 50m of listed buildings – 113 Farringdon Road (Grade II); 3 Ray Street (Grade II); 11 Ray Street (Grade II) and 1 Herbal Hill (Grade II)- Site Allocation BC43- Clerkenwell Green Conservation Area- Protected Vista – Kenwood viewing gazebo to St Paul’s Cathedral & Parliament Hill summit to St Paul’s Cathedral- Within 100m of TLRN Farringdon/Smithfield Intensification Area
Licensing Implications	In the event of the flexible ground floor use being taken up by an A3 use, a licence may need to be applied for.
Site Address	119 Farringdon Road, London, EC1R 3DA
Proposal	Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm.

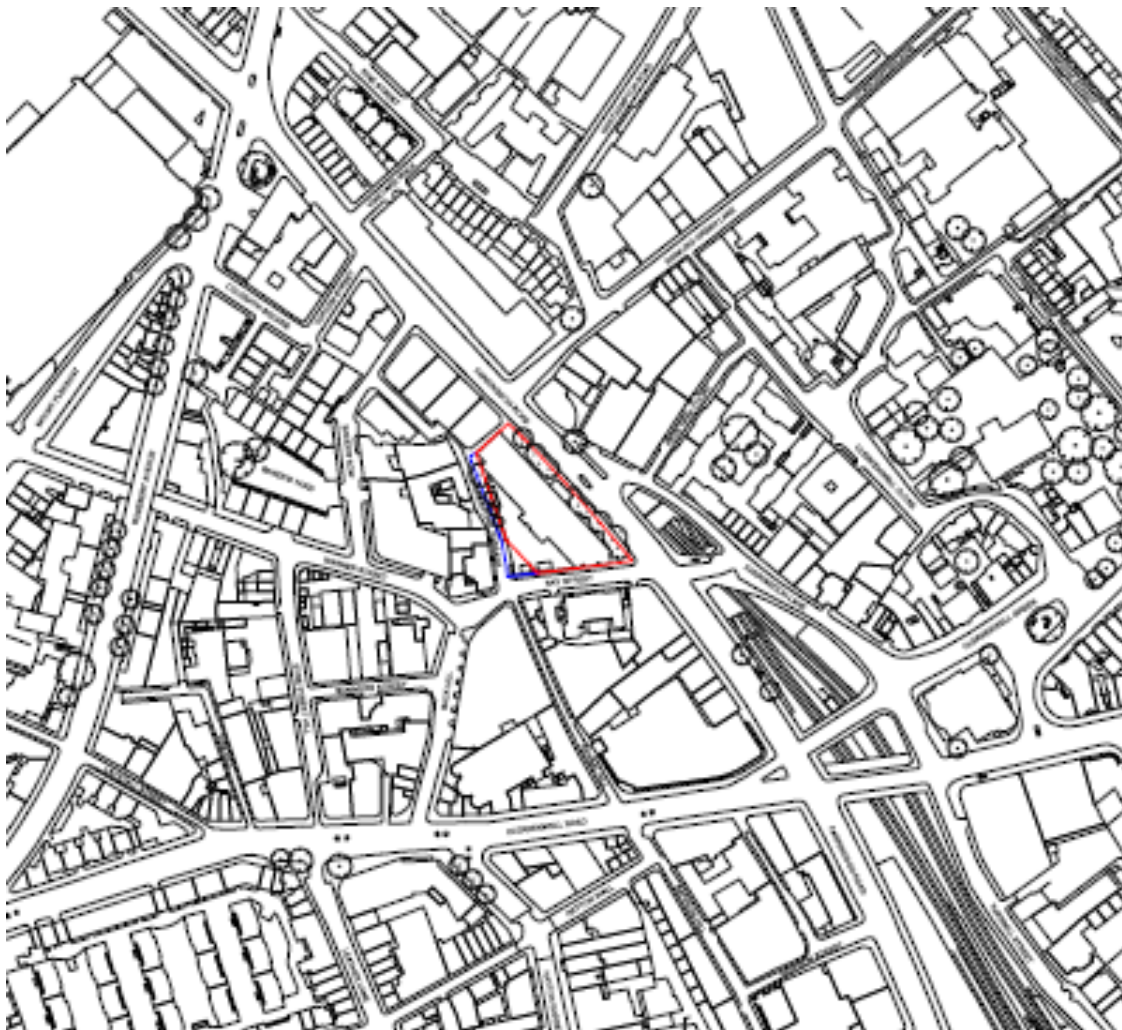
Case Officer	Stefan Sanctuary
Applicant	Viridis Properties

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;
3. where applicable, subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Birds-eye view of site



View of site looking north-west



Rear of subject building from Ray Street



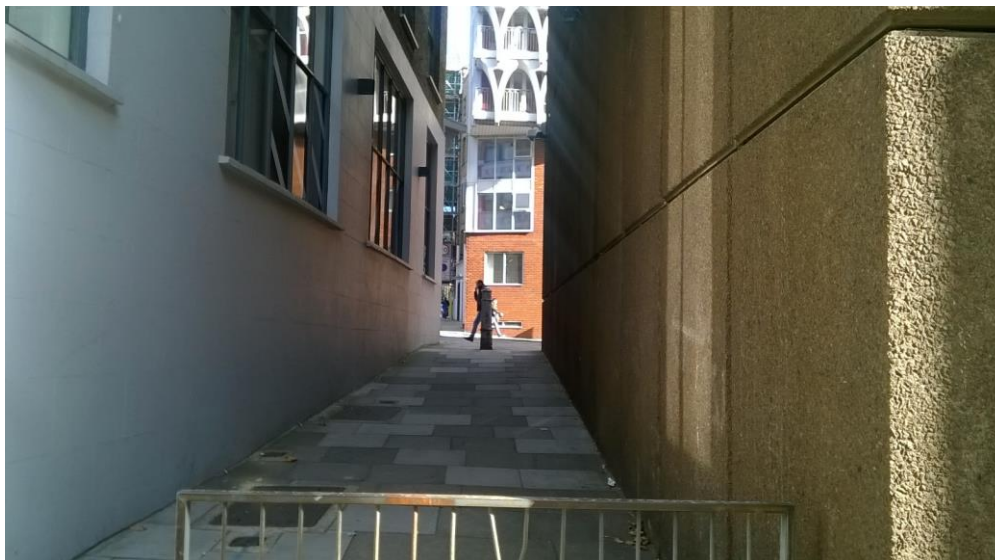
Looking north along Crawford Passage



View from Crawford Passage



Looking south down Crawford Passage



Looking east along Dabb's Lane



View of service yard at the rear



View of London Plane trees along the front

4. SUMMARY

- 4.1 The application site is located on the western side of Farringdon Road, between Ray Street, Crawford Passage and Dabb's Lane and is situated within the Clerkenwell Green Conservation Area. The area has a special character and appearance, which stems from its mix of uses, its architecture and its history. The site is occupied by a 7-storey office building dating from the 1970s, formerly occupied by the Guardian newspaper media group and most recently occupied by a theatre company. The existing seven storey building is slightly taller than the surrounding buildings, does not follow the typical architecture of the street and offers very little in terms of architectural merit.

- 4.2 The application proposes the demolition of the existing office building and redevelopment of the site to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm. The proposal also includes servicing and delivery space, plant room, cycle storage facilities and accommodates the substation at lower ground floor level. Further plant room as well as affordable workspace suitable for small and medium enterprises (SMEs) is located at ground floor level.
- 4.3 The land-use element of the proposal is considered to be acceptable through delivering a thoroughly mixed-use development that would increase and improve the existing office (B1a) floorspace on the site, increase the amount of retail floorspace, provide for SMEs and contribute to the borough's housing stock by making a financial contribution towards the delivery of affordable housing.
- 4.4 The proposal is considered to be of the highest quality in terms of architecture and urban design. The architecture proposed would make a positive contribution to a coherent public realm, streetscape and wider cityspace and would enhance and protect Islington's built environment. The application is considered to reinforce the borough's unique character by reintroducing more traditional street patterns and adopting traditional as well as contextual materials and articulation. As such, the proposal is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7 and Islington's Development Management Policy DM2.1.
- 4.5 The planning application, due to its high quality landscaping, planting scheme and replacement tree canopy cover is considered to be consistent with Policy 7.21 of the London Plan and Islington Core Strategy CS15. Whilst the proposal to remove some of the trees protected by tree preservation order (TPO) on site goes against the aims of Development Management Policy DM6.5, an exception can be made in this because of the particularly good quality and quantity of the re-provision proposed.
- 4.6 The proposal is not considered to have an unacceptable impact on neighbouring amenity in terms of loss of sunlight, daylight, privacy, or an increased sense of enclosure; and the replacement trees proposed are considered to contribute positively to air quality in the local area. Finally, the application proposes a sustainable building in a highly sustainable location that would effectively reduce future carbon emissions through the use of energy efficiency measures, clean and renewable energy and sustainable design methods.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the western side of Farringdon Road, between Ray Street, Crawford Passage and Dabb's Lane and is situated within the Clerkenwell Green Conservation Area. The site is occupied by a 7-storey office building dating from the 1970s, formerly occupied by the Guardian newspaper media group and most recently occupied by a theatre company.

- 5.2 The existing building is set back from Farringdon Road and has a row of 10 London Plane trees, subject to tree preservation order, along its frontage. The rear of the site is currently used as a service yard with a substation and a service / delivery bay occupying ground level. The existing building is slightly taller than its surrounding buildings, does not follow the typical architecture of the street and offers very little in terms of architectural merit.
- 5.3 The nearest buildings to the south, on the junction of Farringdon Road and Ray Street, are 111-117 Farringdon Road and 3-7 Ray Street, 6-storey grade II listed former warehouse buildings that are currently in use as offices. These buildings date from the 1860s and are characteristic of the 19th century warehouse and vernacular architecture along Farringdon Road and the surrounding area. Further west along Ray Street on the junction of Herbal Hill are a 3-storey grade II listed residential property and Herbal House, a 6-storey former warehouse building currently being refurbished to provide a mix of residential and commercial uses.
- 5.4 Bordering the site to the north are further warehouse buildings of six storeys in height. On the opposite site of Farringdon Road is a more modern red-brick building used as student accommodation, while more 19th century brick-built buildings characterise the remainder of the Farringdon Road streetscape. To the rear of the site along Crawford Passage are a number of 19th century warehouse buildings that have more recently been converted to residential accommodation.
- 5.5 Located at the northern edge of the Fleet Valley on the west side of Farringdon Road and to the north of Clerkenwell Road, the site occupies an important location at the western edge of the historic Clerkenwell Green area. The Clerkenwell Green Conservation Area has a special character and appearance which stems from its mix of uses, its architecture and its history. A wide variety of medieval, Victorian and contemporary residential and commercial buildings make up the area's built environment.

6. PROPOSAL (IN DETAIL)

- 6.1 The planning application proposes the demolition of the existing office building and redevelopment of the site to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm. The proposal also includes servicing and delivery space, plant room, cycle storage facilities and accommodates the substation at lower ground floor level. Further plant room and affordable workspace suitable for SMEs is located at ground floor level.
- 6.2 The proposed building is served by a main entrance from Farringdon Road towards the centre of the building. The main entrance provides access to the office floorspace above via a lift and stair core. A secondary entrance, approximately 20 metres further north along the building's Farringdon Road frontage provides access to the SME space. A further entrance on the junction of Farringdon Road and Ray Street provides access to the restaurant / café space at ground and lower ground floor level. Finally, a new area of landscaping is proposed along the Farringdon Road frontage with three of the

existing trees retained and seven others replaced by eight new companion trees.

- 6.3 To the rear of the site on Crawford Passage, at lower ground floor level, the proposed café / restaurant use opens out onto a new area of public realm with new hard and soft landscaping features. A further entrance at the rear provides access to the lift/stair core, bicycle storage area and changing facilities. Further up Crawford Passage a new vehicular entrance is proposed which provides access for servicing and delivery vehicles. Internally, this space provides the site's substation and the relocated UKPN substation as well as plant room and a refuse storage area.
- 6.4 The upper storeys of the proposed buildings provide further B1a office accommodation. The Crawford Passage elevation is progressively set back on each floor so that the building form gradually begins to taper and the office floorplates decrease in size. The top floor of the proposed office building, which is narrower than the existing building, provides further office accommodation and a plant enclosure.
- 6.5 In terms of the elevations, the composition of the facades takes its cue from the surrounding urban context and the proposed building thus constitutes a modern interpretation of the traditional vernacular architecture typical of the area. The symmetrical rhythm of the fenestration and openings follows the symmetrical nature of the surrounding Victorian warehouse buildings, whilst the brick facades reference the type of brick and bonds used in the surrounding area.
- 6.6 The chamfered corner on Ray Street is typical of many other buildings along Farringdon Road. The Crawford Passage elevation provides a more intimate scale as the building tapers towards the upper storeys, providing a series of landscaped terraces. A similar approach to materials is adopted on this elevation with large windows openings separated by brick sections.

7. RELEVANT HISTORY:

- 7.1 There is quite an extensive planning application history for the building 119 Farringdon Road and a separate application history for the trees at the front of the building. The following is the most recent history for the building:

Application Ref(s)	Proposal	Decision	Date
991240	Single storey forward extension to incorporate entrance waiting area and canopy.	Approved with conditions	26/08/1999
P001810	Lower basement, basement, ground and part four/part seven storey office extension to rear and additional plant enclosure to roof of existing building.	Withdrawn	17/12/2000
P021051	Erection of single storey	Approved with	10/07/2002

	rear entrance lobby.	conditions	
P022509	To temporarily site a portacabin in the rear yard for use as a courier collection point.	Approve with conditions	05/12/2002
P031394	Extension of time for the siting of a portacabin in the rear yard for use as a courier collection point.	Approved with conditions	27/08/2003
P050299	Change of use, conversion, and extension of the existing building to provide 1,867square metres B1 (business) space at lower ground and ground floor levels, an A3/A4 (restaurant/bar) unit at ground floor level at the corner of Ray Street and Farringdon Road, 118 residential units and 27 car parking spaces at lower ground floor level accessed via a new vehicular access from Ray Street.	Approved with conditions	06/04/2005
P080854	Demolition of existing building and felling of trees and erection of a 9-storey building plus basement level for A1 (retail) use at ground floor level and B1 (office) use at part basement and ground and wholly to upper floors together with associated onsite servicing, plant rooms, cycle storage.	Withdrawn	18/09/2008
P080855	Conservation Area Consent application in connection with the felling of trees to the Farringdon Road frontage, demolition of the existing building and erection of a nine storey building for A1 (retail) and B1 (office) use.	Withdrawn	14/08/2008
P082074	Conservation area consent application in connection with the felling of trees to the Farringdon Road frontage, demolition of the existing building and erection of an 8-storey building for B1 (business)	Withdrawn	09/03/2009

	and A1 (shop) use.		
P082075	Demolition of existing building and felling of trees and erection of an 8-storey building plus basement level for A1 (shop) use at ground floor level and B1 (business) use at part basement and ground and wholly to upper floors together with associated onsite servicing, plant rooms and cycle storage.	Withdrawn	09/03/2009
P090352	Erection of new public call box	Prior Approval required – refused	17/04/2009
P120542	Application to extend the time for the implementation of planning permission reference P050299 dated 7 March 2007 for the Change of use, conversion, and extension of the existing building to provide 1,867square metres B1 (business) space at lower ground and ground floor levels, an A3/A4 (restaurant/bar) unit at ground floor level at the corner of Ray Street and Farringdon Road, 118 residential units and 27 car parking spaces at lower ground floor level accessed via a new vehicular access from Ray Street.	Withdrawn	20/08/2012
P2014/2897/FUL	A temporary change of use from B1 to dual use comprising B1 and Sui Generis Use for the provision of a theatre space, with ancillary studios/workshops and retail cafe/bar.	Approval recommended. Use now ceased.	

7.2 The following is the application history involving the trees at the front:

Application Ref(s)	Proposal	Decision	Date
970151	Tree works in front garden. Planes (9): Crown lift 4m	Approved with	11/03/1997

	crown thin 35% and deadwood. Broken plane: Fell.	conditions	
981870	Pruning of trees in front. 10 x PLANES: Thin extremities of crowns by up to 30%. Cut back to clear building by 2.5m. Lift to 4m over pavement and 6m over road.	Approved with conditions	05/11/1998
P000726	Tree works in frontage area. Works: Planes (10): Crown reduce 20-25%, clear building by one metre, deadwood.	Approved with conditions	16/05/2000
T080458	Tree Pruning works in the Clerkenwell Green Conservation Area. X10 London Planes , crown reduce by up to 20%.	Approved with conditions	24/12/2008
P2012/0319/TRE	T1, T2, T3: Sorbus species 25% Crown reductions T4: Norwegian maple - prune back from building, 20% crown reduction.	Withdrawn	22/03/2012
P2013/0092/TRE	X10 London Plane - T1- T10 of LBI TPO (No.404) 2009 20% Crown reduction, back to previous pruning points	Withdrawn	22/03/2012
P2014/3861/TRE	10 x Plane trees Crown lift sub-lateral branches to a height of 6m above ground level. Cut back from building to give a 3m clearance. Clear lamp column poles by 1m but clear lamp heads by 2-2.5m	Approve with conditions	05/11/2014

ENFORCEMENT:

7.3 There are two historic and now closed enforcement cases related to the application site. They are:

- Installation of air-conditioning units on rear elevation at ground floor level. This case was closed on the 19th July 2000.
- Installation of a portacabin on the pavement. This case was closed on the 22nd January 2003.

PRE-APPLICATION ADVICE:

- 7.4 A series of pre-application meetings and discussions have taken place since September 2013. These have included presentation and analysis of the proposal at Design Review Panel and Members' Forum. Further details of this are provided below.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 323 adjoining and nearby properties on Crawford Passage, Ray Street, Warner Street, Herbal Hill, Farringdon Road, Pear Tree Court, Baker's Row, Bowling Green Lane, Farringdon Lane, Northampton Road and Clerkenwell Close on the 8th October 2015. A site notice and press advert were displayed on the 15th October 2015. The public consultation of the application therefore expired on the 5th November 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 14 responses had been received from the public, including a letter from the Mount Pleasant Association, 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):
- All 10 London Plane trees at the front of the site should be retained [*paragraphs 11.37 – 11.43*];
 - The loss of the existing trees would be a detriment to air quality [*11.61 - 11.66*];
 - The design of the front elevation is uninspiring [*11.25 – 11.32*];
 - The proposal should include housing [*11.9 – 11.10*];
 - The proposed development would lead to an unacceptable impact in terms of sunlight / daylight [*11.50 – 11.54*];
 - The proximity of the proposed building would lead to increased overlooking and a loss of privacy [*11.55 – 11.56*];
 - Proposed servicing/delivery arrangements would lead to unacceptable noise and traffic safety impacts [*11.91 – 11.95*];
 - The position of the various entrances is ill-conceived and would lead to a loss in neighbouring amenity [*11.57 – 11.60*].
- 8.3 A number of other objections were raised that are not considered planning matters. They are the following:

- That the company making the planning application is registered off-shore;
- The development would lead to impacts on the local amenity during the construction process (*conditions 24 and 26*)

External Consultees

- 8.4 The Design Council (originally known as CABE) offered no comment on the proposal.
- 8.5 Lead Local Flood Authority raised no objection to the proposal subject to relevant conditions
- 8.6 Metropolitan Police (Crime Prevention) raised no objection to the proposal.
- 8.7 Thames Water raised no objection to the proposal subject to relevant conditions and informatives.
- 8.8 Transport for London are satisfied that the proposal would be unlikely to have a negative impact on the capacity of either public transport or the TLRN. TfL would expect a Delivery and Service Plan in order to manage servicing and delivery requirements for the site. The proposed changes to the public realm are welcomed subject to compliance with TfL's Streetscape guidance. Finally, while the loss of the trees along the Farringdon Road frontage is not welcome, mitigation in the form of new trees is supported.
- 8.9 The London Fire and Emergency Planning Authority raised no in principle objections subject to the installation of a sprinkler system.
- 8.10 The GLA issued their Stage 1 letter with the following points raised:

- Land-use principles: The principle of a commercial development with commercial and retail and cafe uses and SME space at lower ground and/or ground floor and office use above is acceptable in strategic planning terms. However, confirmation of the amount to be secured and further information on the housing to be provided and whether this is in line with local needs should be provided to the GLA. Furthermore, the Council should seek to secure a payment in lieu and the applicant should be made to address the residential shortfall through a s106 agreement.

Confirmation has been provided and the contribution of £185,360 towards affordable housing is in line with policy.

- Strategic views: Whilst a TVIA has been submitted, it does not provide an assessment of the impact of the scheme upon this strategic view. The applicant should confirm the height of the proposed building and whether it falls below the threshold plane as set out in the LVMF SPG, and if it does exceed the threshold plan, should produce a visual impact assessment, including a verified view of the proposal from this position. This should be provided before the application is referred back to the Mayor at Stage II.

The applicant has responded to this point. As the proposed building is +46.67 metres at its highest point, it would not encroach on any of the strategic and local viewing corridors.

- Inclusive design: The inclusive design provisions are welcomed.
- Urban design: The overall design approach of the scheme is generally supported, however some urban design issues are to be addressed. Additional entrances should be added to the retail/cafe space along Ray Street to further activate this frontage. Further detail of the facade treatment at the location of the plant facilities should also be provided before the application is referred back to the Mayor at Stage II.

The applicants have responded citing the level changes and narrow width of the pavement as obstacles to delivering entrance directly from Ray Street. Indeed the applicant and the LPA have previously discussed this point and it is considered that the chamfered corner on Ray Street, active uses on the corner of Crawford Passage and glazed frontage onto Ray Street would result in a more active frontage and an improved relationship between building and street.

- Trees and woodlands: Although the loss of trees, particularly the London plane trees does not comply with policy, overall the scheme contributes and enhances the landscape, biodiversity value and growing conditions of the site and surrounding area, and re-provides the canopy that is proposed to be lost. The applicant should articulate the development constraints to justify the removal of the 7 London plane trees. A detailed assessment of whether T2 can be retained instead of T3, as recommend by the Council, should also be provided by the applicant.

The applicants have submitted detailed justification for the removal of the London Plane trees. The trees chosen for retention are those farthest from the building line whose roots do not conflict the proposed building's structure

- Transport: The application is generally acceptable in principle however falls short of some of the transport policies requirements of the London Plan subject to appropriate conditions and/or s106 obligations which should be secured in relation to deliveries and servicing, construction logistics, paving and vegetation, cycle infrastructure and parking, car parking, public transport and a travel plan (*conditions 5, 13, 16, 26*). Mayoral and local CIL payments will also need to be secured.
- Climate change: Though the carbon dioxide savings (35%) meet the target within Policy 5.2 of the London Plan, further information is required before compliance with London Plan energy policy can be verified. The applicant should consider the flood risk that exists at the site and supply information on the nature of the risk and to what extent it requires mitigation measures (*condition 10*). The applicant should also supply information about the proposed approach to sustainable drainage for this development.

The applicants have provided further details of the SUDS strategy to the satisfaction of the Local Planning Authority.

Internal Consultees

8.11 The Access Officer raised the following points about the proposal:

- The retention of the kerb along Crawford Passage, the alignment of the street furniture to maintain clear unobstructed routes and the inclusion of tactile paving to highlight the crossover are all welcome features.
- The level changes across the site present a real challenge and a real attempt has been made to rationalise and resolve them.
- A 'sitting wall' is proposed as a means of addressing the level difference (between café forecourt and footway). This is welcome, however it is recommended that the wall be provided with some more supported seating. *New seating detail has now been provided which is considered acceptable.*
- The tactile paving at the head of the steps along the Farringdon Road frontage cut across the entrance to one of the commercial units. *Further details will be required by condition 17 to resolve this issue.*
- Caution is advised regarding the use of terrazzo mats as a paving material at the front of the building as the material has a high slip potential. *This will be further reviewed as part of condition 17 should permission be granted.*
- At present it is suggested that just two on-street bays would be secured, this is unlikely to be sufficient. *A total of six spaces have now been identified and a financial contribution would be required from the applicant in order to deliver them.*

8.12 Design and Conservation Officer has welcomed the proposal, adding that the current building is monolithic and makes no contribution to the conservation area. The overall design of the building is welcomed and will compliment and raise the quality of the street frontage along Farringdon Road and local townscape. Although a simple design to the front, it references the surrounding context and proposes a very sophisticated and elegant brickwork treatment. The tiered rear is unusual for the area but assists in reconciling the large scale of the Farringdon Road frontage with the more modest scale at the back by breaking down the mass. Subject to high quality materials and detailing, it is considered that the proposal will be a positive addition to local townscape.

8.13 The Energy Conservation Officer welcomed the financial contribution towards carbon off-setting and supported the objective of achieving a BREEAM rating of 'Excellent'. The energy efficiency measures and renewable energy proposed are considered appropriate and in accordance with policy. Finally, though

connection to the DHN is not currently proposed, the development would need to be future-proofed to enable connection in the future.

- 8.14 The Tree Preservation/Landscape Officer raised concerns about the loss of the TPO trees but supported the overall proposal from an arboricultural and landscape point of view.
- 8.15 Public Protection Division raised no objections in principle, subject to relevant conditions on air quality, noise and land contamination.
- 8.16 Spatial Planning and Transport (Transport Officer) raised no objections to the proposal.
- 8.17 Street Environment Division raised no objections to the application.
- 8.18 The Sustainability Officer raised the following points:
- Achieving a BREEAM 'Excellent' building is supported;
 - Financial contribution towards carbon offsetting is welcomed;
 - The applicants have explored the use of rainwater/grey water harvesting and achieve 100% credits for BREEAM on water;
 - A commitment to diverting 85% of demolition waste from landfill is supported;
 - The area of green roof should be maximised and the SUDS strategy has not yet been fully developed.

Other Consultees

- 8.19 The application was presented to the Members' Pre-application Forum on the 20th April 2015.
- 8.20 The proposal was presented and reviewed at the Design Review Panel on the 12th May 2015 and on the 8th September 2015. At the first visit to DRP, the panel raised the following points:
- The idea of set-backs at the rear and the differentiation between the rear and the front was welcomed but there were concerns about how the longevity of the stepped landscape terraces/set-backs would be ensured through defining details of set-backs;
 - It was felt that that the rear elevation could be broken down further to respond to the change in scale at the back and mitigate overlooking;
 - The importance of Crawford Passage as a medieval route was highlighted and it was questioned whether more work could be done to reference the historic building line;
 - The full removal of the trees along Farringdon Road was questioned and retention of some of the trees should be incorporated into the scheme.

8.21 The proposal was presented to the Design Review Panel for a second review on the 8th September 2015. The scheme had been amended by the following changes;

- a clearer strategy regards tree retention and planting has been developed;
- more detail has been provided on proposed materials, particularly with regard to brick types and bonds;
- alterations have been made to the rear elevation to provide a better relationship with the street and neighbouring properties;

8.22 The following feedback was provided by DRP after the second review:

- The design approach was commended and no objections were raised to the massing;
- The changes to the form at the rear were welcomed as they assisted in addressing previous concerns about overlooking;
- The attention to detail and quality of materials proposed, in particular the refinement of the brickwork, was praised. Despite a clear contemporary scheme, it was felt that the proposed design was contextual;
- The Panel were supportive of the proposal to Crawford Passage and felt that there was now a better understanding of servicing requirements and solutions;
- The retention of three of the trees was welcomed and it was considered that the landscaping scheme in general provided a meaningful solution to the site.

The Design Review Panel letters for both the 12th May and 8th September are appended.

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).

9.4 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

9.5 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.

Site Allocation

9.6 The site is identified as site BC43 within the Finsbury Local Plan, which states that redevelopment of the existing building to provide a mix of uses, including office use, housing and retail / leisure at ground level. The site allocation requires for new development to:

- contribute to the existing character of buildings facing the Fleet Valley in terms of massing, geometry and materials;
- conserve and enhance the heritage setting, particularly with regard to the Grade II listed building at 113-117 Farringdon Road;
- retain several of the mature trees subject to Tree Preservation Order;
- proposals should be required to further assess and mitigate the risk of flooding.

Designations

9.7 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 London Zone (CAZ)
- Archaeological Priority Area
- Clerkenwell Green Conservation Area
- Cycle Routes (Local)
- Protected Vistas (Parliament Hill & Kenwood to St. Pauls Cathedral)
- Adjacent to TLRN
- Employment Priority Area (General)
- Bunhill & Clerkenwell Core Strategy

- Farringdon/Smithfield Area of
Intensification.

Key Area
- Finsbury Local Plan Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT

10.1 No EIA is required for this development as the development proposed does not exceed the threshold of development required by Schedule 1 or 2 of the EIA regulations.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Demolition of buildings within a Conservation Area
- Design, Conservation and Heritage
- Landscaping and Trees
- Neighbouring Amenity
- Accessibility
- Energy and Sustainability
- Highways and Transportation
- Section 106 and CIL

Land-use

11.2 The site falls within an Employment Priority Area (General). Policy BC8, part A of the Finsbury Local Plan (FLP) requires that in addition to protecting existing business floorspace, proposals should incorporate the maximum amount of business floorspace reasonably possible. The principle of an increase in office floorspace is therefore supported. The proposals would deliver an additional 2,351sqm (GEA) of B1a office floorspace across the site.

11.3 Policy BC8, part B states that the employment floorspace component of a development should not be unfettered commercial office uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:

- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and / or*
- ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
- iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*

- 11.4 The proposal includes 1,413 sqm of flexible commercial (Class A1/A3/D1) floorspace at ground and lower ground floor level. The space is presented over two levels with two separate entrances, one towards the rear on Crawford Passage and one at the front on Farringdon Road. The space could accommodate café/restaurant uses at lower ground floor level (opening out onto the area of public realm to the rear) and a retail/gallery use at upper ground floor level with access from Farringdon Road. In any case, the floorspace is below the minimum 2,500sqm, at which point (in accordance with Development Management Policy DM4.3) a new retail development would need to incorporate a small shop premises.
- 11.5 The proposal for a café/restaurant use would also need to comply with Policy DM4.3, which resists such uses where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in the area or if they would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. The proposal's impact on amenity, character and function of the area will be considered in subsequent sections of the report.
- 11.6 In order to protect Town Centres, Development Management Policy DM4.4 requires for applications proposing more than 80sqm of A use class or D2 use floorspace within the Central Activities Zone to demonstrate the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability. It should also be demonstrated that the proposal would support and complement existing clusters of similar uses within or adjacent to Central Activities Zone, particularly important retail frontages.
- 11.7 The nearest town centre is half a mile away at the Angel Town Centre, which is considered to be at a sufficient distance from the application site for it not to be threatened by a medium-sized retail unit at this location. Moreover, a virtually unbroken cluster of retail and café/restaurant uses runs along Farringdon Road from the Exmouth Market Local Shopping Area to the application site. The proposed retail unit would form an integral part of this cluster and would be considered to complement its function. The proposal's new shopfront along Farringdon Road is subject to an assessment against the Council's shopfront policy DM4.8 in the subsequent sections of this report.
- 11.8 In accordance with Policy BC7 (Historic Clerkenwell) and BC8 (Achieving a balanced mix of uses), commercial developments of this nature and scale should provide business workspaces suitable for SMEs or affordable workspace managed for the benefit of occupants whose needs are not met by the market. The proposal includes an area of 461sqm of SME space reserved for small or medium enterprises or commercial start-ups. It is proposed that half of this floorspace will be offered as affordable workspace at a peppercorn rent for 10 years and secured through a legal agreement.
- 11.9 Turning to housing, policy BC8 part D states that where there is a net increase in office floorspace, proposals should incorporate housing consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for

provision of off-site housing. The inclusion of residential uses on site in addition to the other uses proposed, would further reduce the net increase in business floorspace.

- 11.10 It is not considered feasible to provide more than 10 residential units on site given site constraints and the additional circulation, entrance, core, plant room and ancillary space requirements necessitated by residential accommodation. The building is located in the Clerkenwell Green Conversation Area and there are a number of heritage considerations restricting the height and massing of the building. Given policy objectives of providing active non-office business uses at ground floor level, the objective of increasing the amount of office floorspace on site and design considerations, the provision of housing on site has become unfeasible. In this instance, it is considered more appropriate to require a financial contribution towards the off-site provision of affordable housing. Thus, the section 106 agreement would include a contribution of £185,360 towards affordable housing.
- 11.11 In summary, the land-use element of the proposal is considered to be acceptable through delivering a mixed-use development that would increase and improve the existing office (B1a) floorspace on the site, increase the amount of retail floorspace, provide for SMEs and contribute to the borough's housing stock via an off-site contribution.

Demolition of Buildings within a Conservation Area

- 11.12 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.
- 11.13 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).
- 11.14 Notwithstanding the above, the existing building is not considered to contribute positively to the character and appearance of the Clerkenwell Green Conservation Area and its demolition is therefore supported in principle subject to a satisfactory replacement building of a sensitive scale and design. Permission would be subject to a condition (*condition 30*) ensuring that the demolition and construction is carried out without interruption.

Design, Conservation and Heritage Considerations

- 11.15 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 11.16 The London Plan (2015) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest

architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.

- 11.17 Islington's Core Strategy Policy CS7 identifies the Bunhill and Clerkenwell area as having a rich character and significant historic value. This is particularly true of Clerkenwell, which has a street pattern that dates from medieval times. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The borough's unique character will be protected by preserving the historic urban fabric and by promoting traditional street patterns in new developments. The aim is for new buildings to be sympathetic in scale and appearance and to be complementary to the local identity.
- 11.18 Finally, Islington's Development Management Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place.
- 11.19 The site is located within the Clerkenwell Green Conservation Area and thus the site and its context needs to be treated sensitively in terms of heritage assets, strategic and local views. Moreover, Clerkenwell has been facing significant development pressure in recent years and as a result of its heritage significance it is vital that this is taken into account and respected when considering any new development proposals at this location.
- 11.20 The development proposals have been formulated through detailed pre-application discussions over a number of years. From the outset, it was determined that the existing building offers no positive contribution to the streetscape and conservation area. As a consequence the council has no objection in principle to the buildings demolition, subject to a satisfactory replacement building of sensitive scale and design being put forward.

Scale and Massing

- 11.21 In terms of scale, massing and height, any development proposal at this location needs to have regard to the prevailing building heights in the immediate surroundings. Farringdon Road is generally characterised by a variety of 19th century warehouse buildings with building heights predominantly between 5 and 7 storeys. Within this context, the 7 storeys plus lower ground floor level of the existing building constitutes a slightly bulkier, if somewhat underwhelming, structure.
- 11.22 A number of views of the application site have been tested, in particular from points along Farringdon Road, Farringdon Lane, Clerkenwell Road as well as the back streets of Herbal Hill, Ray Street and Crawford Passage, in order to inform the height of the proposed building. As a result of this exercise it has been determined that the main bulk and parapet height of any proposed building should not exceed that of the parapet of the existing building. Moreover, the height and bulk to the rear of the site should more successfully

reflect the lower rise buildings along Crawford Passage and Ray Street. Finally, the proposal would need to have regard to the strategic views to St Paul's Cathedral as both the view from Kenwood House and from Parliament Hill intersect the site.

- 11.23 The proposal to essentially maintain the existing parapet height on the proposed building ensures that the bulk and perceived height of the proposal sits relatively comfortably in its surroundings. Although the overall height of the building would be increased by some 2 metres, from street level the proposed building would read as a 7-storey building consistent with the character of the surrounding area. The tiered rear elevation responds equally well with the lower rise character of Crawford Passage with a series of cut backs helping to break up the mass from views along Ray Street and Herbal Hill.

Layout

- 11.24 The existing building is significantly set back from the street frontage and is thus behind the building line of its existing neighbours. The rear of the site is characterised by a large service yard which fronts onto Crawford Passage and the rectangular shape of the building does not follow the traditional curvature of the narrow medieval street pattern. The layout of the proposed building aims to more successfully reflect the historic urban grain. As such it is proposed to move the building line forward by 1.5 metres so that the new building's façade is more in line with adjacent buildings. The application also involves the removal of the existing rear servicing yard and proposes to bring the building line at ground level out towards the highway. In terms of the building's northern and southern boundary, the proposal largely maintains the building's relationship to the street.

Materiality and Appearance

- 11.25 Farringdon Road has a rich context of Victorian warehouse buildings with varying degrees of scale, height and ornamentation. The immediate south of the subject site is characterised by a particularly eclectic stretch of elevations. The composition of the facades for the proposed building has gone through a number of iterations (and has been presented to the Design Review Panel on two separate occasions) in order to deliver a contextual yet contemporary building.
- 11.26 The applicants have carried out studies of the various materials and forms of articulation prevalent in the existing Farringdon Road streetscape and the wider Clerkenwell context. As a result, the elevational approach proposed involves well-detailed brickwork, articulated openings and a defined parapet line. The symmetrical rhythm of the fenestration and openings also responds well to the facades of surrounding buildings.
- 11.27 The application proposes four different brick bond types: Flemish bond, English bond, Stretcher Bond and headers. The headers are proposed at ground floor as a contemporary addition to the palette and the detail of the shopfront design at ground level would be required by condition (*condition 23*). Flemish bond is proposed at first and second floor levels, with English bond used at third and fourth floor. On the upper levels, a stretcher bond is proposed with the top floor finished in a glazed brick.

- 11.28 A variety of brick colours are used within each of the sections of the façade, emphasising the bond types, providing texture from longer views and detail when viewed close up. Individual bands of brick are separated by continuous concrete bands across each floor. A concrete base is provided beneath the ground level brickwork, affording the building a solid appearance. The overall tone of brickwork ranges from darker and earthier at ground level, to lighter and brighter, particularly with the glazed bricks at the uppermost level. The design concept has a rich aesthetic and is considered to successfully reference the existing context.
- 11.29 On the corner of Farringdon Road and Ray Street a chamfered elevation detail is employed to reflect other buildings in the surrounding area and to better articulate the corner. The Ray Street elevation follows the same principles as the one applied to the Farringdon Road frontage but in a more nuanced form with the building tapering down to the more domestic scale on Crawford Passage. The Crawford Passage elevation also follows the same concept, albeit with the brick bands and window openings at each level tailored to suit the section and terrace to which it relates.
- 11.30 A key component of the proposal's design is the proposed landscaping and public realm improvement works at the front and rear of the site (*condition 5*). Although the proposal involves the loss of a number of London Plane trees, bringing forward of the building line and the consequent reduction in the width of the space at the front, the proposal is considered to include overall improvements to Farringdon Road. The high quality paving and improved tree planting proposed with new entrances to the ground floor commercial uses providing active frontages would provide a more attractive space along Farringdon Road. Existing and new trees complement each other to provide a pleasant and visually attractive space in an otherwise busy and somewhat hostile section of Farringdon Road.
- 11.31 On Crawford Passage the electricity substation and service yard is replaced by a new public space. The public realm here is considered to build on the historic qualities of the area and provides an intimate and irregular space. While the proposed rear building line shifts out towards the highway resulting in a larger building footprint, the set-backs at upper level contribute to providing a more generous space. It is proposed to use natural high quality paving, with granite setts used on the carriageway and Yorkstone paving on the footway. A number of other features are included in the public realm which would contribute to its contextual and attractive aesthetic including existing and proposed setts, cast iron grilles and the reuse of traditional kerbs. The landscaping and trees will be considered in more detail in subsequent sections of this report.
- 11.32 The proposal is considered to be of the highest quality in terms of architecture and urban design (*condition 3*). The architecture proposed would make a positive contribution to a coherent public realm, streetscape and wider cityspace and would enhance and protect Islington's built environment. As such, the application is considered to reinforce the borough's unique character by reintroducing more traditional street patterns and adopting traditional and contextual materials and articulation. In this respect, the application is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7 and Islington's Development Management Policy DM2.1.

Landscaping and Trees

- 11.33 London Plan Policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.
- 11.34 Islington's Core Strategy identifies the importance of trees and open spaces in the borough with Policy CS15 "protecting all existing local open spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens".
- 11.35 Moreover, Islington Development Management Policy DM6.5 maintains that new developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of a development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitat and support the council's Biodiversity Action Plan.
- 11.36 Policy DM6.5 goes on to state that trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. The following requirements shall be adhered to:
- i) Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.*
 - ii) The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.*
- 11.37 The supporting text to the policy provides more detail on the matter of trees and states that in exceptional circumstances, where protected trees are proposed to be removed, suitable re-provision will require replacement and/or additional planting to re-provide at least equal canopy cover and/or equal environmental amenity and visual value. Where on-site re-provision cannot be provided, a financial contribution of the full cost of appropriate re-provision will be required. Further guidance on tree planting and retention is set out in the council's *Streetbook SPD*.
- 11.38 There are three Bird Cherries and a Norway Maple to the rear of the building in and adjacent to Crawford Passage. The application proposes to remove

these four trees. The three Bird Cherries are considered to have moderate growth vitality and to have a low landscape contribution, being categorised under BS5837 as “C” (Low). Furthermore these trees are exhibiting signs of stress through dieback and sparseness of the crown. It is considered that their rooting environment is poor and they do not have much future potential.

- 11.39 The remaining tree at the rear, a Norway Maple, which is in better condition, is exhibiting normal growth vitality and provides a medium landscape value with a BS 5837 categorization of “B” (Moderate). However it is in very close proximity to the proposed building and its retention would not be considered viable under the current proposal. The tree could potentially be retained by redesigning the building, but this would require a significant redesign and could result in the loss of the streetscape improvements which are seen as a positive contribution of the scheme. The proposal includes replacing these trees with 5 new Alders and 1 new Birch tree.
- 11.40 The proposal includes the construction of significantly sized planting pits with medium-mature and large sized trees proposed at the point of planting. It is considered that new trees planted in the advanced-designed tree pits proposed would provide healthier trees and a greater potential canopy in this area than currently provided for. The new tree planting proposed would be secured by condition (*condition 6*) to ensure their chance of survival and success of reaching maturity.
- 11.41 The most significant trees affected by this proposed development are the London Plane trees along the building’s Farringdon Road frontage, of which seven are proposed to be removed. Within the applicant’s documentation, these trees are categorised as exhibiting between normal and moderate growth vitality, providing medium to high landscape contribution. The Plane trees are broadly the same dimensions with a trunk diameter of between 250mm and 400mm. The tree classified as T6, near the existing entrance, appears somewhat weaker than the other trees, showing more deadwood and a sparser canopy. T8 and T9, towards the northern part of the site, are suppressed by T7 and T10. All trees have been reduced in height and have been subject to significant and regular pruning over the last 15 years because of conflicts with the existing building. That being said, the existing London Plane trees are on the whole healthy trees with moderate future potential.
- 11.42 As part of the application, detailed analysis has been undertaken in order to ascertain which of the existing trees could be safely retained given that the building line would be moved forward by 1.5 metres. Three of the largest London Plane trees along the front, which are also those at greatest distance from the proposed building line could be kept. The roots of the remaining trees along the front would be in conflict with the new building line and would have no realistic chance of survival. As such, following much design discussion including root and services surveys, the proposed development includes the removal of seven of the ten London Plane trees from Farringdon Road.



Views of trees along existing frontage

- 11.43 The three Plane trees to be retained along Farringdon Road have been selected for their largest separation from the building line, vitality and low impact upon roots. As part of the design process, research into the opportunities for realistic replacement tree planting has also been conducted. The results of the root investigations, which identify the roots uncovered during this assessment work have been provided by the applicant. A services survey has shown that underground utilities are confined almost exclusively to the land below the public pavement of both Farringdon Road and Crawford Passage.



Views of trees along proposed frontage

- 11.44 Concerns have been raised by residents that the replacement trees do not compensate for the loss of the existing London Plane trees. However all replacement trees are to be semi-mature with a minimum girth of 200mm.

The applicant's scheme goes a long way towards contributing and enhancing the landscape, biodiversity value and growing conditions of the development site and surrounding area and to re-providing the canopy that is proposed to be lost. It is welcomed that large sized planting pits, accommodating large sized trees both on site and off site are being proposed. The retention of three of the Plane trees at the front is welcomed and the proposed replanting would provide increased species diversity, whilst also delivering sustainable and successional planting.

- 11.45 On top of the replacement trees proposed on site, a number of new trees are proposed across three new sites across Clerkenwell. In St John Street, Warner Street and Britton Street which are all locations which would accommodate and benefit from new trees. The St John Street scheme in particular has the potential to provide a planting scheme that would make a significant improvement to the area and would allow for very large canopy trees to be planted in advanced designed tree pits. It can be confirmed that a sound approach to feasibility has been applied and the future maintenance of the trees within the application site would be secured by condition (*condition 5 and 6*) as well as within the section 106 agreement to ensure their survival and future potential.
- 11.46 Overall the proposed scheme would deliver increased tree canopy as well as advanced tree pit designs that should provide good quality, healthy and large canopy trees that have an increased future potential. Whilst the loss of TPO trees is in conflict with the aims of Development Management Policy DM6.5, the quality and size of the proposed replacement trees as well as the urban design logic behind moving the building line forward, provides sufficient justification to make an exception in this instance. The planning application, due to its high quality landscaping, planting scheme and replacement canopy cover is considered to be consistent with Policy 7.21 of the London Plan and Islington Core Strategy CS15.

Neighbouring Amenity

- 11.47 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 11.48 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

- 11.49 Daylight: The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. The parameters of window size, glass transmissivity, room size and internal surface reflectance are then evaluated against the VSC for the window location to get the resulting average daylight factor (ADF). Whilst ADF is not the ordinary daylight test and normally used for assessing proposed developments' daylight receipt, it nevertheless can provide supplemental information of the likely impacts.
- 11.50 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor. A similar approach is adopted here in that a reduction to below 80% of the daylight distribution would constitute a noticeable and often unacceptable impact.
- 11.51 The loss of daylight to the neighbouring properties along Crawford Passage has been raised as an objection by several local residents. These residential properties are also in closest proximity to the application site so this requires closer scrutiny. In terms of the Vertical Sky Component, the most affected property would maintain 85% of its existing daylight (VSC and no-sky line). Given the tiered nature of the rear elevation and the fact that the parapet height of the proposed building would not exceed that of the existing building, it is clear that the building has been carefully designed to minimize impact on these adjoining neighbours.
- 11.52 The properties along Ray Street and Herbal Hill that are in closest proximity to the application building are all in office use and thus are not subject to the same protection as properties in residential use. So while some of the windows and rooms within Nos. 1, 5-7, 11 Ray Street and 1 and 2 Herbal Hill would suffer moderate levels of daylight loss, it would not result in a loss of amenity to local residents. The only other affected residential property is that of Kamen House on the opposite side of Farringdon Road. The property is in use as student accommodation and contains a number of windows to habitable rooms that overlook the application site. Due to the design of the building, a number of windows already experience poor daylighting as they are considerably recessed so that the building itself causes an obstruction to daylight. Whilst these windows would experience a reduction in their daylight, student accommodation is considered temporary accommodation with not the same levels of protection as permanent habitable accommodation.
- 11.53 Sunlight: In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring

property where the new development is located within 90 degrees of due south.

- 11.54 All of the surrounding properties have been assessed and it can be confirmed that while some of the windows to habitable rooms along Crawford Passage would experience some losses of sunlight hours, the losses would not be considered significant. No other neighbouring residential properties would be affected in terms of loss of sunlight. Again, the design of the proposed building, particularly the set-back top floors and the tiered rear elevation, would protect the amenities of neighbouring residential properties.
- 11.55 Overlooking / Privacy – Policy DM2.1 identifies that *‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.
- 11.56 The proposal brings the rear building line in closer proximity to the neighbouring residential properties along Crawford Passage. At its closest point, the building itself comes to within 8 metres of the corner of 2-3 Crawford Passage. However, in terms of window-to-window distances, there is not considered to be any unacceptable overlooking or breach of privacy. That being said, a number of proposed roof terraces on 1st and 2nd floor would be within 18 metres of a number of windows within Nos. 1 and 2-3 Crawford Passage. While the overlooking would be across an existing highway, it is considered reasonable to ensure that overlooking is minimised to ensure residents’ privacy is maintained. As such, the applicants have proposed additional screening to these terraces and a condition would be attached to any permission in the event that consent is granted to ensure that suitable screening is implemented (*condition 22*).
- 11.57 Noise: In terms of noise, a noise survey was carried out at the site between the 15th and 17th March 2015 to assess existing noise levels in the area. It was determined that the average noise levels across the site were generally dictated by road traffic on Farringdon Road and from the surrounding area. Air and rail traffic noise were also present however both were generally insignificant considering the noise generated from the road traffic.
- 11.58 The potential noise from mechanical plant on the proposed building was identified as one of the main sources of noise during the operational phase of development. There is also mechanical plant proposed at lower ground floor level and at a roof level. In order to mitigate any noise impacts from

plant room, permission would be subject to conditions regulating noise transfer so that noise is kept to below existing background noise levels (*condition 21*).

- 11.59 While noise levels generated by the office spaces are not considered to be significant, there are retail and café uses at ground and lower ground floor level that have the potential of contributing to noise emissions to the detriment of residential amenity. It is important for these noise impacts to be tightly controlled and as such any permission would be subject to a condition (*condition 30*) which ensures that high acoustic performance separating walls are used on the external envelope of the building. Furthermore, noise limits would be imposed on commercial tenants and hours of operation would be controlled so as to reduce impact on neighbours (*condition 29*).
- 11.60 The delivery and servicing arrangements also have the potential of contributing to a noisy environment. As such, servicing and delivery will be limited to certain hours of the day and a servicing and delivery management strategy will ensure that a sensitive approach is upheld for the lifetime of the development (*condition 14*). Subject to these conditions being imposed, it is not considered that the application is likely to have an adverse impact on the neighbouring residential occupiers in terms of noise, sunlight/daylight, overlooking or privacy.

Air Quality

- 11.61 The issue of air quality has been raised by a number of residents. In particular, residents are concerned that the removal of the existing London Plane trees along the site's frontage would exacerbate existing air quality and pollution issues along Farringdon Road. This is a valid point and deserves further scrutiny. In relation to air quality, London Plan Policy 7.14 seeks to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality.
- 11.62 The removal of 7 of the existing London Plane trees along the Farringdon Road frontage would indeed reduce local capacity for trapping or removing air pollutants. London Plane trees are particularly adept at absorbing pollutants through their bark and their leaves and their presence in London is invaluable in keeping London's air clean. The London Plane is also quite effective at trapping smaller particular pollutants such as PM 2.5 that pose a more significant health risk than larger particles. However, there are a number of other issues to be considered in order to ascertain whether the proposal does indeed exacerbate air pollution, particularly in consideration of the replacement tree species being proposed.
- 11.63 A growing body of research has shown the importance of selecting the right type, size and location of trees in order to counter air quality impacts. In particular, the evidence suggests that trees should be selected in order to prevent bridging over the street as this can prevent dispersal of pollutants. A mixture of shorter vegetation and larger trees can help distribute polluted air more effectively by stopping it from circulating in the street and preventing fumigation. In effect, the right balance has to be found between

what is known as deposition (the process by which particles deposit themselves on surfaces) on the one hand and air dispersal on the other.

- 11.64 On a related but separate point, one of the biggest air quality impacts from trees is the increased separation between pedestrians and road traffic, which reduces direct exposure. If this separation is maintained and suitable replacement trees are chosen to mitigate the loss of the existing trees, then there is unlikely to be real or quantifiable air quality impact.
- 11.65 While three of the largest London Planes canopies are being retained, a number of replacement trees are also proposed which would need to be carefully chosen in order to reduce air pollution. Trees most effective at particle deposition depend on a number of factors including leaf area, leaf size and the texture of the leaves with big, ridged, hairy leaves most effective in capturing particulate pollutants. A number of Birch and Alder trees, which are known for their effectiveness in reducing pollution, are proposed along Farringdon Road and Crawford Passage. Further details of tree species proposed should be provided in order to ensure that the most appropriate trees are chosen in order to protect air quality. As such, in the event of planning permission being granted, a condition requiring further details of tree species would be applied (*condition 5*).
- 11.66 The tree species and size of trees chosen would aid both air dispersal and deposition. Crucially, the proposed landscape strategy would maintain the separation between pedestrians and traffic. In summary, subject to a condition requiring further details on replacement tree species to ensure air quality is maintained, the proposal is not considered to have an impact on air quality. Permission would also be subject to a condition requiring the trees to be maintained and replaced if necessary over a 5 year period. As such, the proposal is considered to comply with the aims and objectives of London Plan Policy 7.14.

Accessibility

- 11.67 The relevant policies are 7.2 of the London Plan 2015 and Development Management Policy DM2.2, which seeks inclusive, accessible and flexibly designed accommodation throughout the borough. The London Plan Policy requires all new development in London to achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples' needs and (iv) are realistic, offering more than one solution to future users.
- 11.68 Islington's Development Management Policies require all developments to demonstrate that they provide for ease of and versatility in use; that they deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. Any development needs to be assessed against this policy background to ensure that they are genuinely inclusive from the outset and remain so for the lifetime of the development.

Public Realm:

- 11.69 The Design & Access Statement describes the open space, not as a 'square' but as 'part of the interconnected public realm'. Given this ambiguity, it is essential from an inclusive design point of view to ensure the space is legible and logical and to make a clear distinction between place and route. To that end, the retention of a kerb along Crawford Passage and street furniture aligned to maintain clear unobstructed routes is welcomed. It is also welcomed that delivery trucks can turn within the site and so leave in a forward gear and that the crossover is highlighted with tactile paving.
- 11.70 The level changes across the site present a real challenge and a real attempt has been made to rationalise and resolve them. The change in levels at the steps to the south west corner of the site is 330mm while the pavement on the Ray Street side of the retaining wall will be kept at existing levels. A 'sitting wall' is proposed as a means of addressing the level difference between café forecourt and footway. This is welcome, because it steers pedestrians away from and around the café seating.
- 11.71 The route along the Farringdon Road facade is not segregated from the wider footway areas, and the footway stretches from facade to the kerb, which is welcome from an inclusive design point of view. However, there are a number of objects between this route and the public pavement, such as trees, planting strips and cycle stands. Between these there are several opportunities to move between the strip along the facade and the public footway for pedestrians. In each case these transitions are unobstructed and deal with the small level changes through gradual falls of no more than 1:40.

Travel and transport:

- 11.72 The application is supported by an Accessible Parking Strategy which identifies six car parking spaces in the vicinity of the site which could be converted to accessible parking bays. A contribution towards their provision would be required the detail of which would be contained within the section 106 agreement.
- 11.73 Step free access to the cycle storage facility is provided, which is welcome. Space has been allocated for the use of ambulant disabled cyclists with circulation zones adjacent: 2150 x 2000mm to the south, 2050 x 1800mm to the east. These zones are shared with the general cycle parking circulation. The provision of an accessible WC/shower in the basement is welcome. The accessible WC/shower room has dimensions as per the Approved Document (Part) M diagram 24. The provision of a facility for the storage and charging of mobility scooters is welcome. The precise details of this provision would be secured by condition (*condition 17*).

Entrance:

- 11.74 While revolving doors are not normally accepted as they do not meet inclusive design criteria, the proposed specification and dimensions of the 'drum doors' are considered acceptable. The security gates appear to provide a clear opening width of around 800mm; 1000mm would be more

appropriate, given the fact that they are effectively an entrance. The specific detail of the security doors would be required by condition.

- 11.75 Subject to relevant conditions (*condition 17*), including further details on toilet facilities and fire escapes, the proposal is considered to meet the Council's inclusive design objectives in accordance with London Plan Policy 7.2 and Islington's Development Management Policy 2.2.

Energy and Sustainability

- 11.76 The London Plan (adopted July 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.
- 11.77 Islington's Core Strategy Policy CS10 'Sustainable Design' requires all developments to minimise on-site carbon dioxide emissions and sets an overall target for all development to achieve a 40% reduction in comparison with total emissions from a building that complies with Building Regulations 2006 (or a 27% reduction compared to a Building Regulations 2013 compliant building), unless it can be demonstrated that such a target is not feasible. The Policy would require a 50% reduction (or 39% reduction compared to a Building Regulations 2013 compliant building) if connection to a local District Heat Network were feasible. The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Energy Statement does not propose connection to a District Energy Network in the short to medium term, as there is not a suitable network within 500m. It suggests that the site is on the periphery of opportunity areas, with little likelihood of imminent connection. However, the south of the borough continues to hold the highest potential for connections and as this is close to opportunity areas, it is important to future-proof for potential connection
- 11.78 The applicant proposes a reduction of 30.6% on total emissions, against a 2013 building regulations baseline, through energy efficiency measures, a Combined Heat and Power system (CHP) and renewable energy measures. The development is also expected to meet the London Plan target of a 35% reduction on regulated emissions. Solar photovoltaics have been identified as providing the most viable and appropriate form of on-site renewable energy. Details of PV panels and their orientation, mounted angle and the practicalities of installation and maintenance will be required by condition (27).
- 11.79 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution". The Environmental Design SPD

states “The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.” The energy statement shows final total CO2 emissions of 418.4 tonnes.

- 11.80 Based on this and the current Islington rate of £920 / tonne, the development will be subject to an offset payment of £384,946. The applicants have confirmed their agreement to this contribution and this will be secured by section 106 agreement. All of the energy efficiency and carbon reduction measures are contained within the applicant’s Sustainable Design and Construction Statement and would be secured by condition (*conditions 8 – 11*).
- 11.81 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 for 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 and specifics are provided within Islington’s Environmental Design SPD, which is underpinned by the Mayor’s Sustainable Design and Construction Statement SPG.
- 11.82 Development Management Policy DM7.4 requires the achievement of BREEAM ‘Excellent’ on all non-residential major development. 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. The applicants have committed to provide a BREEAM ‘Excellent’ building, with an aspiration to achieving ‘Outstanding’. The achievement of all BREEAM credits for water efficiency is supported, as is the use of low flow fixtures and fittings proposed.
- 11.83 The commitment to target 50% of materials credits under BREEAM is policy compliant while the commitment to exceed 10% value materials from recycled material content is supported. A commitment to divert 85% from landfill is also supported. The applicants are encouraged to sign up to the Considerate Constructors Scheme and are required to comply with Islington’s Code of Construction Practice. The above measures would be secured by section 106 agreement or planning condition.
- 11.84 Biodiversity based extensive substrate green roofs with a minimum substrate depth of 80-150mm should be provided on all available roof space. The amount of green roof has been extended since the initial proposal and further details of species and substrate depths would be required by condition. The green roof would contribute towards reducing water run-off rates and the application also proposes underground attenuation storage in order to enhance on-site attenuation. However, more should be done to maximize sustainable methods of water attenuation that do not rely on hard solutions. Further details as well as a management and maintenance strategy will be required by condition (*condition 9*). Finally, the submitted draft Green Performance Plan is supported and would be included as part of the section 106 agreement.

11.85 Subject to appropriate conditions, the energy and sustainability measures proposed as part of this application are considered to meet the environmental objectives of the Council in accordance with London Plan Policies 5.1, 5.2 and 5.5, Islington Core Strategy Policy CS10, Development Management Policy DM7.1 as well as the aims and objectives of Islington's Environmental Design SPD.

Highways and Transportation

11.86 The application site is in a central London location, with very good links to public transport and a Public Transport Accessibility Level of 6b, the highest rating. The existing office building includes a service and delivery yard with loading bays, car parking facilities and vehicle access from Crawford Passage.

11.87 London Plan Policy 6.3 states that proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Moreover Policies 6.9 and 6.10 state that the Mayor will work with all relevant partners to bring about a significant increase in cycling as well as walking across London.

11.88 Development Management Policy DM8.1 requires the design of developments to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 requires development to meet its own transport needs in a sustainable manner, while Policy DM8.5 states that vehicle parking will only be allowed for non-residential developments where it is essential for the operation of the business and need has been demonstrated.

11.89 The site is located on Farringdon Road within walking distance to Farringdon station. The site's high PTAL rating means that those travelling to and from the site are expected to use sustainable modes of transport. As such, the proposed development would be car-free which is supported by policy. A Transport Assessment has been submitted with the application which shows that the increase in office floorspace proposed would result in an increase in AM peak hour traffic from 259 trips to 322 trips and in PM peak hour traffic from 277 trips to 343 trips. It is expected that 71% of the person arrivals and departures to/from the building would be expected to travel predominantly by underground tube or train.

11.90 In terms of cycle parking provision, a total of 136 cycle parking spaces would be provided for office employees with a further 9 spaces provided for employees of the non-office uses (*condition 14*). On top of that, a further 24 cycle parking spaces would be provided for visitors to the new building. This provision is in accordance with policy and would provide a sufficient level of alternative sustainable modes of transport. In addition to this, a dedicated area for mobility scooters would be provided.

11.91 The application proposes to remove the existing service yard and vehicle access to the site as well as all car parking from the site. All servicing and delivery is proposed at a new location within the building with access provided to it from a new vehicular entrance further up Crawford Passage. A

new turning table is proposed to facilitate access and exit in forward gear. This would be in accordance with DM Policy 8.6 which states that provision for delivery and servicing should be provided off-street with vehicles entering and exiting the site in forward gear.



Existing refuse arrangements

- 11.92 The likely number of vehicles requiring access to the site has been modelled for the proposed building, based on other similar sites across London. An estimated 17 daily vehicle trips for the office floorspace and 7 vehicle trips for the non-office floorspace is predicted for the new building. Three of these vehicles would be HGV refuse vehicles, which would service the site on-street for the purpose of waste collection as is currently done for the refuse collection along Crawford Passage.
- 11.93 The remaining 21 vehicle trips would use the on-site service yard and would enter and reverse in forward gear. A swept path analysis has been submitted with the application which shows how the vehicles would successfully enter and exit the service yard. A Deliveries & Servicing Management Plan (DSMP) has also been submitted which identifies a series of measures in order to minimise the impact of the proposal. In terms of management and implementation of the DSMP, it is proposed that a representative of the building management based on site would be nominated to assume these responsibilities.
- 11.94 Through coordination with the tenants occupying the office and non-office floorspace, the servicing events or vehicle movements will be undertaken solely between 7am-12pm and 2pm-7pm with an aspiration to avoid vehicle movements during rush hour traffic. This would be reinforced and regulated through the adoption of a timetabling and booking system. All tenants and management representatives would be obliged to follow the DSMP management arrangements and this be secured as part of the section 106 agreement.
- 11.95 The proposal meets the objectives of Core Strategy Policy CS10, which aims to encourage sustainable transport choices by maximising opportunities for walking, cycling and public transport use. This is further reinforced by Development Management Policy DM8.2, which requires new

developments to maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users. Though the proposal meets these objectives in principle, further details regarding site management arrangements would be required by condition to ensure anti-social behaviour is prevented and the space is both functional and attractive.

- 11.96 The proposal would not give rise to any unacceptable impacts on transportation or the highway network and is considered to be acceptable, in accordance with relevant Islington Core Strategy Policy CS10 and Development Management Policies DM8.2 and DM8.6 subject to conditions (*condition 17*) and clauses within the s106 legal agreement.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 11.97 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.
- 11.98 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.
- 11.99 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.
- 11.100 The public realm improvements and highway and footway reinstatement requirement is also very clearly site-specific. The total cost will partly 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.
- 11.101 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.

National Planning Policy Framework

- 11.102 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, and encouraging walking. Subject to conditions and the necessary S106 agreement, the proposed development is also largely in compliance with the principles relating to climate change, and the conservation and enhancement of the natural environment.
- 11.103 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 The application site is located on the western side of Farringdon Road, between Ray Street, Crawford Passage and Dabb's Lane and is situated within the Clerkenwell Green Conservation Area. The area has a special character and appearance, which stems from its mix of uses, its architecture and its history. The site is occupied by a 7-storey office building dating from the 1970s, formerly occupied by the Guardian newspaper media group and most recently occupied by a theatre company. The existing building is higher than its surrounding buildings, does not follow the typical architecture of the street and offers very little in terms architectural merit.
- 12.2 The application proposes the demolition of the existing office building and redevelopment of the site to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm. The proposal also includes servicing and delivery space, plant room, cycle storage facilities and accommodates the substation at lower ground floor level. Further plant room and affordable workspace suitable for SMEs is located at ground floor level.
- 12.3 The land-use element of the proposal is considered to be acceptable through delivering a thoroughly mixed-use development that would increase and improve the existing office (B1a) floorspace on the site, increase the amount of retail floorspace, provide for SMEs and contribute to the borough's housing stock by making a financial contribution towards the delivery of affordable housing.

- 12.4 The proposal is considered to be of the highest quality in terms of architecture and urban design. The architecture proposed would make a positive contribution to a coherent public realm, streetscape and wider cityspace and would enhance and protect Islington's built environment. As such, the application is considered to reinforce the borough's unique character by reintroducing more traditional street patterns and adopting traditional and contextual materials and articulation. The application is thus considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7 and Islington's Development Management Policy DM2.1.
- 12.5 The planning application, due to its high quality landscaping, planting scheme and replacement canopy cover is considered to be consistent with Policy 7.21 of the London Plan and Islington Core Strategy CS15. While the proposal to remove some of the TPO trees on site is contrary to Development Management Policy 6.5, an exception can be made in this instance, due to the quantity and quality of the replacement trees proposed.
- 12.6 The proposal is not considered to have an unacceptable impact on neighbouring amenity in terms of loss of sunlight, daylight, privacy, air quality or an increased sense of enclosure. The replacement trees proposed are considered to contribute positively to air quality in the local area. Finally, the application proposes a sustainable building in a highly sustainable location that would effectively reduce future carbon emissions through the use of energy efficiency measures, clean and renewable energy and sustainable design methods.

Conclusion

- 12.7 The planning application delivers a well-designed and attractive commercial building that complies with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

RECOMMENDATION B

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
2. The repair and re-instatement of the footways and highways of any of the TfL road network.
3. Compliance with the Code of Employment and Training.
4. Facilitation of 13 work placements during the construction phase of the development. Each placement must last a minimum of 26 weeks.
5. Compliance with the Code of Local Procurement.
6. Compliance with the Code of Construction Practice, including a monitoring fee of £12,897.
7. The provision of 6 accessible parking bays or a contribution of £12,000 towards bays or other accessible transport initiatives.
8. A contribution of £384,946 towards offsetting any projected residual CO2 emissions of the development.
9. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect).
10. Submission of a Green Performance Plan.
11. 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.

12. Payment towards employment and training for local residents of a commuted sum of £16,496.
13. A contribution towards Crossrail of £443,360.
14. A contribution towards provision of off-site affordable housing of £185,360 where it is accepted that housing cannot be provided on site.
15. The off-site provision of new trees at three separate locations across Clerkenwell.
16. The delivery of public realm improvements around the site.
17. Submission of a final Delivery and Servicing Management Plan.
18. Provision of 451sqm of affordable workspace which shall be occupied by companies and organisations as per a nomination and approval mechanism to be agreed with the council.
19. A financial contribution of £82,992 towards cycle docking infrastructure in the vicinity of the site.
20. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
21. Others as necessary.

All payments to the Council are to be index linked from the Committee Date and are due upon implementation of the planning permission.

The above list of Heads of Terms may be amended as a result of a process of internal consultation or further issues arising in the course of the application. Solicitors details will be needed, proof of title and an undertaking to meet the reasonable legal fees of the council.

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

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

RECOMMENDATION C

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

List of Conditions:

1	Commencement (Compliance)
	CONDITION: The development hereby permitted shall be begun not later than

	<p>three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list (compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:</p> <p>Drawing Numbers 001.001; P001P01; Existing Plans P002P01; P010P01; P011P01; P012P01; P013P01; P014P01; P015P01; P050P01; P051P01; P052P01; P053P01; P201P01; P211P01; P212P01; P2013P01 Proposed Plans P100P01; P101P01; P102P01; P103P01; P104P01; P105P01; P106P01; P107P01; P108P01; P109P01; P110P01; P221P01; P231P01; P232P01; P233P01; A(21)_6006Rev 1; P234P01; P311P02; P332P01; P333P01; P334P02; P401P01; P402P01.</p> <p>Accessible Parking Strategy TPHS/039/TN03; Daylight and Sunlight Report by GIA dated December 2015; Health Impact Assessment dated 8th October 2015; Air Quality Assessment by Air Quality Consultants dated September 2015; Arboricultural Assessment Report by ACS dated September 2015; Assessing the Suitability of Tree Species for Urban Use in Mitigating Air Pollution by Grontmij dated September 2015; Delivery and Servicing Management Plan (Draft) by TPHS dated September 2015; Design and Access Statement by Allford Hall Monaghan Morris dated September 2015; Ecological Appraisal by Grontmij dated September 2015; Full Travel Plan (Draft) by TPHS dated September 2015; Ground Investigations Report by Soiltechnics dated September 2015; Historical Environment Assessment by MOLA dated September 2015; Noise Impact Assessment by Cass Allen dated September 2015; Planning Statement by Gerald Eve dated September 2015; Statement of Community Involvement dated September 2015; Sustainable Design and Construction Statement – Including Energy Statement by Grontmij dated September 2015; Transport Assessment by TPHS dated September 2015; Townscape, Visual Impact and Heritage Assessment by Peter Stewart Consultancy dated September 2015;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Details)*
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <p>a) brickwork, bond and mortar courses;</p>

	<ul style="list-style-type: none"> b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling); c) windows and doors; d) entrance and access gates; e) roofing materials; f) any other materials to be used on the exterior of the development; and g) a Green Procurement Plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>External pipes, cables and CCTV (Compliance/Details)</p>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should CCTV or additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
5	<p>Landscaping (Details)*</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site (excluding demolition and piling). The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p> <ul style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and trees and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity; e) existing and proposed underground services and their relationship to both hard and soft landscaping; f) soft plantings: including grass and turf areas, shrub and herbaceous

	<p>areas;</p> <ul style="list-style-type: none"> g) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; h) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; i) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and j) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site. To avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
6	<p>Arboricultural Method Statement (Details)*</p>
	<p>CONDITION: Prior to superstructure works commencing on site, an amended Arboricultural Method Statement in accordance with BS 5837, 2012 'Trees in Relation to Design, Demolition and Construction' shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement must include a revised plan showing the location of the tree root protection area (RPA) for the trees on the site and include the tree and ground protection to be erected and details of all works within the RPA including the careful hand demolition of the current building/ surface treatment and specify in detail any tree pruning work. The Method Statement must also include a schedule of monitoring by a suitably qualified arboricultural consultant or landscape architect detailing arboricultural supervision for the various operations that are likely to impact or influence the health, wellbeing or amenity value of the tree, the details of the site inspections are to be recorded and passed to the Tree Preservation Officer.</p> <p>REASON: To avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality.</p> <p>In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>

7	Terrace and Roof planting (Details)*
	<p>CONDITION: Notwithstanding the plans hereby approved, details of roof and terrace planting shall be submitted and approved in writing by the Local Planning Authority prior to the relevant part of the development commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) details of location, species and numbers of all new plants; b) a maintenance strategy to ensure successful long-term management of all terrace and roof planting. <p>REASON: To provide a satisfactory appearance to the development so as to safeguard and In the interest of biodiversity, sustainability, and to ensure a satisfactory standard of visual amenity.</p>
8	BREEAM and Code for Sustainable Homes (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent' and shall use reasonable endeavours to achieve a rating of 'Outstanding'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
9	Green/Brown Biodiversity Roofs (Compliance/Details)*
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green/living roofs to the development hereby approved (illustrating increased coverage and potential for run-off attenuation or including details and justification of the maximum extent of green/living roofs) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The green/living roofs shall:</p> <ul style="list-style-type: none"> a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); b) cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and c) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. An explanation as to why any areas of roof would not be covered with green/living roofs shall be included with the above details. Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level. The green/living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	Flood Risk & Sustainable urban Drainage (Details)*

	<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> <p>II. a timetable for its implementation, and 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.</p> <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. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec.</p> <p>The 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>
11	Energy Efficiency – CO2 Reduction (Compliance/Details)
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 30.6% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised energy strategy shall provide for no less than a 30.6% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2010.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
12	REFUSE / RECYCLING (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>

	<p>The refuse and recycling enclosures and waste shall be managed and carried out at all times in accordance with the details of the approved 'servicing and waste management plan'.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
13	Cycle Parking (Compliance)
	<p>CONDITION: The three bicycle storage areas hereby approved shall be covered, secure and provide for no less than:</p> <ul style="list-style-type: none"> - 136 cycle spaces for the offices - 9 cycle spaces for the non-office - 24 cycle spaces for visitors (uncovered) <p>These spaces shall be provided prior to the first occupation of the relevant part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	Loading / unloading hours (Compliance)
	<p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p> <p style="text-align: center;">Monday to Saturday – 07:00 – 19:00 Sundays/Bank Holidays – not at all</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
15	Maintain public access through the site (Compliance)
	<p>CONDITION: The area of public realm shown on Public Realm Proposal plan 001.001 shall remain open at all times unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the development does not compromise pedestrian movement through the site.</p>
16	Inclusive Design (Details)*
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the following further details shall be submitted and approved in writing by the Local Planning Authority prior to superstructure works commencing on site:</p> <ul style="list-style-type: none"> - details of wheelchair accessible WC and shower facilities; - location and details of mobility scooter storage and charging facilities; - details of security gates; - further details of fire evacuation lifts. <p>The development shall be constructed carried out strictly in accordance with the</p>

	<p>details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
17	Security & General Lighting (Details)*
	<p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
18	Amalgamation of Retail and Office Units (Compliance)
	<p>CONDITION: The ground floor retail (use class A1, A3, D1) and B1 office units hereby approved shall be laid out as shown on the drawings hereby and shall not be amalgamated or separated without prior written approval of the Local Planning Authority.</p> <p>REASON: The amalgamation of units would result in units of a size that may be less affordable to small and start-up businesses that are specifically aided in the design of these proposals.</p>
19	Nesting Boxes (Details/Compliance)
	<p>CONDITION: At least four nesting boxes for birds or bats shall be provided within the development, installed prior to the first occupation of the building 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>
20	Plant noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations</p>

21	Privacy Screening (Details)
	<p>CONDITION: Details of suitable screening or other design solution to prevent overlooking of neighbouring properties on Crawford Passage from terraces at levels 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the balconies commencing.</p> <p>If suitable planting is agreed a maintenance strategy (in accordance with condition 7 part b) will ensure successful long-term management and maintenance of this thereafter.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard.</p>
22	Shopfronts (Details)*
	<p>CONDITON: Typical elevations of the shopfronts hereby approved at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard.</p>
23	Piling Method Statement (Compliance / details)*
	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: To ensure that works do not impact upon local underground water utility infrastructure, and to ensure that deformation of the ground by piling does not result in an increase in the risk of near-surface pollutants migrating to underlying aquifers. Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment.</p>
24	Vibration (Compliance)
	<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.</p>
25	<p>Construction Management (Details)*</p> <p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
26	<p>Roof-Level Structures (Details)*</p> <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development 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>
27	<p>Lifts (Compliance)</p> <p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
28	<p>Retail Opening Hours (Compliance)</p>

	<p>CONDITION: The ground floor retail/café/restaurant uses (A1,A3,D1) hereby approved shall not operate except between the hours of 07:00 and 23:30 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Outdoor tables and chairs associated with the A1, A3, D1 uses at ground floor level shall be used between 8am – 10pm only unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
29	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation for the retail / café / restaurant uses in the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works of the relevant phase of the development.</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 relevant phase of 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 residential amenity of surrounding properties is appropriately minimised.</p>
30	Demolition and Construction
	<p>CONDITION: No demolition (excluding soft strip) 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:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be:</p>

	when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Sustainable Sourcing of Materials
	INFORMATIVE: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
5	Car-Free Development
	INFORMATIVE: All new developments are to be 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.
6	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
7	NPPF
	INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.

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

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

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 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 3.4 Optimising housing potential
Policy 3.10 Definition of affordable housing

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.5 Decentralised energy networks
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.15 Water use and supplies
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land

Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.11 London View Management Framework
Policy 7.12 Implementing the London View Management Framework
Policy 7.13 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
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

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

Strategic Policies

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

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

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

Shops, culture and services

- DM4.1** Maintaining and promoting small and independent shops
- DM4.3** Location and concentration of uses
- DM4.6** Local shopping Areas
- DM4.8** Shopfronts

Employment

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

Health and open space

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

D) Finsbury Local Plan June 2013

- BC8** Achieving a balanced mix of uses
- BC9** Tall Buildings and contextual considerations for building heights
- BC10** Implementation

E) Site Allocations June 2013

Site BC43 Guardian Building – 119 Farringdon Road

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:

- Central London Zone (CAZ)
- Archaeological Priority Area
- Clerkenwell Green Conservation Area
- Cycle Routes (Local)
- Farringdon/Smithfield Area of Intensification.
- Protected Vistas (Parliament Hill & Kenwood to St. Pauls Cathedral)
- Adjacent to TLRN
- Employment Priority Area (General)
- Bunhill & Clerkenwell Core Strategy Key Area
- Finsbury Local Plan Area

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
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM:
Date:	9 th February 2015	NON-EXEMPT

Application number	P2015/2937/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	Not Listed
Conservation area	None
Development Plan Context	No designation
Licensing Implications	None
Site Address	139A and 139B Grosvenor Avenue N5 2NH
Proposal	Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO- use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

Case Officer	Simon Greenwood
Applicant	Mr Carlton James
Agent	Mr Stephen Sinclair

1. APPLICATION DEFERRED

1.1 The current application was previously heard at the Planning Committee held on the 10 December 2015. A decision on the application was deferred by Committee Members for the following reasons:

- a) To enable a 'revised viability assessment in light of the government's recent letter to the Council which confirmed that, in accordance with National Planning Practice Guidance, land values should reflect policy requirements and planning obligations. The revised viability appraisal was also required to address the council's 50% affordable housing policy.' The discussion also focussed on the appropriateness of using an Alternative Use Value (AUV) as a Benchmark Land Value (BLV) and this issue is also addressed within this report.

2. BACKGROUND AND EVALUATION

- 2.1 The application was presented to the Planning Committee on 10th December 2015 with an officer's recommendation for approval. The report is appended to this report (Appendix 2).
- 2.2 The Committee in its discussions on 10th December 2015 meeting noted that the Appeal Inspector did not raise concerns in relation to sunlight, daylight, amenity or bicycle storage, and therefore the committee set aside the objections relating to these matters.
- 2.3 A copy of the confirmed 10th December 2015 Planning Committee minutes are attached as Appendix 1 to this report.
- 2.4 The National Planning Practice Guidance states at paragraphs 23 and 24 that:

'Central to the consideration of viability is the assessment of land or site value. Land or site value will be an important input into the assessment. The most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected.

In all cases, land or site value should:

- reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;
- provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and
- be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.

The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.'

Appeal Decision – 65-69 Parkhurst Road

- 2.5 The Council wrote to the Secretary of State for Communities and Local Government on 8th October 2015 giving notice of its intention to challenge the Planning Inspectorates approach to financial viability in paragraphs 49-75 of an appeal decision dated 22 September 2015 (Appeal Ref APP/V5570/A/14/2227656) in respect of the Former Territorial Army Site, 65-69 Parkhurst Road, London N7 OLP. The Council's concerns related to the weight that the Inspector gave to market based evidence in reaching his conclusions regarding viability.
- 2.6 The Government Legal Department's response of 23rd October 2015 emphasised that the Secretary of State's 'unambiguous' policy position is that, in all cases, land or site value should reflect policy requirements and planning obligations.

- 2.7 The Secretary of State's letter reiterates the above guidance within the NPPG. However, the policy position remains unchanged and it is important to note that the requirement for land or site value to reflect policy requirements sits alongside a requirement that it provides a competitive return to willing developers and landowners. With respect to this application, the market transactions are not a defining characteristic of the particular facts of viability. In this case site value is informed by Existing Use Value and Alternative Use Value, both of which are supported by the Council's newly adopted Financial Viability SPD (see below).
- 2.8 Policy CS12 of the Islington Core Strategy states that Islington will meet the housing challenge and provide affordable housing by seeking the maximum reasonable amount of affordable housing from private residential and mixed-use major schemes, subject to a financial viability assessment, the availability of public subsidy and individual circumstances on the site.
- 2.9 The Council adopted its Development Viability SPD on 14th January 2015 which states at paragraph 6.44 that:
- 'A development is deemed to be viable if the 'residual land value' is equal to or higher than the benchmark land value as this is the level at which it is considered that the landowner has received a 'competitive return' and will release the land for development.'
- 2.10 It is a clear from a policy point of view that a reasonable provision of affordable housing in relation to the proposed development would be the maximum that it can viably support whilst providing a competitive return to the applicant.
- 2.11 In terms of viability, the applicant's use of an Alternative Use Value to inform the Benchmark Land Value was queried and this is considered further below.
- 2.12 The RICS 'Financial Viability in Planning' Guidance Note (2012) states at paragraph 3.4.9 that:
- 'It has become very common for practitioners to look at alternative use value (AUV) as a land value benchmark. This will come with its own set of planning obligations and requirements. Reviewing alternative uses is very much part of the process of assessing the market value of land and it is not unusual to consider a range of scenarios for certain properties. Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the market value. Again, comparable evidence may provide information to assist in arriving at an AUV. Accordingly, in assessing the market value of the land there may well be a range of possible market values for different uses, which could be applicable to the land and buildings, from current use through to a number of alternative use options, each having its own planning obligation requirements. These will be used to derive the 'market value with assumption' (the option with highest value being the Site Value) for input into a viability assessment.'
- 2.13 The Development Viability SPD states at Paragraph 6.77 that:
- 'An Alternative Use Value (AUV) approach to the benchmark land value will only be accepted where there is a valid consent for the alternative use or if the alternative use would clearly fully comply with the Development Plan as required by PPG. The acceptability of an alternative use proposal is a matter for consideration by planning officers as part of the application process. Therefore sufficient information must be provided for officers to make a reasoned determination as to the prospects of the

alternative scheme securing planning consent. The applicant will also be expected to demonstrate that there is a realistic prospect that this alternative scheme could be implemented.'

- 2.14 The applicant could change the use of the site from Class C4 (HMO) to Class C3 (dwelling houses) without the requirement for planning permission under Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015, which states:

'Permitted development

L. Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.'

- 2.15 The site is currently occupied by two separate HMOs and therefore the change of use to two separate dwellinghouses would not be precluded by L.1. The change of use could be carried out with immediate effect as there is no statutory requirement for the applicant to obtain a Certificate of Lawfulness for a proposed development prior to a change of use. The existing floor plans submitted with the application indicate that conversion of the buildings to dwelling houses would not require internal alterations. In this regard the applicant has an Alternative Use Value without any planning restrictions.

- 2.16 U.L.L Property, the applicant's surveyors have submitted an addendum to the Financial Viability Appraisal which accompanied the planning application in response to the deferral of the application at the 10th December 2015 Planning Committee. The addendum seeks to provide further justification for the use of an Alternative Use Value to inform the Benchmark Land Value and includes the following comments:

'We are of the opinion that Use Class C3 (Residential) would generate the higher site value for this particular Site than Use Class C4 (HMO) and therefore consider AUV to be the most appropriate methodology to establish the benchmark land value.

In this non-hypothetical situation, it is only reasonable to assume that the sellers of 139 Grosvenor Avenue are aware that the site could be converted to two residential properties without the need for planning permission or any major costs associated with conversion. As such the AUV of two houses is the most realistic measure to apply, moreover, AUV in this instance has no implicit 'hope value' since all parties

are aware that conversion to Use Class C3 (Residential) does not require a permission. It would therefore be unrealistic to assume that the sellers would be willing to sell at a discount. The use of AUV in this particular case complies with National Planning Guidance paragraph 024.'

2.17 In response, BPS, the Council's independent assessors have commented as follows:

'In principle I believe ULL are correct to assert that a landowner is entitled to adopt the valuation basis which maximises land value. Given the ability to convert the property from HMO to C3 is a permitted development right then it must be correct to assume that a value based on either use is theoretically acceptable and consistent with NPPF and GLA policies.

HMO's would be expected to be let on Assured Shorthold Tenancies and these generate a number of management costs for the owner as well as potential contingencies for voids etc. We have been involved in valuing a number of Private Rented Sector schemes and typically we find that deductions of 20-40% of market value are used to value rented rather than sale properties, therefore despite much publicised rent increases there is always generally more value in sale than rent. This is especially the case since the announcement in the autumn statement about stamp duty to penalise small buy to let owners. Therefore it is not unreasonable for ULL to adopt a value based on conversion to C3 sale.

Our report did highlight concerns over the actual value of the units in C3 use identifying a deduction of £200,000 on ULL's estimate. There is also the question of the condition of the property as it is likely that works would be required to convert the property to C3 use. Having said that and rather bizarrely properties requiring decorative works and modernisation are often more popular as purchasers often assume that the property would appreciate significantly once these works are carried out. This perception often leads to over pricing of dated property to the extent there is often limited differentiation in pricing with other more modernised stock, as distinct from new build where we would still anticipate a substantial premium over second hand stock. Therefore and in light of the limited transaction evidence and any information on condition that our conclusions set out in our report of 30 October remain sound.'

2.18 It should be noted that, in response to the BPS report identifying a £200,000 deduction in the estimated Alternative Use Value, the applicant agreed to make an additional £200,000 financial contribution in lieu of on-site affordable housing. In all other respects BPS accepted the applicant's viability position. The BPS report is attached at Appendix 3.

2.19 In view of the above, it is considered that in this case there is a compelling justification for the use of an Alternative Use Value to inform the Benchmark Land Value of the site. Furthermore, it is considered that the proposal accords with relevant national policy and guidance and Development Plan policy in that the scheme will reflect policy requirements and planning obligations by delivering the maximum reasonable amount of affordable housing whilst providing a competitive return to the applicant.

2.20 The Financial Viability SPD has introduced a requirement that developments that do not meet the Council's strategic affordable housing target are subject to an advanced stage viability review to ensure that viability is accurately assessed at the point at which actual values are realised. Accordingly, the recommendation has been amended to reflect this requirement.

3. UPDATED RECOMMENDATION / CONCLUSION

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

- 3.1 subject to the conditions set out in Appendix 1 of the attached 10th December 2015 Planning Committee report, updated to require a 17.45% total on-site CO2 reduction (Condition 20);
- 3.2 conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the 10th December 2015 Planning Committee report, amended to indicate a £7,292 carbon offset payment; and an end of process review of viability to secure additional affordable housing in the event of an improvement of residential sales values to that effect.

Appendix 1 – 10 December 2015 Planning Committee Minutes

London Borough of Islington

Planning Committee - 10 December 2015

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 10 December 2015 at 7.30 pm.

Present: **Councillors:** Robert Khan (Chair), Kat Fletcher (Vice-Chair) (not present for Item B2), Martin Klute (Vice-Chair), Paul Convery, Alice Donovan, Tim Nicholls, David Poyser and Marian Spall

Councillor Robert Khan in the Chair

- 152** **INTRODUCTIONS (Item A1)**
Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.
- 153** **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Chowdhury.
- 154** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no substitute members.
- 155** **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 156** **ORDER OF BUSINESS (Item A5)**
The order of business would be as per the agenda.
- 157** **APPOINTMENT TO PLANNING SUB-COMMITTEE (Item A6)**

RESOLVED:
That Councillor Picknell be appointed to serve on Planning Sub-Committee B with immediate effect until the appointment of her successor.
- 158** **MINUTES OF PREVIOUS MEETING (Item A7)**

RESOLVED:
That the minutes of the meeting held on 17 November 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 159** **139A AND 139B GROSVENOR AVENUE, LONDON, N5 2NH (Item B1)**
Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO – use class C4) and the construction of a new 5-storey (including lower ground floor) building providing 10 residential dwellings (C3) consisting of 10 x 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

(Planning Application Number: P2015/2917/FUL)

In the discussion the following points were made:

Planning Committee - 10 December 2015

- The planning officer stated that the applicant had agreed to pay a £200,000 offsite affordable housing contribution, the onsite total CO₂ reduction in Condition 20 should be 17.45% and the applicant had agreed to a £7,292 carbon offset payment. The £7,292 and other payments in the Heads of Terms of the Section 106 were in addition to the £200,000 offsite affordable housing contribution.
- The chair stated that the inspector had given priority to the council's policy on affordable housing.
- The location of the storage unit was outlined.
- There were site constraints which limited accessibility and meant some requirements could not be met, however one lift was proposed and there was a ramp to the rear.
- A member referred to the government's recent letter to the council, the implications of which meant that the Secretary of State's guidance in Planning Practice Guidance was reaffirmed and that land values should reflect policy requirements and planning obligations. Concern was raised that the viability assessment was not in line with this and should amongst other considerations, take into account the council's 50% affordable housing policy.
- The planning officer advised that the viability study had assessed an alternative use of two single family dwelling houses as the site could be returned to this use without planning permission.
- The planning officer confirmed that the independent viability assessor was not present at the meeting.
- In response to a question about how much it cost to purchase the site, the applicant advised the cost was £3.2 million.
- The planning officer confirmed that the unit without amenity space was not the shared ownership or accessible unit.
- The inspector was not concerned about sunlight, daylight, amenity or bicycle storage and therefore the committee set aside the objections relating to these matters.

Councillor Convery proposed a motion to defer consideration of the application for a revised viability assessment in light of the government's recent letter the council, the implications of which meant that in accordance with the Secretary of State's guidance in Planning Practice Guidance land values should reflect policy requirements and planning obligations. He stated that the economic viability should be revised to take into account the council's 50% affordable housing policy. This was seconded by Councillor Klute and carried.

RESOLVED:

That consideration of this item be deferred for the reason outlined above.

160 **61 LEVER STREET, LONDON, EC1V 3AR (Item B2)**

Change of use of ground floor and part basement level from conference centre (Sui Generis) to office (B1a) use, associated flexible A1/A3 use at ground floor, alterations to facades and entrances and the addition of roof lights.

(Planning Application Number: P2015/4230/FUL)

In the discussion the following points were made:

- The planning officer advised that the reference to BREEAM (2011) in Condition 6 – BREEAM (Compliance) should be replaced with BREEAM (2014) – Refurbishment and Fit Out.
- The planning officer confirmed that five desks had been secured at 50% of the market rate for five years. The legal officer advised that the desks were unlikely to be in a separate space, a lease or licence might not be appropriate and a more flexible arrangement might be required to secure access.

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	10 th December 2015	NON-EXEMPT

Application number	P2015/2937/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	Not Listed
Conservation area	None
Development Plan Context	No designation
Licensing Implications	None
Site Address	139A and 139B Grosvenor Avenue N5 2NH
Proposal	Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO- use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

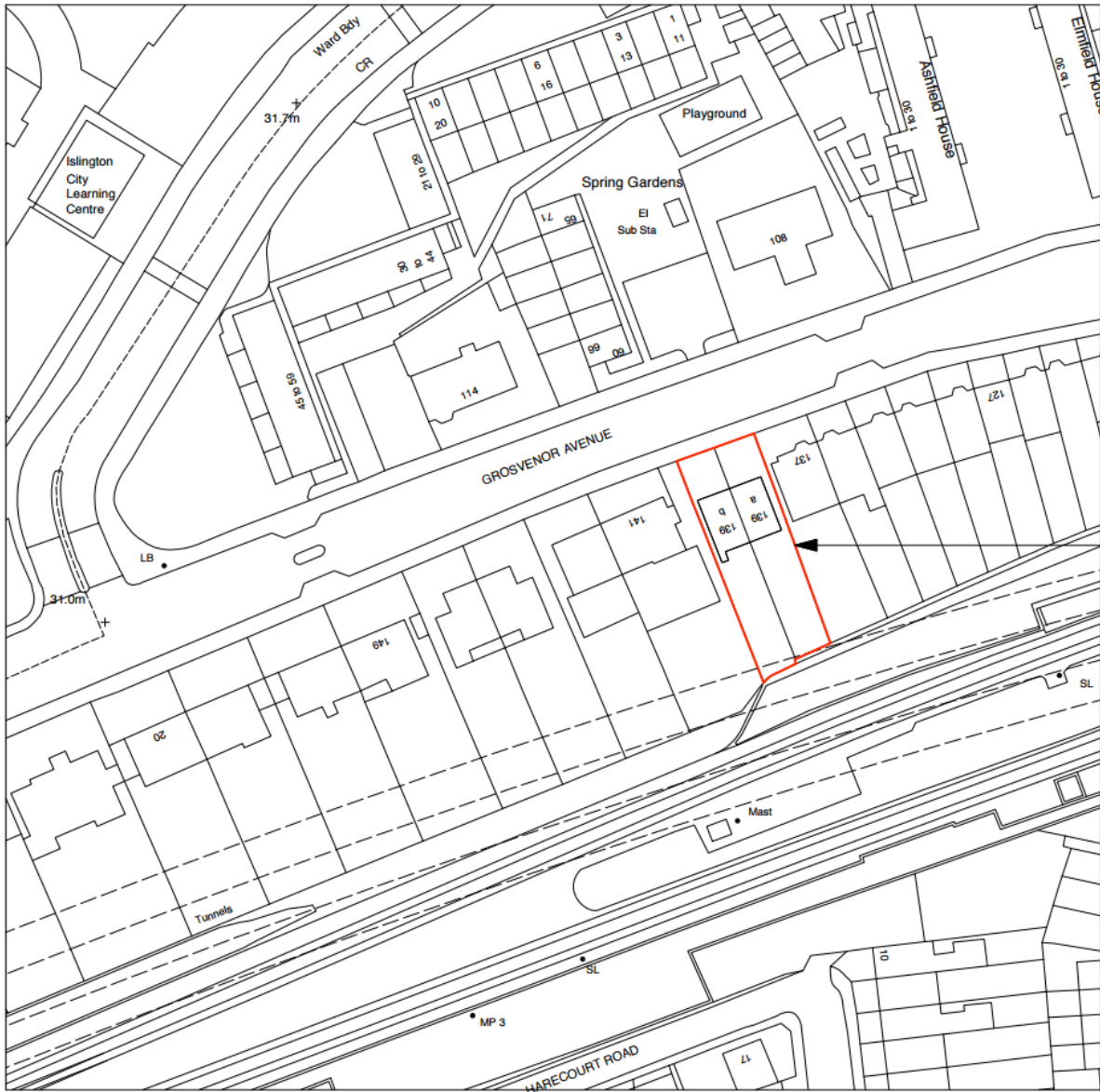
Case Officer	Simon Greenwood
Applicant	Mr Carlton James
Agent	Mr Stephen Sinclair

4. RECOMMENDATION

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

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

5. SITE PLAN (site outlined in red)



6. PHOTOS OF SITE/STREET



Image 1: The existing properties from Grosvenor Avenue



Image 2: the Eastern Neighbour, No 137



Image 3: The Western Neighbour, No 141

7. SUMMARY

- 7.1 Planning permission is sought for the demolition of a pair of 2 storey semi-detached Houses in Multiple Occupation (HMO) (Use Class C4) and their replacement with a 5 storey (including semi-basement) building comprising 10 two bedroom flats.
- 7.2 Planning permission was recently refused and dismissed at appeal for a similar scheme comprising a building of the same scale and appearance but providing 6 two bedroom and 2 four bedroom flats. The planning application was refused on grounds relating to underdevelopment, lack of a financial contribution towards off-site affordable housing and the impact of the proposed cycle store on the amenities of the occupants of neighbouring residential dwellings. At the subsequent appeal the Inspector agreed that the scheme failed to maximise its development potential. He did not consider it necessary to examine the viability of a financial contribution to off-site affordable housing as he concluded that, as the site could accommodate 10 units, affordable housing should be provided on site. He was satisfied that the proposed cycle store would not result in undue harm in amenity terms.
- 7.3 The currently proposed scheme is an amendment to the previous scheme involving an internal reconfiguration to provide 10 two bedroom flats. The revised unit mix is considered to satisfactorily address previous concerns regarding underdevelopment, and it is considered that the development potential of the site has been maximised. The proposal would deliver one affordable (shared ownership) unit and a further payment in lieu of on-site affordable housing and is considered acceptable in affordable housing terms. In view of the Inspector's decision the proposal is therefore considered to satisfactorily address the previous grounds of refusal.

- 7.4 One issue which arises from the amended scheme is the acceptability of the proposed unit mix of 10 two bedroom units, which fails to provide a mix of housing to contribute towards meeting the borough's needs. However, it is considered that the constraints of the site and the need to provide a satisfactory standard of accommodation for future occupants whilst maximising the development potential of the site represent sufficient justification for the proposed unit mix. The proposal is considered satisfactory in this regard.
- 7.5 It is considered that the proposed demolition of the existing 2 storey semi-detached houses in multiple occupation (HMO) (Use Class C4) and the erection of a 5 storey (including lower ground floor) building providing 10 residential dwellings would be acceptable in land use terms, have an acceptable impact upon the visual amenities of the street scene and the character and appearance area including upon the adjoining conservation area. Furthermore, the proposal would not result in an unduly harmful impact upon the residential amenities of the occupants of the neighbouring dwellings.
- 7.6 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions.
- 7.7 It is therefore recommended that planning permission be granted subject to conditions.

8. SITE AND SURROUNDING

- 8.1 The application site is currently occupied by a pair of 1950s semi-detached houses which were converted to Houses of Multiple Occupation (HMOs) following a grant of planning permission in 2007.
- 8.2 The scale and form of the existing building is at odds with neighbouring development on the southern side of Grosvenor Avenue which comprises three and four storey over basement Victorian terraced houses, most of which have been converted to flats or HMOs. The opposite (northern) side of Grosvenor Avenue is characterised by a mixture of four and five storey post-war residential development, including the Highbury Estate.
- 8.3 The site is not located within a conservation area and the building is not listed. However, the western boundary of the site adjoins the Highbury New Park Conservation Area.

9. PROPOSAL (in Detail)

- 9.1 It is proposed to demolish the existing building on the site and erect a five storey (including lower ground floor) block comprising 10 two bedroom flats. The external appearance of the building would be consistent with that of the previously refused proposal.
- 9.2 The existing pair of 1950s semi-detached houses were converted to HMOs following a grant of planning permission in 2007 (applications refs. P070499 & P070589).
- 9.3 The block would be of contemporary design and would be comparable in height to the adjacent Victorian terraces. The front elevation would feature timber frame full height windows to reflect the proportions of the adjacent buildings and to maximise the natural light to the dwellings. Brickwork is proposed to reflect the appearance of neighbouring buildings on the southern side of Grosvenor Avenue.
- 9.4 The footprint of the block would be 3m forward and 3m to the rear of the existing building on the site, and this would bring the front of the block in line with the front building line of the

neighbouring terraces. The southwest corner of the block was amended under the previous application in order to address a loss of daylight and sunlight to No. 137 Grosvenor Avenue and this amended arrangement is maintained within the current proposal. The proposed building retains an approx. 1m side space to both boundaries which is similar to the existing properties.

- 9.5 A low rendered masonry wall is proposed along the front boundary and this would match existing front boundary treatments along this part of Grosvenor Avenue. The large tree to the front of the building would be retained.
- 9.6 The two lower ground floor units would have private garden areas whilst balconies would be provided to 7 of the upper floor units. One unit will have no private amenity space. All of the units will have access to a 210m² communal rear garden.
- 9.7 The block will feature a living roof and a living wall to the rear elevation.
- 9.8 Secure cycle parking (20 spaces) would be provided to the rear of the site whilst refuse storage would be provided to the front of the building.

10. RELEVANT HISTORY:

139 A Grosvenor Road:

- 10.1 **P070598** - Change of use from single family residence to house in multiple occupation (**granted permission 13/11/2007**).
- 10.2 **P062091** - Change of use from single family residence to house in multiple occupation (**refused permission 08/11/2006**).
- 10.3 **P061040** - Change of use from single family residence to house in multiple occupation (**refused permission 11/07/2006**).

139 B Grosvenor Road:

- 10.4 **P070499** - Change of use from single family residence to house in multiple occupation (**granted permission 09/07/2007**).
- 10.5 **P062142** - Change of use from single family dwelling to house in multiple occupation (**refused permission 14/11/2006**).
- 10.6 **P061041** - Change of use from single family residence to house in multiple occupation (**refused permission 10/07/2006**).
- 10.7 **P2014/3449/FUL** - Planning permission was refused in June 2015 for demolition of the existing two-storey semi-detached Houses in Multiple Occupation (Use Class C4) and the construction of a new five-storey (including a lower ground floor) building comprising 6 two bedroom and 2 four bedroom flats. The grounds of refusal were as follows:

1. The proposed scheme does not result in sustainable development as it fails to maximise the development potential of this urban site. It fails to deliver a maximum number of units on the site, and consequently fails to deliver affordable housing on the site, of which there is an acute need within the borough, and is therefore contrary to Policy CS12 of the Islington Core Strategy.

2. The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD for the number of housing units proposed. The applicant has submitted a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made, however this has not been agreed by the Council. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD.
3. The proposed bike shed by virtue of its scale and siting on the boundary, is considered to have a detrimental overbearing impact and potential detrimental noise impact on the amenity of the neighbouring property No 137, contrary to policy DM2.1 of Islington's Development Management Policies.

10.8 The application was subsequently dismissed at appeal (PINS ref. APP/V5570/W/15/3131288) and the following are excerpts from the Inspector's report:

'The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. It seems to me that Policy CS12(G) requires an early appraisal of any site to ascertain whether it could accommodate *'10 or more units gross'*. That appraisal cannot be undertaken in isolation but has to be carried out within the framework of other development plan policies. Nevertheless, the identification in an adopted policy of so specific a criterion as to the number of units to be accommodated on a site suggests particular weight should be given to that factor when compared with other criteria. At the very least, any proposal that does not meet the *'10 unit'* threshold needs to be explicit as to why the site on which it is located cannot accommodate that number of units.

In respect to the word *'capable'*, its meaning seems to be less clear cut. It might simply mean the physical capacity of the site, but that ignores the wide range of other factors that could and should influence the nature of any development. Nevertheless, as I have suggested above, the use of the word, *'capable'*, suggests that there is at least an initial presumption that the capacity of any site has to be tested against the 10 unit threshold. Furthermore, there would need to be a clear and overriding justification as to why a site that was deemed *'capable'* of accommodating 10 or more units was being considered for a scheme that did not do so.

I accept that the context of Policy CS12(G) is to encourage the development of sites to their full potential whilst giving priority to development that is of sufficient scale to allow the on-site provision of affordable housing. I also suspect that the policy has been drafted in the manner it has to dissuade applicants from putting forward schemes with a smaller number of units in order to avoid such on-site provision.

I see no problems with Policy CS12(G) in terms of a requirement that the proposals for any particular site maximise its residential potential whilst meeting the full range of criteria set by the policies of the adopted development plan. Moreover, in assuming that the appeal site could accommodate a larger number of units than the eight proposed, the Council describes that failure to meet its maximum potential as a failure to achieve the sustainable development that lies at the heart of the Government's National Planning Policy Framework ('the Framework'). The Framework encompasses economic, social and environmental

factors in its definition of sustainable development and I accept the Council's argument that ensuring that sites achieve their maximum potential should be a material consideration.

Furthermore, I take that view notwithstanding the general principle that every application and appeal has to be judged on its own merits and that none should be rejected on the grounds that there might be a better proposal 'round the corner'. Section 38(6) of the Planning and Compulsory Purchase Act 1994 states that every application and appeal should be determined in accordance with the adopted development plan '*...unless other material considerations indicate otherwise*'. Policy CS12(G) is part of the adopted development plan and applications should therefore be determined in accordance with its provisions.

The issue is therefore whether the appellant has demonstrated that the appeal site is not capable of accommodating 10 or more units. The Council obviously thought he had not. Its evidence to support the argument that the proposed development does not achieve the site's full potential centres on the claimed excessive size of the two four-bedroom units. The Council points out that their floorspace substantially exceeds the standards for such units set by the London Plan and carried forward into Policy DM2.3 of the Islington Development Management Policies Development Policy Document (DPD). For four-bedroom units, the minimum space standard is 99m² but the two four-bedroom units proposed here have floorspaces of 158m² and 164m² respectively. The units are thereby over 50% larger than the minimum standard. The Council argues that this demonstrates the capacity of the site/development to accommodate a greater number of units.

In refuting the Council's claim, the appellant argues that relying on the claim that the two four-bedroom units could be sub-divided is too simple. The design of the proposed development is based on many factors and it cannot be dismissed simply on the basis of the floorspace of the two largest units. I agree but that argument must still depend, in the terms set by Policy CS12(G), on the appellant providing a convincing demonstration that the site could not accommodate more units. I recognise that might well need a re-designed scheme.

Paragraphs 2.18 to 2.42 of the appellant's statement seek to demonstrate why the site could not accommodate 10 or more units. I found these arguments unconvincing. I acknowledge, however, that the appellant may have been under some disadvantage in presenting a case that essentially argues for his particular scheme rather than presenting a more general case as to any restrictions that may affect the capacity of the site. The distinction might seem subtle but it lies at the heart of Policy CS12(G).

I recognise that the appellant and Council officers spent a good deal of time and effort working up the scheme that led to the application. I cannot tell, however, how far Council officers may have taken on board in those discussions their members' clear priorities with regard to affordable housing. Nevertheless, the reaction of the Planning Committee perhaps should not have surprised the appellant.

Furthermore, the Council has directed me to a second application made by the appellant (Council Ref. P2015/2917/FUL) that proposes a scheme of ten residential units within the same building envelope. The appellant has asked me to give this second proposal only limited weight, not least because it has not yet

been determined by the Council. Notwithstanding that comment, I do not see how I can ignore a proposal, put forward by the appellant, that apparently demonstrates the capacity of the site to accommodate at least ten residential units. It is obviously different from the original proposal but given fundamental similarities in terms of scale, massing and design, I do not accept that it can easily be dismissed as impractical, or not viable or, most importantly, as demonstrating that the site is incapable of accommodating 10 or more units.

I am accordingly persuaded that the appeal site has a capacity to accommodate at least 10 residential units. In these circumstances, the development fails the criterion set by Policy CS12(G) and the first reason for refusal is justified.'

- 10.9 The Inspector did not consider the second ground of refusal in detail on the basis that he had concluded that the site could accommodate 10 units and a development should therefore provide on-site affordable housing rather than a payment in lieu of on-site affordable housing.
- 10.10 The Inspector dismissed the Council's third ground of refusal on the basis that the proposed cycle shed would not result in any significant material harm to the residential amenities of the occupants of No. 137.
- 10.11 The Inspector considered the impact of the proposal on the amenities of the occupants of the neighbouring properties as follows:

'The proposed development has no windows on its relevant, eastern, side elevation and there is therefore no issue of overlooking of No 137. Furthermore, although the proposed development would be taller than the existing semi-detached properties, it has been specifically designed to be of no greater height than either Nos 137 or 141. I accept that the proposed development would be somewhat deeper than the neighbouring properties but the relationships between it and its neighbours would be broadly similar to those that exist between other pairs of semi-detached properties in Grosvenor Avenue.

Moreover, I was already aware of the Daylight and Sunlight study that had been carried out for the appellant by MES Building Solutions, and which had been amended following an internal inspection of No 137. The study accompanied the original application and was specifically carried out to assess the effects of the proposed development against Policy DM2.1 of the adopted Development Plan. The study was based on the generally accepted criteria for these matters set by the Building Research Establishment's (BRE), *Site Layout Planning for Daylight and Sunlight*. It used the impact of the proposed development on the Vertical Sky Component (VSC) of the windows of all neighbouring properties, including, of course, No 137, but also looked at the Daylight Distribution test in respect of the rooms that might be most affected and the effects of sunlight and the impact on neighbouring properties' amenity space.

The MES Building Solutions study looked at four properties close to the proposed development, Nos 137 and 141 Grosvenor Avenue, i.e. the two properties on either side of the proposed development, and two properties on the other side of the road, 114 Grosvenor Avenue and Park Church House. It was clear from the conclusions that only 137 Grosvenor Avenue gave any cause for concern in terms of any loss of daylight or sunlight.

The MES Building Solutions raised no issues in respect of No 141 or properties on the other side of Grosvenor Avenue. Nor, in respect of the basement, ground and first floors of No 137, do I see any evidence that the proposed development would result in a substantial diminution of daylight or sunlight reaching those rooms with windows facing west, i.e. towards the proposed development. I take this view, having considered the amendment to the scheme such that its south-eastern corner would be angled away from the basement flat of No 137 and the fact that there is already the side elevation of the existing semi-detached dwellings close to the boundary with No 137.

The Daylight and Sunlight study demonstrates, however, that there would be some reduction in the daylight and sunlight reaching the side elevation windows at second floor level. Nevertheless, as the MES Building Solutions comments and as I saw for myself on my second site visit, these windows light a workshop area, which would not normally be given the same priority as a habitable room. I am also aware that neither of the windows most affected is a principal window lighting the relevant room and that, as a whole, the room would continue to be well-lit despite any effects of the proposed development.

The MES Building Solutions study also looked at the effect of the proposed development on the rear garden of No 137 and concluded that it would produce no significant material harm. I agree: the orientation of No 137 to the proposed development is such that there should be little if any interference with the enjoyment of their rear garden by the occupants of No 137.

There finally remains the small terrace that is at second floor level in No 137 and which faces the proposed development. I have little doubt that the views from this terrace would be affected – as would the views from the two second floor windows to which I refer in paragraph 29. However, it is a well-established principle that planning can provide no security for views and this matter has to be discounted. Furthermore, I agree with the Council's officers that a side terrace of the form that exists here so close to the property boundary should not carry the same protection as might be afforded to amenity space such as a rear garden. The material harm to the future use of this terrace therefore cannot weigh sufficiently against the proposed development for me to conclude that it is in breach of those criteria of Policy DM2.1 that seek to protect the living conditions of the occupants of neighbouring properties.'

10.12 The Inspector's full report is attached at **APPENDIX 2**.

11. CONSULTATION

Public Consultation

- 11.1 Letters were sent to occupants of 239 adjoining and nearby properties at Grosvenor Avenue, Spring Gardens, Highbury New Park, Heaven Tree Close and Aberdeen Park on 4 September 2015. A site notice and a press advert were displayed on 10 September 2015. The public consultation of the application therefore expired on 1 October 2015. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 11.2 At the time of the writing of this report 20 letters of objection have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed):

- Loss of daylight and sunlight to neighbouring properties (paras. 7.11, 10.48-10.66)
- Plans make inaccurate assumptions about the layout of No. 137 (it is considered that the submitted plans are sufficiently accurate to allow proper consideration of the proposed development and its impact upon neighbouring dwellings)
- Amendments to corner of block under previous planning application do not address concerns regarding loss of light to basement flat at No. 137 (paras. 7.11, 10.60-10.63)
- Loss of privacy and noise and disturbance at basement flat at No. 137 due to location of pathway to bicycle shed (para. 11.3)
- Cycle store will be unsightly (paras. 7.10, 11.3)
- Loss of green space, including from cycle shed (paras.10.67-10.73)
- Loss of trees / harm to biodiversity / impact on adjacent Site of Importance for Nature Conservation (SINC) requires full consideration (paras. 10.67-10.73)
- Developer has not requested permission to remove the shared boundary wall with No. 137 (this is a civil matter and not a planning consideration)
- Basement construction may result in subsidence
- Increase from 8 to 10 units will result in overdevelopment and increased noise, loss of privacy and demand for on-street car parking / increased traffic (paras. 10.21-10.24, 10.41-10.47, 11.1-11.5)
- Loss of privacy and noise and disturbance at basement flat at No. 137 due to location of pathway to bicycle shed (para 11.3)
- Inadequate affordable housing provision / housing will not be affordable (paras. 10.74-10.78)
- Overdevelopment of the site / overbearing visual impact / excessive height / excessive rearward projection (paras. 10.8-10.20, 10.41-10.47)
- Out of character / loss of openness (paras. 10.8-10.20)
- Previously proposed unit mix would have delivered family housing and was preferable (paras.10.39-10.40)
- Existing houses should be retained (paras.10.8-10.20).

11.3 1 representation in support of the proposal has been received.

Internal Consultees

11.4 Design and Conservation Officer: design concerns were addressed under the previous application and the detailing and materials are now considered appropriate.

11.5 Inclusive Design Officer: concerns are raised that the scheme will be unable to fully meet the Council's accessibility requirements – discussions are ongoing at the time of writing and an update will be provided at the meeting.

11.6 Trees Officer: No objections. an Arboricultural Method Statement should be secured by condition should planning permission be granted.

External Consultees

11.7 Network Rail: - The developer must ensure that the development does not encroach onto Network Rail land or affect its infrastructure.

11.8 HighSpeed1 – conditions are requested to ensure that the development does not result in adverse implications for the High Speed 1 project.

11.9 London and Middlesex Archaeological Society (LAMAS) (Historic Buildings and Conservation Committee) – no objections, the proposal would have little impact upon the conservation area.

11.10 London Underground – no comments.

11.11 Thames Water – no objections.

12. RELEVANT POLICIES

12.1 Details of all relevant policies and guidance notes are attached in **Appendix 3**. This report considers the proposal against the following development plan documents.

National Guidance

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

Development Plan

12.3 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy (2011) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at **Appendix 3** to this report.

Designations

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

- Sited within 50m of a Conservation Area (Highbury New Park).

Supplementary Planning Guidance (SPG) / Document (SPD)

12.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 3.

13. ASSESSMENT

13.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Density
- Accessibility
- Neighbouring amenity
- Trees and Landscaping
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and Transportation

- Planning obligations/mitigations.

Land Use

- 13.2 It should be noted that the Council, in considering the previous planning application, and the Inspector considering the recent appeal, raised no objection to the proposed change in land use from Use Class C4 (HMOs) to C3 (dwelling houses). The planning history would therefore indicate that the proposal is acceptable in land use terms. However, in the interests of completeness, land use is considered in the following paragraphs.
- 13.3 The two existing properties are each in use as a HMO and policy DM3.9(C) of the Development Management Policies states that the Council will resist the loss of good quality HMOs. The properties were granted permission for use as HMOs in 2007 and were considered at the time to provide good quality accommodation of this type.
- 13.4 It has been established that each of the two properties are occupied by five individuals through the submission of copies of licences issued by the Council's Environmental Health division. The dwellings therefore fall within the C4 use class.
- 13.5 Recent changes to the General Permitted Development Order 2015 (Part 3, Class L - *small HMOs to dwellinghouses and vice versa*) indicate that the conversion of the existing HMOs to two residential dwellings would be permitted development not requiring planning permission. It is therefore the case that the site could be returned to C3 (dwelling houses) use, which is the proposed use of the site, without the requirement for planning permission. It would be impractical and unreasonable to require the initial change of use of the existing HMOs to C3 use in order to establish the acceptability of the proposed C3 use. It can simply be acknowledged that a C3 use of the site would not require planning permission and therefore redevelopment of the site for C3 use is considered acceptable in principle.
- 13.6 Policy DM3.9(D) states that, 'Where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the Council's housing department, which may include social rented housing'. The proposed development would provide one affordable shared ownership unit and a payment in lieu of further on-site affordable housing and it is considered that the requirements of Core Strategy Policy CS12 requiring on-site affordable housing contribution has been satisfied. The proposal is therefore considered to satisfy the requirements of Policy DM3.9(D).
- 13.7 As such, in principle, it is considered that the redevelopment of the site to provide residential dwellings (Use Class C3) is acceptable.

Design and appearance

- 13.8 The external design and appearance of the building is unchanged from that considered by the Council under the previous planning application and that considered by the Inspector at the recent appeal. The design and appearance of the building was previously considered acceptable by the Council and the Planning Inspector and the planning history would therefore indicate that the proposal is acceptable in terms of design and appearance. However, in the interests of completeness, design and appearance is considered in the following paragraphs.
- 13.9 Paragraph 63 of the National Planning Policy Framework states that "in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

- 13.10 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 13.11 The proposal involves the demolition of a pair of two storey semi-detached houses and the erection of a five storey (including lower ground floor) residential block of contemporary design. The existing 1950s built dwellings have little architectural merit and represent an incongruous break in the predominantly three and four storey height of the neighbouring Victorian buildings.
- 13.12 The existing building has approx. 1m side space to either boundary whilst No. 141 has approx. 3m side space to the boundary. Accordingly, the existing building enjoys a relatively spacious setting with views towards the rear of the site. Furthermore, this side of Grosvenor Avenue, particularly to the west is in part characterised by open space to the side of semi-detached properties and at the end of terraced rows.
- 13.13 The proposed building retains an approx. 1m side space to both boundaries which is similar to the existing properties. As such, it is considered that a satisfactory setting for the building would be maintained. The proposed building retains the same approximate ridge and eaves height of the neighbouring dwellings, and therefore in terms of scale and massing the building is considered appropriate.
- 13.14 Whilst set some 3m in front of the existing properties, the building line is consistent with both neighbours, with only the lightwells and bin storage areas set further forward.
- 13.15 The development provides a sunken private rear amenity space for the two lower ground floor units, with steps up to the retained existing garden space at the rear.
- 13.16 The detailing of the front elevation was amended under the previous planning application to address the concerns raised by the Design & Conservation Officer in relation to the scale and consistency of the fenestration. Furthermore, the dormer windows were reduced slightly in scale to be more in keeping with the surrounding properties. The vertical emphasis of the façade replicates the traditional Victorian dwellings on either side.
- 13.17 The materials proposed (predominantly facing brickwork and timber framed windows) will ensure that the development is in keeping with the traditional Victorian street scene. A condition is proposed to secure appropriate materials.
- 13.18 The building is set back from the front boundary in line with the existing dwellings and incorporates landscaping and a low rendered masonry wall which will match the existing front boundary treatment along this part of Grosvenor Avenue. The large tree to the front of the building, which contributes to the character and appearance of the street scene will be retained (this is discussed further below).
- 13.19 The block will appear as a contemporary addition to the street scene which sits comfortably within the historic surroundings.
- 13.20 It is therefore considered that the proposed development is considered acceptable in design and appearance terms and will maintain the character and appearance of the adjacent Conservation Area.

Density

- 13.21 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes a total of 10 new residential dwellings.
- 13.22 In assessing the appropriate housing density for the application site it is necessary to consider the London Plan which notes that it would not be appropriate to apply these limits mechanistically. In particular, the local context as well as design considerations should be taken into account when considering the acceptability of a specific proposal.
- 13.23 The site has a public transport accessibility level (PTAL) of 6a (Excellent). For urban areas with such a high PTAL, the London Plan Policy 3.4 (Table 3.2) suggests that a density level of between 55 and 225 units per hectare would be most appropriate.
- 13.24 The proposed development would result in a residential density of some 167 units per hectare. This level of housing density falls within the recommended density range and is considered acceptable.

Accessibility

- 13.25 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 13.26 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types of dwellings in the highest quality environments. These requirements are reinforced by Islington Core Strategy CS12 and the Accessible Housing SPD.
- 13.27 Development Management Policy DM2.2 requires all new developments to demonstrate inclusive design whilst Policy DM3.4 provides housing standards for all types of residential developments. The Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 13.28 The recent Housing Standards Review was followed by a Deregulation Bill on 16 March 2015 which was implemented on 1 October 2015. The Bill introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations which will be enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's present wheelchair accessible housing standard).
- 13.29 The GLA have introduced a Minor Alterations to the London Plan which reframes London Plan Policy 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.
- 13.30 The Council's Inclusive Design Officer has expressed concerns that the proposed development will be unable to fully meet the Council's accessibility requirements. The applicant has indicated that they are willing to accept conditions to secure appropriate measures relating to these requirements. Discussions are ongoing at the time of writing with a view to addressing this matter and an update will be provided at the meeting.

Standard of Accommodation for Future Occupiers

- 13.31 It should be noted that in considering the recent planning application and appeal the previously proposed scheme was considered acceptable by the Council and the Inspector in terms of living conditions. The currently proposed scheme has been amended internally whereby the previously proposed 2 lower ground floor and ground floor four bedroom duplex units have been amended to 4 two bedroom units (2 on each floor). The layouts of the first to third floor units remain unchanged from the previous application. The planning history would therefore indicate that, subject to consideration of the acceptability of the amendments at ground and lower ground floor level, the proposal is acceptable in terms of standards of accommodation for future occupants. However, in the interests of completeness, living conditions for future occupants is considered in the following paragraphs.
- 13.32 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.
- 13.33 Unit Sizes: all of the proposed residential units comply with the minimum unit sizes detailed within policy DM3.4 and the minimum space standards set out within the London Plan. The application indicates that the net internal areas of the units range from 65m² to 81m² therefore none of the units are excessively large.
- 13.34 Aspect/Daylight Provision: all of the units will provide dual aspect accommodation as required by Policy DM3.4 part D. The two front lower ground floor bedrooms (one each to units 1 and 2) are served only by lightwells. This is not ideal, but given that these are dual aspect units with excavated rear gardens and rear facing windows to the living areas and second bedrooms providing aspect and daylight it is considered, on balance, that this is acceptable in this instance.
- 13.35 Amenity Space: Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The policy goes on to state that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings with an extra 1m² on upper floors and 5m² on ground floors for each additional occupant. The development will provide a 210m² communal garden and private amenity space as follows:

Unit	Required amenity space (m ²)	Amenity space (m ²)
Unit 1 - 2b(3p)	25	30
Unit 2 - 2b(4p) wheelchair	25	27
Unit 3 - 2b(4p)	7	8
Unit 4 - 2b(3p)	6	Nil
Unit 5 - 2b(4p)	7	9
Unit 6 - 2b(4p)	7	7
Unit 7 - 2b(4p)	7	6
Unit 8 - 2b(4p)	7	10
Unit 9 – 2b(4p)	7	5
Unit 7 - 2b(3p)	6	8

- 13.36 Eight of the proposed units therefore comply with the private amenity space guidelines outlined in Policy DM3.5 whilst there will be nil private amenity space to unit 4 and a 1m² shortfall to unit 7. The amenity space to Unit 4 was removed under the previous application following a design revision to ensure that a satisfactory level of sunlight and daylight to No. 137 was maintained. It is noted that there were no objections to the lack of amenity space to Unit 4 under the previous application and subsequent appeal. In view of the access that the occupants of this unit will have to a large communal garden the provision of amenity space within the development is considered acceptable.
- 13.37 As such, it is considered that all 10 units will provide a satisfactory standard of living accommodation.
- 13.38 Dwelling Mix: the development would comprise 10 two bedroom flats. 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.
- 13.39 The proposal would fail to provide a dwelling mix to accord with the requirements of Policy 3.1 of the London Plan. The previous application proposed 6 two bedroom units and 2 four bedroom units and was refused planning permission on a ground that the number of units proposed represented an underdevelopment of the site. It is considered that any increase in the height, bulk and massing of the block would be likely to result in an adverse impact upon the character of the area and/or upon the residential amenities of the occupants of neighbouring properties. On the basis that an amended scheme which addresses concerns regarding underdevelopment whilst providing a satisfactory standard of accommodation should comprise a similar sized block, it can be accepted that there are constraints to providing a more appropriate mix of housing. The proposed mix of 10 two bedroom flats ensures that the block is able to provide dual aspect units which satisfy relevant space standards. Taking these factors into consideration the proposal is therefore viewed as acceptable in terms of unit mix.

Neighbouring Amenity

- 13.40 The previous proposal was considered acceptable by the Council and the Planning Inspector in terms of the impact of the proposal on the residential amenities of the occupants of neighbouring residential dwellings. The currently proposed scheme is unchanged in terms of the arrangement of the fenestration and the bulk and massing of the block. The current scheme proposes two additional units and therefore represents a higher density of development. Subject to consideration of any impact from the increased density of the scheme, the planning history would indicate that the proposal is acceptable in residential amenity terms. However, in the interests of completeness residential amenity is considered in the following paragraphs.
- 13.41 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 13.42 Policy DM2.1 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. It goes on to state that development must not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole. It also states that the impacts on amenity such as privacy, direct sunlight or daylight must be considered.
- 13.43 The proposed building is clearly greater in scale and massing than the existing pair of two-storey semis. It extends to the rear by an additional 3m, to the front by an additional 3m and is approx. 4m higher at the highest point.
- 13.44 The eastern neighbour No 137, a five storey semi-detached property, includes a separate basement flat. The applicants state that the second floor of this building is not in use as residential but rather as a therapy and health/well being business.
- 13.45 The eastern neighbour No 141, a four storey semi-detached property, has been converted into flats.
- 13.46 In terms of overlooking, the building has no windows to the side elevations, and all rear balconies face directly down the site. In addition, the balconies are set behind the side walls and therefore it is considered that the building will not result in any unacceptable overlooking of either adjacent neighbour.

Daylight and Sunlight

- 13.47 It should be noted that daylight and sunlight were considered in detail by the Inspector considering the previous appeal who concluded that the scheme would not result in any unacceptable impacts. The Inspectors comments are detailed at paragraph 7.11 above.
- 13.48 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.
- 13.49 The application is accompanied by a Daylight and Sunlight Report (dated 28 October 2014) prepared by MES Building Solutions which is supplemented by an addendum dated 16 March 2015 which followed a redesign of the south-east corner of the building under the previous planning application.
- 13.50 The report assesses the impact of the development upon Vertical Sky Component (VSC) of the windows of the neighbouring properties. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 13.51 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.

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

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

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

13.53 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.

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

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (ASPH) 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.

13.55 Where these guidelines are exceeded then daylighting and/or sunlighting 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.

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

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

- 137 Grosvenor Avenue
- 141 Grosvenor Avenue
- 114 Grosvenor Avenue
- Park Church House.

13.58 141 Grosvenor Avenue : this property has 4 windows on its side elevation including a bay window. The bay window and first floor side elevation windows serve rooms which are also served by windows to the front elevation. The report considers the Daylight Distribution Test to be more appropriate and this indicates that these rooms achieve comfortable compliance with the guidelines. The lower ground floor windows to the side elevation serve non-habitable rooms. It should also be noted that the BRE standards state that side elevation windows close to a boundary 'should not be considered in the same way as

windows built a reasonable distance from their boundary'. The daylight and sunlight impact of the development on the side elevation of No. 141 is considered to be acceptable. The front and rear windows to No. 141 all pass the VSC, Daylight Distribution and Available Sunlight Hours tests.

- 13.59 137 Grosvenor Avenue: the design of the proposed building was amended under the previous application to address concerns regarding the impact on daylight and sunlight at No. 137.
- 13.60 No. 137 has a door and a small window on the second storey (opening onto a small terrace) and a side facing dormer. The two second storey openings will experience a reduction in sunlight and daylight. However this room is also served by front and rear windows and these side windows are secondary. The room also passes the Daylight Distribution test and as such, it is considered that the impact of the development on this room is acceptable. The side dormer windows pass all the tests, and the development will not have a detrimental impact upon this room. The ground and first floor windows to the rear elevation pass all tests.
- 13.61 The basement/lower ground floor is in use as an independent flat. The previous scheme was amended in order that the corner of the building angled away from No. 137 and it was subsequently demonstrated that the all tests were passed with regard to the basement unit windows, one of which serves a bedroom and one of which serves a kitchen.
- 13.62 It is not therefore considered that the development will have a detrimental impact on the rear facing windows of No. 137.
- 13.63 114 Grosvenor Avenue/Park Church House: the report demonstrates that the proposed block will not result in a harmful loss of daylight and/or sunlight to No. 114 Grosvenor Avenue or Park Church House, both located on the opposite side of Grosvenor Avenue.
- 13.64 Amenity Space: the report also demonstrates that the block will comply with BRE standards in relation to the impact on neighbouring amenity space. It should be noted that the amenity space assessment does not consider the terrace above the side extension to No. 137. It is not considered reasonable to expect that this space should be protected given its siting along the side boundary.
- 13.65 As such and on balance, it is not considered that the proposed development will have an unacceptable impact on the amenity of neighbouring properties.

Tree and Landscaping

- 13.66 Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats.
- 13.67 Concerns relating to the impact of the proposal on the large London Plane tree located immediately to the front of the block were addressed during the course of the previous planning application. The tree is considered to have significant amenity value and Tree Officer's concerns related to the proposed measures to protect the tree and the proposed service connections.
- 13.68 The applicant's arboricultural consultant previously submitted additional information demonstrating that the development can be carried out without harm to the street tree.

Amendments to the hard and soft landscaping to the front of the site to provide a more porous surface were also proposed.

- 13.69 The current application is accompanied by an updated Arboricultural Development Report. The Council's Tree Officer is satisfied that, subject to a condition requiring the approval of an arboricultural method statement, the development could be carried out without harm to the London Plane street tree.
- 13.70 The development would involve the removal of nine trees within the rear garden. It should be noted that these trees are not the subject of Tree Preservation Orders and the site is not located within a Conservation Area. The Council's Trees Officer has raised no objection to the loss of these trees. Several trees to the rear of the site would be retained.
- 13.71 The development would incorporate a green roof and a living wall to the rear elevation. A semi-porous bound resin surface is proposed to the front of the block whilst a large communal garden would be retained to the rear along with private gardens to the lower ground floor flats. A suitable landscaping scheme can be secured through an appropriate condition.
- 13.72 In conclusion, the proposal is considered acceptable in terms of trees and landscaping, subject to appropriate conditions.

Affordable Housing

- 13.73 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, *"the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*.
- 13.74 London Plan policy 3.12 states that the "maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements". ICS policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
 - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
 - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
 - delivering an affordable housing tenure split of 70% social housing and 30% shared ownership housing.

- 13.75 The Affordable Housing Offer: 1 of the 10 residential dwellings proposed will be provided as a shared ownership affordable unit, representing a 10% provision of affordable housing by units and by habitable rooms. A clause would be required within the Section 106 agreement to secure a payment in lieu of this unit in the event that there was no interest from a Registered Provider and the unit was instead delivered as a private sale unit.
- 13.76 The application was accompanied by a Financial Viability Assessment which has been reviewed by BPS, an independent Assessor appointed by the Council. The independent review concluded that the proposed development could support an additional payment in lieu of on-site affordable housing of £200,000 (subject to any deduction that may result from a carbon offset payment and other section 106 obligations and an update will be provided at the meeting). The applicant has agreed to make this additional off-site affordable contribution which is detailed within the agreed Heads of Terms for the Section 106 legal agreement.
- 13.77 Viability Review Mechanism: The Council would seek a financial viability review mechanism in the event that 'substantial implementation' is delayed, enabling a re-assessment of the viability with the aim of maximising affordable housing delivery. The Council's Planning Obligations SPD sets out some details for this, with the emerging Viability SPD going further. Essentially, if substantial implementation (to avoid a technical start on site) is delayed by more than 12 months, an updated Financial Viability Assessment would be required to be assessed and agreed by the Council. Any uplift in the value of the development would be secured to provide additional on-site affordable housing, or a payment in lieu to provide off-site affordable housing. The applicant has agreed in principle that a viability review mechanism would be secured by a legal agreement should planning permission be granted.

Sustainability, Energy Efficiency and Renewable Energy

- 13.78 At the time of writing matters relating to sustainability, energy efficiency and renewable energy had not been fully resolved. An update will be provided at the committee meeting. (Updated note – the applicant has agreed to make a financial contribution of £7,292 carbon offset payment and it the scheme will achieve a 17.45% total on-site CO2 reduction compared to Building Regulations Part L. The scheme is now considered acceptable in this regard).
- 13.79 London Plan 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.
- 13.80 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).

- 13.81 The London Plan and Core Strategy require development proposals minimise carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.

BE LEAN

Energy efficiency standards

- 13.82 The council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation. The proposed U-values are: walls = 0.15-0.19, roof = 0.14, floors = 0.12 and glazing = 1.1 and these values are considered to be generally good. The air tightness of the proposed building would be 4m³/m²/hr @ 50pa and this value is accepted. Low energy lighting is also proposed. These measures are supported and further details can be secured by condition.

BE CLEAN

District heating

- 13.83 DM7.3A requires all developments to be designed to be able to connect to a District Energy Network (DEN) if and when such a network becomes available. Specific design standards are set out in the councils Environmental Design SPD. Policy DM7.3B and C states that where there is an existing or future DEN within 500m of the site, the development should connect. There is no available local DEN network to link up to within 500m of the site at present.

- 13.84 DM7.3D states that where there is no existing or proposed future DEN within 500m of the site, where possible developments should connect to a shared heating network, unless not reasonably possible. No shared heat network (SHN) is proposed and the council is satisfied that there are no current buildings or pending developments which could provide an opportunity for importing or exporting low carbon heating to the proposed development at this time.

Combined Heat and Power

- 13.85 The application proposes individual gas combination boilers to provide hot water and heating (via underfloor systems) to the properties. This would make future proofing for connection to a DEN substantially more difficult. The applicant argues that the low heat and electricity demands at the development render on-site CHP unviable. This is likely to be correct. However, at the time of writing the applicant had been requested to confirm the monthly and peak heat loads in order to demonstrate that this is the case.
- 13.86 The applicant has ruled out the use of a communal heating system within the block due to both technical reasons and the potential loss of residential accommodation to accommodate plant. At the time of writing the applicant had been requested to provide further evidence in this regard.

BE GREEN

Renewable energy technologies

- 13.87 The applicant proposes installation of a 9.6kWp solar PV array at the development, and this is supported. At the time of writing details of the total carbon emissions and the reduction achieved was awaited and this information will inform whether a further increase to the system size or output was required.

- 13.88 Carbon Emissions: Council policy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 27% where connection to a decentralised energy network is not possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 13.89 The Sustainable Design and Construction Statement indicates that the development will achieve final carbon emissions of 7.93 tCO₂ per year. However, these are regulated emissions only and the Statement does not indicate unregulated emissions. At the time of writing an updated energy statement was awaited in order to assess the overall emissions or percentage reductions achieved. This assessment will inform the level of financial contribution required to offset the remaining carbon emissions in order to comply with the Council's Zero Carbon policy. A financial contribution would be secured through a Section 106 agreement.
- 13.90 Overheating and Cooling: DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control.
- 13.91 Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance. The thermal modelling submitted addresses this issue to the satisfaction of the councils Energy team.
- 13.92 An overheating analysis has been provided by the applicant, in line with the criteria specified by Islington. The assumptions used for the analysis have been reviewed and are considered to be reasonable. The applicant does not propose artificial cooling for the development, and this is supported. The thermal modelling has demonstrated that cooling is not required. The approach to the cooling hierarchy proposed by the applicant is considered satisfactory.
- 13.93 Drainage: London Plan 2011 policy 5.13, Core Strategy policy CS10 and Development Management Policy DM6.6 require development to utilise Sustainable Urban Drainage Systems (SUDS) to reduce runoff rates. The application is accompanied by a Drainage Sustainability Statement. A condition is recommended to secure flood prevention measures to comply with Policy DM6.6 of the 8litres per second per hectare.
- 13.94 Construction: A condition requiring a Construction Method Statement is recommended to ensure that construction is undertaken in an appropriate manner.

14. Highways and Transportation

- 14.1 The site benefits from a Public Transport Accessibility Level of 6A (Excellent). The site is located within a Controlled Parking Zone (CPZ) and it is proposed that the development would be car free. As such, future residential and commercial occupiers would not be eligible to obtain on-street car parking permits. The exceptions to this would be where persons occupying the residential development are living in residential properties within Islington prior to moving in and have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. In this case, in the interests of reasonableness and not to deter movement within the borough of existing residents, they would be able to transfer and obtain a permit.

- 14.2 It is not proposed to provide any on-site disabled parking. 1 wheelchair accessible unit is proposed it is considered necessary that the applicant agrees to pay for the costs of designating (as and when required) 1 additional on-street disabled bay within the vicinity of the site. Alternatively, the applicant would be required to make a contribution of £2,000 towards provision of on-street bays or other accessible transport initiatives. Regardless of these arrangements and car free restrictions, all blue badge holders are able to park in Islington Resident Parking Permit bays.
- 14.3 Cycle storage: Policy DM8.4 states that major developments creating new residential units are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. In this instance, 1 cycle space per bedroom (20) should be provided. A cycle parking area (for 20 cycles) is provided at the rear of the site within an enclosed timber structure (with a green roof). This is accessible through a secured access along the eastern side of the building. Concerns are raised by an occupant of No. 137 that this access arrangement would result in harm to residential amenities. However, this arrangement remains the same as proposed under the previous planning application and was not considered by the Council or by the Planning Inspector to result in a harmful impact. These decisions are material to consideration of the current proposal and the access arrangement is considered acceptable.
- 14.4 Waste/refuse: bin storage would be provided to the front of the site adjacent to the new front boundary wall. The brick bin storage area will match that of the front elevation of the building and will incorporate a planter to soften its appearance.
- 14.5 The proposal is considered acceptable from a highways and transportation point of view.
15. **Planning Obligations, Community Infrastructure Levy and local finance considerations**
- 15.1 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.
- 15.2 The Section 106 agreement would include the following agreed Heads of Terms:
- On-site provision of 10% affordable housing (1 unit) with a clause triggering a payment in lieu if there is no interest in the unit from Registered Providers
 - Payment in lieu of on-site affordable housing of £200,000 (this figure may be subject to a slight reduction to reflect any carbon offset payments and other Section 106 obligations – an update will be provided at the meeting)
 - Contribution of £7,292 towards offsetting projected residual CO2 emissions of the development.
 - Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £5,000 to be paid to LBI.
 - Compliance with the Code of Local Procurement.
 - Compliance with the Code of Construction Practice, including a monitoring fee of £1,000.
 - Provision of 1 additional accessible parking bay or a contribution of £2,000 towards provision of on-street bays or other accessible transport initiatives.

- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan and a post occupation Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- Payment of Council's fees in preparing and monitoring the S106.
- Submission of an updated viability appraisal if the development has not been substantially implemented within 12 months of the grant of planning consent. Updated appraisal to be submitted prior to substantial implementation with surplus profit used to provide additional onsite affordable housing (if viable) in accordance with the additional affordable housing schedule forming part of the S106 agreement. Alternatively, if any additional profit cannot support additional on-site affordable housing, surplus profit to be used to provide an increased payment in lieu of on-site affordable housing.
- Removal of eligibility for residents' parking permits (additional units only).

15.3 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.

SUMMARY AND CONCLUSION

16. Summary

16.1 The previous planning application was refused on grounds relating to underdevelopment, lack of a financial contribution towards affordable housing and the impact of the proposed cycle store on the amenities of the occupants of neighbouring residential dwellings. The application was subsequently considered at appeal and the Inspector agreed that the scheme failed to maximise its development potential. The Inspector did not consider it necessary to examine viability and any financial contribution and was satisfied that the proposed cycle store would not result in undue harm in amenity terms. The currently proposed scheme is an amendment to the previous scheme involving an internal reconfiguration to provide 10 two bedroom flats as opposed to 6 two bedroom and 2 four bedroom flats. The block is unchanged externally. The revised unit mix is considered to satisfactorily address previous concerns regarding underdevelopment, and the development potential of the site has been maximised. The proposal would deliver one affordable (shared ownership) unit and a further payment in lieu of on-site affordable housing and is considered acceptable in affordable housing terms. In view of the Inspector's decision the proposal is therefore considered to satisfactorily address the previous grounds of refusal.

16.2 One issue which arises from the amended scheme is the acceptability of the proposed unit mix of 10 two bedroom units, which fails to provide a mix of housing to contribute towards meeting the borough's needs. However, it is considered that the constraints of the site and

the need to provide a satisfactory standard of accommodation for future occupants whilst maximising the development potential of the site represent sufficient justification for the proposed unit mix. The proposal is considered satisfactory in this regard.

- 16.3 In accordance with the above assessment, it is considered that the proposed demolition of the existing 2 storey semi-detached houses in multiple occupation (HMO- use class C4) and the erection of a 5 storey (including lower ground floor) building providing 10 residential dwellings would be acceptable in land use terms, have an acceptable impact upon the visual amenities of the street scene and the character and appearance of the area including upon the adjoining conservation area. Furthermore, the proposal would not result in an unduly harmful impact upon the residential amenities of the occupants of the neighbouring dwellings.
- 16.4 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions.

Conclusion

It is recommended that planning permission be granted subject to the prior completion of a Section 106 agreement and subject to conditions as set out in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- On-site provision of 10% affordable housing (1 unit) with a clause triggering a payment in lieu if there is no interest in the unit from Registered Providers
- Payment in lieu of on-site affordable housing of £200,000 (this figure may be subject to a slight reduction to reflect any carbon offset payments and other Section 106 obligations – an update will be provided at the meeting)
- Contribution of £7,292 towards offsetting projected residual CO2 emissions of the development.
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £5,000 to be paid to LBI.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1,000.
- Provision of 1 additional accessible parking bay or a contribution of £2,000 towards provision of on-street bays or other accessible transport initiatives.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan and a post occupation Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- Payment of Council's fees in preparing and monitoring the S106.
- Submission of an updated viability appraisal if the development has not been substantially implemented within 12 months of the grant of planning consent. Updated appraisal to be submitted prior to substantial implementation with surplus profit used to provide additional onsite affordable housing (if viable) in accordance with the additional affordable housing schedule forming part of the S106 agreement. Alternatively, if any additional profit cannot support additional on-site affordable housing, surplus profit to be used to provide an increased payment in lieu of on-site affordable housing.
- Removal of eligibility for residents' parking permits (additional units only).

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** as follows:

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>304.PRS.00.01; 304.PRS.00.02; 304.PRS.00.03; 304.PRS.01.01; 304.PRS.01.02; 304.PRS.02.01; 304.PP.02.02; 304.PRS.02.03; 304.PRS.02.04; 304.PRS.02.05; 304.PRS.02.06; 304.PRS.02.07; 304.PRS.02.08; 304.PRS.02.09; 304.PRS.02.10; 304.PRS.02.11; 304.PP.02.12; 304.PRS.02.13; 304.PRS.02.14; 304.PRS.02.15; 304.PRS.02.16; 304.PRS.03.01/</p> <p>Aboricultural Impact Assessment , Aboricultural Development Report, Tree Survey (Arbtech) Planning Statement (AZ Urban Studio 11/07/15) Daylight & Sunlight Report 28/10/14 (MES building Solutions) & Addendum 16/03/15 Design & Access Statement (Fourthspace Aug 2015) Sustainable Design & Construction Statement (Ingleton Wood 17/07/15) Thermal Modelling Report (Ingleton Wood 23/07/15) Drainage Sustainability Report (July 2015)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials</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"> a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) garden fences; f) bin store; e) divisions between gardens; and f) Green Procurement Plan <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	Inclusive Design
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. Details of inclusive design measures 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, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
5	Accessible Homes (Major Schemes)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 9 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 1 unit 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 two bed unit shall be provided to Category 3 standards.</p> <p>A total of 9 two 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>
6	Cycle parking
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 20 cycle spaces.</p> <p>The bicycle storage areas shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

7	Car Free Housing
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> (1) In the case of disabled persons (2) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year. <p>REASON: To ensure that the development remains car free.</p>
8	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii. mitigation measures of controlling noise from construction machinery during business hours <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
9	Green Roof
	<p>CONDITION: Details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof 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>

10	Arboricultural Method Statement
	<p>No development (including demolition works) shall take place on site unless and until an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the AMS and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities</p>
11	High Speed 1 safeguarding (1)
	<p>Details of the horizontal distance from the building footprint to the HS1 DN tunnel shall be submitted in writing for approval by the Local Planning Authority in consultation with HS1. The development shall then be carried out only in compliance with the approval unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 property.</p>
12	High Speed 1 safeguarding (2)
	<p>Prior to the start of construction, details of the design of the foundations and other works proposed below existing ground level shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.</p>
13	High Speed 1 safeguarding (3)
	<p>Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: No such information has been provided and is required in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.</p>
14	High Speed 1 safeguarding (4)
	<p>No demolition activity shall take place until the proposed methodology has been submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Demolition activity shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p> <p>Reason: No such information has been provided and demolition activity could pose a risk to the safety, security and operation of HighSpeed1.</p>
15	High Speed 1 safeguarding (5)
	<p>Prior to the start of construction activity engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local</p>

	<p>Planning Authority in consultation with HS1 has previously agreed in writing to any change. If the excavation is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>Reason: No such details have been provided. To ensure that the stability HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
16	High Speed 1 safeguarding (6)
	<p>Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change. If the stockpile is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>Reason: To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
17	High Speed 1 safeguarding (7)
	<p>Prior to the start of construction details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1 . Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.</p> <p>Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring</p> <p>Reason: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.</p>
18	Thames Water Piling Method Statement
	<p>No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the 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>
19	Lifts
	<p>All lifts serving the dwellings hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: To ensure that adequate access is provided to the residential units at all floors.
20	Renewable Energy (compliance)
	<p>The energy efficiency measures/features and renewable energy technology (photovoltaic panels), which shall provide for no less than <u>17.45%</u> on-site total CO₂ reduction 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, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than TBC% onsite CO₂ reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
21	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</p> <p>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>d) proposed trees: their location, species and size;</p> <p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
22	<p>Play Space</p>
	<p>CONDITION: Details of the onsite children's playspace provision, which shall provide for no less than 5 sqm of playspace contained within the communal garden, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the communal garden and prior to the first occupation of the development. The details shall include the location, layout, design of the playspace and its proposed equipment/features.</p> <p>The children's playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children's playspace.</p>
23	<p>Rooftop Plant and Lift Overrun Details</p>
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority 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>
24	<p>Lift Shaft Insulation (compliance)</p>
	<p>CONDITION: Prior to the first occupation of the residential accommodation hereby approved sound insulation shall be installed to the lift shafts sufficient to ensure that the noise level within the dwellings does not exceed NR25(Leq) 23:00 – 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 – 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 – 23:00.</p> <p>REASON: To secure an appropriate future residential environment</p>
25	<p>Details of Refuse and Recycling Enclosures</p>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 304.PRS.02.02 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to</p>
26	<p>Sustainable Urban Drainage System</p>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by</p>

	<p>means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system.</p> <p>The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
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List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Construction Hours
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system – Building Regulations as well as Environmental Health Regulations.</p> <p>Any construction works should take place within working day. The Pollution Control department lists the normal operating times below.</p> <p>Delivery and operating times – the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> • 8am – 6pm Monday to Friday • 8am – 1pm Saturday • no noisy works on Sunday or Public Holiday (unless by prior agreement in special circumstances)
3	CIL
	<p>CIL 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Car Free
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	S106

	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.
6	HS1 Protective Provisions Agreement (PPA)
	The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery. Reason: The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.
7	Network Rail Future Maintenance
	The development must ensure that any future maintenance can be conducted solely on the applicant's land. The developer must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.
8	Network Rail (Drainage)
	No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
9	Network Rail (Plant and Materials)
	All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
10	Network Rail (Scaffolding)
	Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed . The applicant/applicant's contractor must

	consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
11	Network Rail (Piling)
	Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
12	Network Rail (Fencing)
	In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
13	Network Rail (Lighting)
	Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
14	Network Rail (Noise and Vibration)
	The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
15	Network Rail (Landscaping)
	<p>Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:</p> <p>Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"</p> <p>Not Permitted: Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane</p>

	(Platanus Hispanica).
16	Network Rail (Contact)
	As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works . More information can also be obtained from Network Rail's website at www.networkrail.co.uk/aspx/1538.aspx .
17	Thames Water (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.
18	Thames Water (Backflow Protection)
	Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
19	Thames Water (Groundwater discharges)
	Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 199. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality .
20	Thames Water (Water Pressure)
	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.
21	Definitions
	(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.
22	Sustainable Sourcing of Materials
	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.
23	High Speed 1 Safeguarding
	<p>The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property. Contact: HS1 Ltd, 12th floor, One Euston Square, 40 Melton Street, London, NW1 2FD safeguarding@highspeed1.co.uk</p> <p>Reason: The nature of the proposed development is such that detailed discussion is required concerning the design, construction, future maintenance and demolition of the development to ensure that it does not compromise the integrity, safety, security, operation, maintenance and liabilities of HS1.</p>

Appeal Decision

Site visits made on 16 September and 14 October 2015

by Roger Pritchard MA PhD MRTPI

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

Decision date: 19 October 2015

Appeal Ref: APP/V5570/W/15/3131288

139a and 139b Grosvenor Avenue, London, N5 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Carlton James (Grosvenor Avenue LLP) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2014/3449/FUL, dated 22 August 2014, was refused by notice dated 3 June 2015.
 - The development proposed is the demolition of the existing two-storey semi-detached Houses in Multiple Occupation (Use Class C4) and the construction of a new five-storey (including a lower ground floor) design-led building providing eight residential dwellings (Use Class C3) consisting of 2 x four bedroom units and 6 x 2 bedroom units.
-

1. DECISION

1. The appeal is dismissed.

2. APPLICATION FOR COSTS

2. An application for costs was made by Mr Carlton James (Grosvenor Avenue LLP) against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

3. PROCEDURAL NOTE

3. I made my initial site visit on 16 September 2015. It was on the basis of an Access Required Site Visit (ARSV) at which the Council was not present. However, it subsequently emerged that one of the occupants of a neighbouring property, 137 Grosvenor Avenue, had made a request for me to see the site of the proposed development from that property. I was unaware of this on 16 September. Before finalising my decision, I therefore made a second visit on 14 October for the specific purpose of seeing the site from No 137 and I have incorporated the conclusions from this second site visit in my decision under the Other Matters heading.

4. MAIN ISSUES

4. I consider the main issues to be –
 - i. Whether the proposal represents underdevelopment of the site; or
 - ii. If it does not represent underdevelopment, whether the proposed development should provide appropriate provision for affordable housing by means of a financial contribution; and

- iii. Whether the location of the proposed cycle storage arrangements would result in material harm to the living conditions of the occupants of a neighbouring property, 137 Grosvenor Avenue.

5. REASONS

Background

5. The appeal site comprises a pair of semi-detached houses, probably dating from the 1950s. In scale and form, Nos 139a) and b) are fundamentally different from the Victorian properties that line the south side of Grosvenor Avenue, on the opposite side of which is the post-war Highbury Estate. Originally taking the form of two, three-bedroom dwellings, in recent years both properties have been licensed as Houses in Multiple Occupation (HMOs). The proposed development would demolish both Nos 139a) and b) and replace these with a five storey block of flats, comprising two large units, with four bedrooms each, and six smaller units each with two bedrooms.

Whether the proposal represents underdevelopment of the site

6. Policy CS 12 of Islington's Core Strategy sets out the Council's principal housing objectives for the Borough. It deals with a wide range of matters associated with the provision of housing, but three elements seem to be most relevant to the proposed development. The first is section D. This requires residential developments to follow and not exceed the density requirements set out in the London Plan whilst complying with the housing quality standards set out elsewhere in the Local Plan. The second is section E. This requires the provision of a range of unit sizes with the aim of maximising the proportion of family accommodation. The third is section G. This deals specifically with the requirement for, and provision of, affordable housing in the Borough. The key criterion is in the second sub-section, which requires all sites capable of delivering 10 or more units to provide affordable homes on site whilst schemes below the 10 unit threshold should provide a financial contribution towards affordable housing provision elsewhere in Islington. (I shall return to the second part of this sub-section later in this decision.)
7. I have no doubt that the proposed development meets the requirements of sections D and E of Policy CS12. The core of the disagreement between Council and the appellant is whether the proposed development conforms to section G. Policy CS12(G) has two critical elements. The first is that it refers to '*sites*' not to '*developments*' or '*proposals*'. The second is the meaning of the word '*capable*'.
8. The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. It seems to me that Policy CS12(G) requires an early appraisal of any site to ascertain whether it could accommodate '*10 or more units gross*'. That appraisal cannot be undertaken in isolation but has to be carried out within the framework of other development plan policies. Nevertheless, the identification in an adopted policy of so specific a criterion as to the number of units to be accommodated on a site suggests particular weight should be given to that factor when compared with other criteria. At the very least, any proposal that does not meet the '*10 unit*' threshold needs to be explicit as to why the site on which it is located cannot accommodate that number of units.

9. In respect to the word '*capable*', its meaning seems to be less clear cut. It might simply mean the physical capacity of the site, but that ignores the wide range of other factors that could and should influence the nature of any development. Nevertheless, as I have suggested above, the use of the word, '*capable*', suggests that there is at least an initial presumption that the capacity of any site has to be tested against the 10 unit threshold. Furthermore, there would need to be a clear and overriding justification as to why a site that was deemed '*capable*' of accommodating 10 or more units was being considered for a scheme that did not do so.
10. I accept that the context of Policy CS12(G) is to encourage the development of sites to their full potential whilst giving priority to development that is of sufficient scale to allow the on-site provision of affordable housing. I also suspect that the policy has been drafted in the manner it has to dissuade applicants from putting forward schemes with a smaller number of units in order to avoid such on-site provision.
11. I see no problems with Policy CS12(G) in terms of a requirement that the proposals for any particular site maximise its residential potential whilst meeting the full range of criteria set by the policies of the adopted development plan. Moreover, in assuming that the appeal site could accommodate a larger number of units than the eight proposed, the Council describes that failure to meet its maximum potential as a failure to achieve the sustainable development that lies at the heart of the Government's National Planning Policy Framework ('the Framework'). The Framework encompasses economic, social and environmental factors in its definition of sustainable development and I accept the Council's argument that ensuring that sites achieve their maximum potential should be a material consideration.
12. Furthermore, I take that view notwithstanding the general principle that every application and appeal has to be judged on its own merits and that none should be rejected on the grounds that there might be a better proposal 'round the corner'. Section 38(6) of the Planning and Compulsory Purchase Act 1994 states that every application and appeal should be determined in accordance with the adopted development plan '*...unless other material considerations indicate otherwise*'. Policy CS12(G) is part of the adopted development plan and applications should therefore be determined in accordance with its provisions.
13. The issue is therefore whether the appellant has demonstrated that the appeal site is not capable of accommodating 10 or more units. The Council obviously thought he had not. Its evidence to support the argument that the proposed development does not achieve the site's full potential centres on the claimed excessive size of the two four-bedroom units. The Council points out that their floorspace substantially exceeds the standards for such units set by the London Plan and carried forward into Policy DM2.3 of the Islington Development Management Policies Development Policy Document (DPD). For four-bedroom units, the minimum space standard is 99m² but the two four-bedroom units proposed here have floorspaces of 158m² and 164m² respectively. The units are thereby over 50% larger than the minimum standard. The Council argues that this demonstrates the capacity of the site/development to accommodate a greater number of units.

14. In refuting the Council's claim, the appellant argues that relying on the claim that the two four-bedroom units could be sub-divided is too simple. The design of the proposed development is based on many factors and it cannot be dismissed simply on the basis of the floorspace of the two largest units. I agree but that argument must still depend, in the terms set by Policy CS12(G), on the appellant providing a convincing demonstration that the site could not accommodate more units. I recognise that might well need a re-designed scheme.
15. Paragraphs 2.18 to 2.42 of the appellant's statement seek to demonstrate why the site could not accommodate 10 or more units. I found these arguments unconvincing. I acknowledge, however, that the appellant may have been under some disadvantage in presenting a case that essentially argues for his particular scheme rather than presenting a more general case as to any restrictions that may affect the capacity of the site. The distinction might seem subtle but it lies at the heart of Policy CS12(G).
16. I recognise that the appellant and Council officers spent a good deal of time and effort working up the scheme that led to the application. I cannot tell, however, how far Council officers may have taken on board in those discussions their members' clear priorities with regard to affordable housing. Nevertheless, the reaction of the Planning Committee perhaps should not have surprised the appellant.
17. Furthermore, the Council has directed me to a second application made by the appellant (Council Ref. P2015/2917/FUL) that proposes a scheme of ten residential units within the same building envelope. The appellant has asked me to give this second proposal only limited weight, not least because it has not yet been determined by the Council. Notwithstanding that comment, I do not see how I can ignore a proposal, put forward by the appellant, that apparently demonstrates the capacity of the site to accommodate at least ten residential units. It is obviously different from the original proposal but given fundamental similarities in terms of scale, massing and design, I do not accept that it can easily be dismissed as impractical, or not viable or, most importantly, as demonstrating that the site is incapable of accommodating 10 or more units.
18. I am accordingly persuaded that the appeal site has a capacity to accommodate at least 10 residential units. In these circumstances, the development fails the criterion set by Policy CS12(G) and the first reason for refusal is justified.

Financial provision for off-site affordable housing

19. The Council's second reason for refusal argues that, even if it were concluded that the appeal site could not accommodate more than eight units, the financial provision for off-site affordable housing provided by the appellant for the scheme is inadequate.
20. The argument between the appellant and the Council around the second reason for refusal is complicated by the issues associated with the two Written Material Statements (WMSs) of 28 November 2014 and 25 March 2015 and the subsequent amendment to the Planning Practice Guidance (PPG). The consequence of these was that the Government advised local planning authorities that contributions towards affordable housing should not be sought

on developments of ‘...10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area)...’ However, following a judgment on 31 July 2015¹, the Courts quashed the WMSs and issued a Declaration Order that the policies in the Statements must not be treated as a material consideration in the exercise of powers and duties under the Planning Acts. As a consequence the amended paragraphs of the PPG were removed. In these circumstances, I have no reason, in the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, to set aside any part of Policy CS12(G) or give any less weight to the adopted, *Affordable Housing Small Sites Contribution* SPD as a material consideration.

21. Notwithstanding his comments on the WMSs, the appellant had placed ‘on the table’ an Undertaking that proposed an off-site financial contribution towards affordable housing in the Borough. The proposed contribution amounted to £144,000, i.e. less than half the norm expected by the SPD for a scheme that provides a net addition of six units. The SPD would have expected the Undertaking to provide £300,000. The reduced sum was calculated on the basis of a viability assessment prepared by the appellant’s advisors but modified after extensive discussions with Council officers and the Council’s own valuation consultants. The Planning Committee did not accept the conclusions of this viability exercise and the second reason for refusal is that the ‘reduced’ contribution has not been justified and is therefore contrary to Policy CS12(G) and the SPD.
22. Notwithstanding this dispute, I do not consider it necessary for me to go further in assessing the financial viability of the appeal scheme. I take this view principally because of the proposed development’s failure to overcome the first reason for refusal – the capacity of the site to provide 10 or more units. The wording of Policy CS12(G) seems to place a clear priority on the potential to accommodate enough units to justify the on-site provision of affordable housing. The second part of the second sub-paragraph of CS12(G) is a fall-back, requiring an off-site contribution to provision elsewhere in the Borough, only where it has been convincingly demonstrated that the 10 unit threshold cannot be met.

The location of the proposed cycle storage arrangements

23. The Council’s third reason for refusal concerns the impact of the location of proposed cycle storage on a neighbouring property, 137 Grosvenor Avenue. The proposed development would provide 20 cycle spaces on the standard of 1 space per bedroom in line with Policy DM8.4 of the Development Management Policies DPD. Those spaces would be provided in an enclosed timber structure at the rear of the site adjacent to the boundary with No 137. The Council argues that the proposed cycle store would overbear on No 137’s rear amenity space, whilst the use of the store would lead to noise and disturbance affecting the living conditions of its occupants. As such, the Council argues that the proposed cycle store would breach those elements of Policy DM2.1 of the Development Management Policies (DPD) that seek to protect the amenity of neighbouring land.
24. I find the Council’s arguments unconvincing. The cycle store would be a relatively small structure of restricted height and I consider its impact on the rear amenity space of No 137 would be limited to the point where it would not

¹ West Berkshire District Council and Reading Borough Council v SSCLG [2015] EWHC 2222 (Admin).

result in any significant material harm. By the same token, I find it difficult to believe that the use of the cycle store would result in any greater noise and disturbance to neighbours than would normally be produced by the use of any back garden and would thereby be entirely acceptable. In this respect, it would not therefore be contrary to the terms of Policy DM2.1.

25. However, my acceptance of the appellant's case on this, relatively, minor matter in no way outweighs my view on the first reason for refusal and that view leading to my conclusion that the appeal should be dismissed.

6. OTHER MATTER

26. I have already commented in my Procedural Note that I was asked to pay a second site visit to assess the impact of the proposed development on a neighbouring property, 137 Grosvenor Avenue.

27. The proposed development has no windows on its relevant, eastern, side elevation and there is therefore no issue of overlooking of No 137. Furthermore, although the proposed development would be taller than the existing semi-detached properties, it has been specifically designed to be of no greater height than either Nos 137 or 141. I accept that the proposed development would be somewhat deeper than the neighbouring properties but the relationships between it and its neighbours would be broadly similar to those that exist between other pairs of semi-detached properties in Grosvenor Avenue.

28. Moreover, I was already aware of the Daylight and Sunlight study that had been carried out for the appellant by MES Building Solutions², and which had been amended following an internal inspection of No 137. The study accompanied the original application and was specifically carried out to assess the effects of the proposed development against Policy DM2.1 of the adopted Development Plan. The study was based on the generally accepted criteria for these matters set by the Building Research Establishment's (BRE), *Site Layout Planning for Daylight and Sunlight*. It used the impact of the proposed development on the Vertical Sky Component (VSC) of the windows of all neighbouring properties, including, of course, No 137, but also looked at the Daylight Distribution test in respect of the rooms that might be most affected and the effects of sunlight and the impact on neighbouring properties' amenity space.

29. The MES Building Solutions raised no issues in respect of No 141 or properties on the other side of Grosvenor Avenue. Nor, in respect of the basement, ground and first floors of No 137, do I see any evidence that the proposed development would result in a substantial diminution of daylight or sunlight reaching those rooms with windows facing west, i.e. towards the proposed development. I take this view, having considered the amendment to the scheme such that its south-eastern corner would be angled away from the basement flat of No 137 and the fact that there is already the side elevation of the existing semi-detached dwellings close to the boundary with No 137.

²The MES Building Solutions study looked at four properties close to the proposed development, Nos 137 and 141 Grosvenor Avenue, i.e. the two properties on either side of the proposed development, and two properties on the other side of the road, 114 Grosvenor Avenue and Park Church House. It was clear from the conclusions that only 137 Grosvenor Avenue gave any cause for concern in terms of any loss of daylight or sunlight.

30. The Daylight and Sunlight study demonstrates, however, that there would be some reduction in the daylight and sunlight reaching the side elevation windows at second floor level. Nevertheless, as the MES Building Solutions comments and as I saw for myself on my second site visit, these windows light a workshop area, which would not normally be given the same priority as a habitable room. I am also aware that neither of the windows most affected is a principal window lighting the relevant room and that, as a whole, the room would continue to be well-lit despite any effects of the proposed development.
31. The MES Building Solutions study also looked at the effect of the proposed development on the rear garden of No 137 and concluded that it would produce no significant material harm. I agree: the orientation of No 137 to the proposed development is such that there should be little if any interference with the enjoyment of their rear garden by the occupants of No 137.
32. There finally remains the small terrace that is at second floor level in No 137 and which faces the proposed development. I have little doubt that the views from this terrace would be affected – as would the views from the two second floor windows to which I refer in paragraph 29. However, it is a well- established principle that planning can provide no security for views and this matter has to be discounted. Furthermore, I agree with the Council’s officers that a side terrace of the form that exists here so close to the property boundary should not carry the same protection as might be afforded to amenity space such as a rear garden. The material harm to the future use of this terrace therefore cannot weigh sufficiently against the proposed development for me to conclude that it is in breach of those criteria of Policy DM2.1 that seek to protect the living conditions of the occupants of neighbouring properties.

7. CONCLUSION

33. For the reasons given above I conclude that the appeal should be dismissed.

Roger Pritchard

INSPECTOR

APPENDIX 3: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

A) The London Plan 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 2.9 Inner London

3 London's people

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds

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 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking

7 London's living places and spaces

Policy 7.1 Lifetime Neighbourhoods
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 7.21 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
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)

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

Housing

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

Health and open space

DM6.1 Healthy development
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

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

Transport

DM8.3 Public transport
DM8.4 Walking and cycling
DM8.6 Delivery and servicing for new developments

Infrastructure

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

5. Designations

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

- Site within 50m of a conservation area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Environmental Design
- Inclusive Design in Islington
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide
- Neighbourhood Framework Document
- Preventing Wasted Housing Supply

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- The Control of Dust and Emissions during Construction and Demolition
- Shaping Neighbourhoods: Character and Context
- Sustainable Design & Construction
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy
- Shaping Neighbourhoods: Play and Informal Recreation

139 A/B Grosvenor Avenue, London, N5 2NH



Planning application reference: P2015/2917/FUL

Independent Assessment of Economic Viability

30 October 2015

1.0 INTRODUCTION

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington (the Client) to review a viability submission prepared by ULL Property (the applicant's consultants) on behalf of Mr Carton Jones of Grosvenor Avenue LLP (the applicant) in respect of a proposed development of the above property.

1.2 The proposed application proposes:

Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO-use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

1.3 We note that a previous application (P2014/3449/FUL) was refused planning permission on 3 June 2015. It was similar to the current application but it proposed 2 fewer units and a different unit mix:

Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO-use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 8 residential dwellings (C3) consisting of 2 x 4bedroom units and 6 x 2bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

1.4 The reasons for refusal are listed below:

- Failure to deliver a maximum number of units on site (and consequently fails to deliver affordable housing on the site)
- Failure to provide an agreement to pay the full financial contribution towards affordable housing (small sites)
- Overbearing and potential noise impact of the cycle storage area

1.5 ULL state that the applicant's previous viability report dated 20 August 2014 was independently assessed by Adams Integra. A position was agreed as to the level of Small

Site Contribution towards affordable housing. ULL state that in the interests of progressing discussions they have adopted the assumptions that were 'agreed' in the previous viability process. It should be noted that BPS does not consider itself bound in its professional opinions by the views of another consultant.

- 1.6 The subject site currently comprises 2 x vacant semi-detached dwellings arranged over three storeys. Their current planning use class comprises C4 (Houses in Multiple Occupation).
- 1.7 The applicant is offering an affordable housing contribution comprising a single 2 bed unit on a shared ownership tenure. This contribution represents 11% of the total proposed NIA floor area or 10% on a unit basis.
- 1.8 ULL have adopted the same benchmark land value (BLV) as previously agreed by Adams Integra at a figure of [REDACTED]

2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 When the proposed Residual Land Value (RLV) of £[REDACTED] is compared to the proposed Benchmark Land Value (BLV) of £[REDACTED], there is a nominal deficit of -£[REDACTED]. This conclusion is reliant on the EUV of the property being not less than [REDACTED]. It can be seen from our report that we consider the benchmark to be overstated by at least £200,000 which affectively generates a surplus of a similar scale.
- 2.2 Having assessed the BLV we are of the opinion that it appears optimistic being largely based on evidence of property sales obtained from higher value areas. There is limited evidence available locally as the majority of properties on Grosvenor Avenue are leasehold flats. We do however note the sale of 147 Grosvenor Avenue. This property was sold at auction and comprises a semi-detached Victorian property offering 8 rooms and 4 bathrooms. Internally the property was arranged as 4 x 2 bedroom flats. This property sold in August 2014 for £2,330,000. Very approximately this property offers a similar quantum of accommodation to that of the combined units forming the subject property. 147 could be expected to achieve a higher value given its period features.
- 2.3 Land Registry HPI indicates that house prices have risen by 5.72% since August 2014. This factor would inflate the sale value of 147 to a figure of £2,463,276. Given that this property is already converted to C3 use and is a more attractive property we are of the view that subject units should not in combination be valued in excess of £2.4m. Our report also includes analysis of other sales evidence.
- 2.4 Our retained Cost Consultant Neil Powling has reviewed the proposed cost plan and confirms his view that the proposed costs appear reasonable when benchmarked against relevant element BCIS figures.

- 2.5 We are of the view that proposed scheme values are broadly reasonable when compared to relevant sales evidence.

3.0 PLANNING CONSIDERATIONS

Affordable Housing

- 3.1 ICS Policy CS12 Part G states that all sites capable of delivering 10 or more units gross should provide on-site affordable housing. It seeks that 50% of all new housing in the borough should be affordable over the specified plan period. Furthermore, Islington's Core Strategy seeks a split of 70% / 30% social and intermediate housing respectively. Provision is calculated on a habitable room basis.

Most recent previous planning permission

- 3.2 The most recent planning history prior to P2014/3449FULL was in 2007 for a change of use from residential to C4 Houses in Multiple Occupation.

4.0 VIABILITY BENCHMARK

Viability Benchmarking

- 4.1 Development appraisals work to derive a residual value. This approach can be represented by the simple formula below:

Gross Development Value - Development Costs (Including Developer's Profit) = Residual Value

- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 The NPPF recognises at 173, the need to provide both land owners and developers with a competitive return. In relation to land owners this is to encourage land owners to release land for development. This has translated to the widely accepted practice when using EUV as a benchmark of including a premium. Typically in range from 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.

Proposed Benchmark

- 4.6 The proposed benchmark reflects an Alternative Use Value (AUV) of £[redacted]m. The AUV is based on an assumption of the planning use class being C3 (Dwelling houses) instead of the existing use class of C4 (Houses in Multiple Occupation).
- 4.7 The proposed BLV of £[redacted]m is based on an assumption of each of the semi-detached houses having an assumed value of £[redacted]m. This figure equates to a sales rate of £[redacted]per sqm. We have confirmation that each house has an area of 154sqm/1,655sqft.
- 4.8 ULL state that this assessment of value was previously agreed by Adams Integra, the Council's advisors at the time of the previous submission. ULL have also sought to further support this figure through reference to a schedule of transactional evidence. The schedule comprises properties sold in the last 6 months, within a quarter of a mile of the subject site. We have further analysed these sales below. The schedule is set out in Appendix 2.
- 4.9 Based on our analysis it can be said that the comparables are located in higher value areas as evidenced by using a Calnea heat map. All the transactions reflect 4 bed units apart from 3 Morea Mews which is a 5 bed unit. The comparables range in floor areas from 151-230sqm/1,625-2,476sqft.

- 4.10 We are of the view that 11 Holmcote Gardens and 64 Calabria Road are arguably the most relevant transactions as they are of a similar size to the existing units. However we note that these two properties are also located in higher value area. The proposed £/psm/psf is 3% higher than the lowest value of the two.
- 4.11 It should be noted that there is limited evidence of similar properties in similar value areas. It is evident that ULL's identified transactions points to a range of units values spanning £1.3m to £2m the properties are generally located in higher value areas. Sales rates indicate a range from £6,544psm/£608psf to £10,592psm/£984psf. The proposed unit values sit at the bottom of this value range and at £8,450psm/£785psf and mid range in terms of sales rates.
- 4.12 We have identified two further transactions located within 1 mile of the subject property which we view to be located in more similar value areas. These sales reflect unit values of approximately £800,000 and sales rates of £3,922psm/£364psf. If these lesser rates were applied the suggested benchmark would be reduced from £2.6 to £1.6m.
- 4.13 We consider the most relevant sale to be of 147 Grosvenor Avenue which sold at Auction for £2,300,000 in August 2014 and comprises 4 x 2 bed flats. We are of the view this sets an effective ceiling for the subject properties given it offers a similar quantum of accommodation in an already converted property offering attractive period features.
- 4.14 We have acknowledged there is limited direct local evidence to help pinpoint the value of these units however the proposed benchmark appears to exceed our expectations of value, especially when compared to properties from similar value areas. In consequence we regard the benchmark as representing a very full value especially as there is no allowance for conversion or refurbishment.
- 4.15 We have set out below our analysis of ULL's and our own sales evidence.

ULL Comparables

102 St Pauls Road, N1 2LR

- 4.16 This unit is 39% larger than the existing units and situated in a higher value area. The unit is set well back from the road and surrounded on three sides by garden, compared to the subject property which has a rear garden and is set close to the road opposite social housing. The property was sold for £1.4m equating to £6,544psm/£608psf.

11 Holmcote Gardens, N5 2EP

- 4.17 This unit is of a similar size to the existing units. It is located in a higher value area and has a modern interior. This unit achieved a value of £1.32m equating to £8,202psm/£762psf.

3 Morea Mews, N5 2EE

- 4.18 This unit is 50% larger than the existing units and comprises a new build property. It achieved a value of £2m equating to £8,697psm/£808psf. This is arguably a superior property to the subject sites.

130 Calabria Road, N5 1HT

- 4.19 This unit is of a similar size to the existing units. It is within a higher value area and has a modern interior. It achieved a value of £1.6m equating to £10,592psm/£984psf.

54 Calabria Road, N5 1HU

- 4.20 This unit is of a similar size to the existing units. It is also within a higher value area but in need of refurbishment. It achieved a value of c£1.3m equating to £8,568psm/£796psf.

BPS Comparables

3 Farleigh Rd, N16 7SU

- 4.21 This 4 bed unit is 32% larger than the existing units and is located within a similar value area. It achieved a value of £800k equating to £3,922psm/£364psf.

55 Halliford St, N1 3EQ

- 4.22 This 3 bed unit is a similar size to the existing units. Given that the price of this unit was achieved in November 2014 we have HPI adjusted it by the latest indices available. This generates an adjusted price of £774k equating to £5,158psf/£479psf.

5.0 MARKET RESIDENTIAL SALES VALUES

- 5.1 The scheme proposes 10 x 2 bed flats of which the applicant proposes 9 as private and 1 as a shared ownership unit (unit 2). The table below summarises the value applied to the proposed private units.

Unit	Tenure	Floor	Beds	Type	NIA (sq ft)	Sales Price	Sales Price (per sq ft)
1	Private	LG	2	Flat	829	██████████	██████
3	Private	G	2	Flat	743	██████████	██████
4	Private	G	2	Flat	700	██████████	██████
5	Private	First	2	Flat	872	██████████	██████
6	Private	First	2	Flat	797	██████████	██████
7	Private	Second	2	Flat	872	██████████	██████
8	Private	Second	2	Flat	818	██████████	██████
9	Private	Third	2	Flat	753	██████████	██████
10	Private	Third	2	Flat	775	██████████	██████
TOTAL					7,158	£██████████	██████

5.2 The total value applied to the private units equates to ██████████.

5.3 The average value applied to each unit equates to ██████████ at ██████████sm/████████psf. ULL state that the value at ██████████sm/████████psf was previously agreed with the Council.

5.4 The average net internal area of each unit equates to 74sqm/795sqft

5.5 The Calnea Heat Map below shows the subject property to be towards the mid-range of the surrounding spectrum of value.



(Source: Calnea)

5.6 We are of the view that the proposed values appear slightly light. Our sales evidence suggests the proposed average £/psm/psf to be generally within a 10% margin of the proposed values and so broadly reasonable.

5.7 ULL have also identified second-hand sales in the local area which range in unit values from £467,000 to £649,000 which break down to £7,104-10,419psm/£660-968psf.

5.8 We have also undertaken our own research which includes asking prices for new build 2 bed flats accepting the limited new build sales evidence. Our analysis is set out below and a schedule is set out in Appendix 1.

5.9 In analysing asking prices we have discounted the price by 5%. Right Move states that in 2012, properties achieved around 95% of the asking price and in 2013 97%. An impartial estate agents website 'The Advisory' states rates of 2-10% higher than the asking price. Hometrack states that as of June 2014 the rate was 1.3% within Greater London.

Dray House, 107B Culford Road, N1

- 5.10 Dray House comprises a 3 unit scheme (2 x 2 bed & 1 x 3 bed). The asking price for the similar sized 2 bed flat is at £798,000 which breaks down to £10,710psm/£995psf. This reflects a slightly higher value compared to the proposed which is at £727,222 at £9,841psm/£914psf. Based on £/psm/psf this shows the proposed value to be 9% lower.

St Clements, N7

- 5.11 A 2 bed flat from this development is currently offered at an asking price of £807,000 equating to £10,226psm/£950psf. This reflects a slightly higher value in comparison to the proposed unit which show a rate 4% lower.

Morea Mews, Alberdeen Lane, N5

- 5.12 This gated development benefits from concierge services and offers a 2 bed flat at an asking price of £760,000 which breaks down to £10,140psm/£942psf. This reflects the proposed £/psm/psf to be lower by 3%.

New Crown Apartments, N1

- 5.13 This development comprises a refurbished unit offers a 2 bed flat asking price of £784,000 equating to £10,204psm/£948psf. This reflects the proposed £/psm/psf to be lower by 4%.

Lewis House, 85 Canonbury Road, N1

- 5.14 This development is in a slightly higher value area according to the Calnea heat map and shows an asking price of £903k. This reflects the proposed average unit price to be lower by 24%.

Queensland Road, N7

- 5.15 This development is situated in similar value area and shows a 2 bed flat with an asking price of £646,000 equating to £7,169psm/£666psf. This reflects the proposed £/psm/psf to be 37% higher.

The Harper Building, 40 Dunford Road, N7

- 5.16 This development is located in a similar value area showing a 2 bed flat with an asking price of £637,000 equating to £8,503psm/£790psf. This reflects the proposed £/psm/psf to be 16% higher.

Dalston Curve, N16

- 5.17 This development is in a similar value area and shows an asking for a 2 bed flats of £561,000 equating to £8,450psm/£785psf. This reflects the proposed £/psm/psf to be 16% higher.

6.0 GROUND RENT VALUES

6.1 Ground rents have been assumed at a rent of £300 per private sale unit and capitalised at a yield of 5.5%. Based on 9 private sale units this generates a capital value of £49,091.

6.2 We are of the opinion that the proposed assumption are in line with market norms.

7.0 AFFORDABLE HOUSING VALUES

7.1 Of the 10 units proposed, unit 2 (81sqm/872sqft) is offered by the applicant as a shared ownership unit. This represents 11% of the total proposed NIA floor area.

7.2 This unit has been valued at a figure of £[REDACTED] which breaks down to £[REDACTED]psm/£[REDACTED]psf. The table below summarises ULL's valuation assumptions.

Unit Type	NIA (Sq Ft)	Private Sales Price	Share sold	Rent on unsold equity	Cap rent	Net yield	Price per unit	Price per sq ft
2 bed	872	[REDACTED]	25.00%	1.00%	[REDACTED]	5.50%	[REDACTED]	[REDACTED]

7.3 ULL give the following reasoning behind their valuation assumptions:

The rent on the unsold equity is lower than might be observed in other London Boroughs, however this is a reflection of the high private sales values in the vicinity of the Site. In order to secure this unit, a potential purchaser would have to arrange a mortgage for £[REDACTED] for the initial 25% share, disregarding the obligation to pay rent on the unsold equity.

7.4 We also clarified with ULL whether stair-casing was assumed. ULL have confirmed that stair-casing has not been assumed due to the current high values presenting increased risk and resulting in taking longer to stair-case.

7.5 We have undertaken our own assessment using the following assumptions which generates a value of £[REDACTED] at £[REDACTED]psm/£[REDACTED]psf. Our analysis is based on the same assumptions as ULL and which we view as being broadly reasonable:

- 25% equity sold
- Rent on unsold equity @ 1%
- Capitalisation yield @ 5.5%

7.6 We are of the view that the proposed value of £[REDACTED]psm/£[REDACTED]psf is therefore realistic and not set at the margins of affordability in respect of the Mayoral income limits.

8.0 BUILD COSTS

8.1 Our retained Quantity Surveyor, Neil Powling has reviewed the proposed costs and is of the view that they appear reasonable as outlined in his report at Appendix 3.

8.2 In his report Neil gives the following overview of his assessment:

We note that although the drawings show a lift installed in this 5 storey building, there is no provision for a lift in the estimated costings.

Our benchmarking with a 5% contingency yields an adjusted benchmark of £4,100/m² that compares to the same figure we have determined for the Applicants costs (with a 10% contingency) using the same construction cost and same area as the Appraisal. We are therefore satisfied that the Applicant's costs are reasonable.

Other Fee assumptions

8.3 The adopted profit target is 20% for the private sales values and 6% for the affordable sales values representing standard market assumptions which we would not dispute.

8.4 The development finance rate assumed is 7% which is in line with current market expectations.

8.5 Site purchase costs are made up of stamp duty land tax rate at 4%, 1.2% agent fees and 0.6% legal fees.

8.6 The private and affordable sales agent fee is assumed at 1% of the respective GDV which is a standard assumption. The sales agent fee for the ground rent has been input at £2,500 which reflects 5% of the ground rent GDV.

8.7 A sales legal fee for the private sale units has been assumed at 0.5% on the private sale GDV which is reasonable. Both the sales legal fees for the ground rent and affordable element have been input at a figure of £2000 each.



8.8 Mayoral CIL and Borough CIL payments have been identified as £17,850 and £89,250 which we have not tested.

8.9 We view the following additional assumptions within the appraisal as being realistic and in line with market norms:








- Professional fees of 10%
- Marketing costs of £95k (1.38% of GDV)

Appendix 1: Market Residential Unit Values








BPS New Build:

Property	Type	Beds	Year Built	Sold Date	95% of Asking Price	Sqft	£/Sqft	Comments
 Daiston Curve, Dalston, N16	Flat	2	2015	Asking	£560,500	714	£785	similar value area
 The Harper Building, 40 Dunford Rd, N7	Flat	2	2015	Asking	£636,500	806	£790	similar value area
 Queensland Rd, N7	Flat	2	2015	Asking	£646,000	970	£666	similar value area, concierge, allocated parking
 New Crown Apts, N1	Flat	2	2015 - refurbishment	Asking	£783,750	827	£948	Corner plot, similar road comprising significant social housing
 Lewis House, 85 Canonbury Rd, N1	Flat	2	2015	Asking	£902,500			Slightly higher value area
 St Clements St, N7	Flat	2	2015	Asking	£807,453	850	£950	higher value area
 Dray house, 107B Culford Rd, N1	Flat	2	2015	Asking	£798,000	802	£995	development comprises 2 x 2 beds and 1 x 3 bed
 Morea Mews, Alberdeen Lane, N5	Flat	2	2015	Asking	£759,953	807	£942	gated development, concierge, private communal garden, private car parking space
Average					£749,434	840	£872	
Average (similar value area)					£656,688	829	£797	
Average (higher value area)					£823,631	852	£946	

ULL Second-hand:

Property	Type	Beds	Year Built	Sold Date	HPI Adjusted Price	Sqft	£/Sqft	Comments
 Fiat E, 22 Highbury New Park, N5 2BD	Flat	2		24-Apr-15	£583,687	603	968	Does not meet London Plan minimum space standards
 Fiat 2, 39 St Pauls Rd, N1 2TH	Flat	2	2001	07-May-15	£558,545	774	£722	
 Fiat 7, 37 St Pauls Road, N1 2TH	Flat	2	2001	31-Mar-15	£649,100	678	£957	underground parking space, private balcony
 Fiat 3 422 Essex Road, London, N1 3PJ	Flat	2	1900	08-May-15	£641,819	732	£877	period conversion, terrace, conservatory
 53b Leconfield Road, N5 2RZ	Flat	2	1880	24-Apr-15	£542,726	617	£880	period conversion
 Fiat 3, 105 Green Lanes London N16 9BX	Flat	2	1900	15-May-15	£548,390	646	£849	period conversion
 Flat 6, Arc Building, 1 Milidmay Park, London N1 4BT	Flat	2	2000	01-May-15	£467,147	708	£660	modern purpose built

Appendix 2: Benchmark Land Value Comparables

Property	Sold Price	Date	Type	Beds	Year Built	Sqm	Sqft	£/sqm	€/Sqft	Comments
 102 St Pauls Rd, N1 2LR	£1,400,000	21-Apr-15	Terrace	4		214	2303	£6,542	€808	Higher value area, set well back from the road and surrounded on three sides by garden.
 11 Holmote Gardens, N5 2EP	£1,320,000	24-Apr-15	Terrace	4	1930	161	1733	£8,199	€762	Higher value area, modern interior
 3 Morea Mews, N5 2EE	£2,000,000	10-Mar-15	Terrace	5	2015	230	2476	£8,696	€808	High quality new build
 130 Calabria Rd, N5 1HT	£1,600,000	09-Apr-15	Terrace	4	1900	161	1625	£10,536	€984	Higher value area, modern interior
 64 Calabria Rd, N5 1HU	£1,301,554	27-Feb-15	Terrace	4		162	1636	£8,563	€796	Higher value area, in need of refurbishment
 3 Farleigh Rd, N16 7SU	£800,000	26-Jun-15	Semi-D	4		204	2196	£3,922	€364	Similar value area, similar semi-d type building
 55 Halford St, N1 3ED	£773,703	10-Nov-14	Semi-D	3		160	1615	£5,150	€473	Similar value area, similar semi-d type building

Appendix 3: QS Report

Project: 139 Grosvenor Avenue, Islington N5
P/2015/2971/FUL

Independent Review of Assessment of Economic Viability

Cost Report

1 SUMMARY

- 1.1 We note that although the drawings show a lift installed in this 5 storey building, there is no provision for a lift in the estimated costings.
- 1.2 Our benchmarking with a 5% contingency yields an adjusted benchmark of ~~£1,000~~ m² that compares to the same figure we have determined for the Applicants costs (with a 10% contingency) using the same construction cost and same area as the Appraisal. We are therefore satisfied that the Applicant's costs are reasonable.

2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and for new build work (but not for rehabilitation/ conversion) on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.
- 2.4 If the application scheme is for the conversion, rehabilitation or refurbishment of an existing building, greater difficulty results in checking that the costs are reasonable, and the benchmarking exercise must be undertaken with caution. The

elemental split is not available from the BCIS database for rehabilitation work; the new build split may be used instead as a check for some, but certainly not all, elements. Works to existing buildings vary greatly from one building project to the next. Verification of costs is helped greatly if the cost plan is itemised in reasonable detail thus describing the content and extent of works proposed.

- 2.5 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.6 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should keep the estimates for different categories separate to assist more accurate benchmarking.
- 2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures. If a further level of detail is available showing the build-up to the elemental totals it facilitates the review of specification and cost allowances in determining adjustments to benchmark levels. An example might be fittings that show an allowance for kitchen fittings, bedroom wardrobes etc that is in excess of a normal benchmark allowance.
- 2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Viability submission headed: Planning submission July 2015 - Appendix 5 - Viability - this is for a 10 unit scheme.
- 3.2 We have also downloaded documents including drawings and the Design & Access Statement from the Planning web site.
- 3.3 We have further been provided with a Feasibility Estimate No 1 dated November 2014 prepared by KDimensions Ltd. This is a cost plan for the planning scheme for 8 units submitted in 2014 that was rejected. The cost plan confusingly has two alternative GIAs of 940.28m² and 866.00m². It is in the total sum of £[REDACTED] and uses the GIA of 866m² giving a total of £[REDACTED]/m². It appears that this

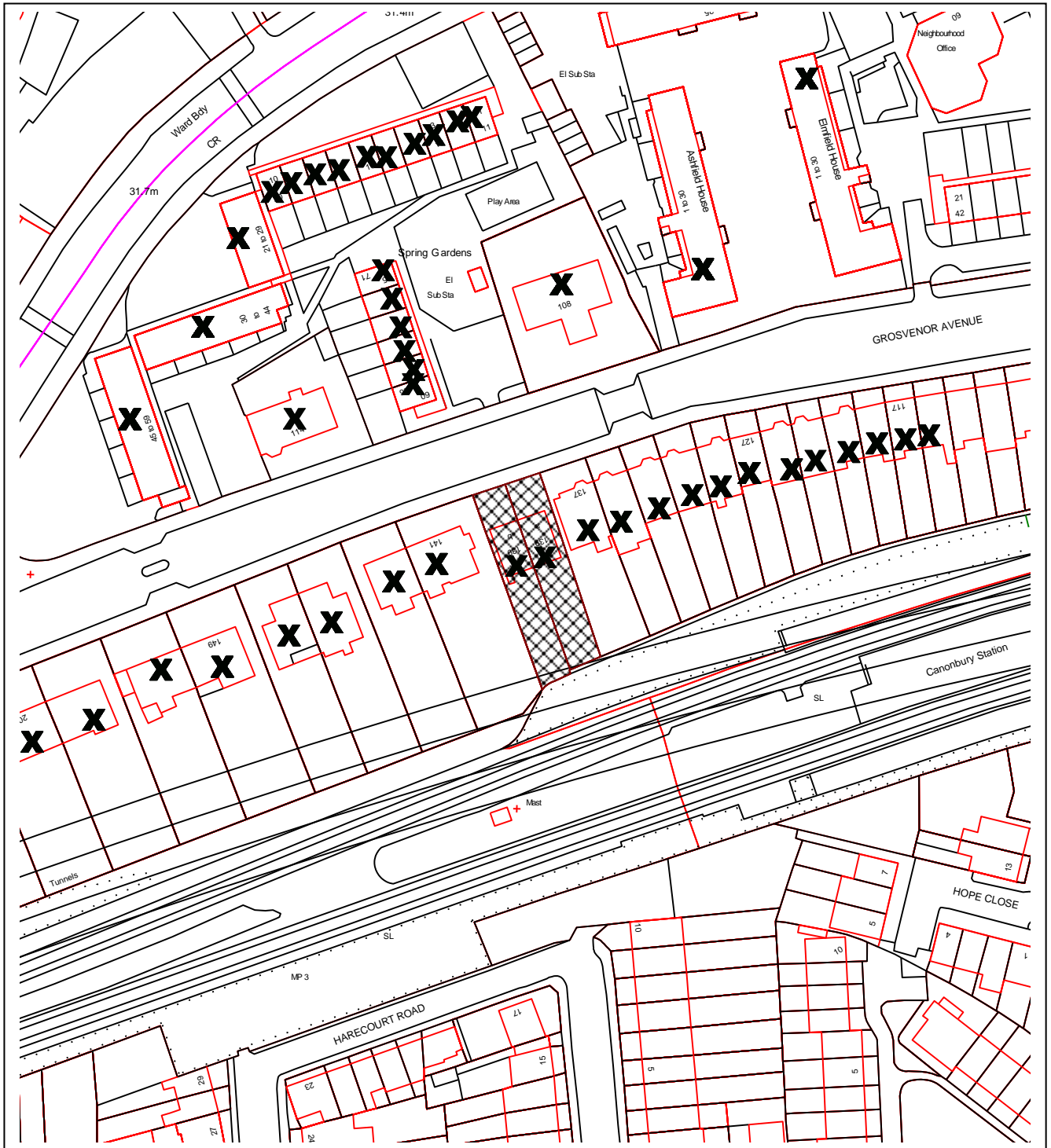
estimate has not been updated for the present scheme but has been used to determine the construction cost figure for inclusion in the Appraisal calculation. The pdf provided has been saved with comments displayed which sometimes obscures other information, but these comments demonstrate a degree of care and scrutiny in determining an accurate estimate as is reasonable at this stage.

- 3.4 The contingency has been revised from an earlier figure to 10%. For new build work we have used the figure of 5% in our benchmarking, but nevertheless determine the total cost with contingency as being reasonable.
- 3.5 The Appraisal has a total area of 10,975ft² (1,020m²) that compares to the Net sales area of 8,028ft² (746m²). This equates to an efficiency of 73% which is lower than we would expect especially as a perusal of the drawings does not suggest any obvious inefficiency. In the elemental analysis we have prepared we have used the same GIA of 1,020m² as the Appraisal to calculate elemental £/m² rates and for benchmarking.
- 3.6 We have downloaded current BCIS data for benchmarking including a location factor for Islington of 125 that has been applied in our benchmarking. We have benchmarked this 5 storey building as 3-5 storey flats mean average rates using maximum 5 year average costs. Note that we have used current 4Q2015 average costs to compare to the Applicants costs that have not apparently been adjusted from the base date of 3Q2014 of the Feasibility Estimate.
- 3.7 We have prepared a BCIS elemental estimate (GIA 1,020m²) in the amount of £[REDACTED] (m²) to tie up with the estimate - we have then adjusted to £[REDACTED] (m²) to tie up with the construction cost in the Appraisal.
- 3.8 We note that although the drawings show a lift installed in this 5 storey building, there is no provision for a lift in the estimated costings.
- 3.9 Our benchmarking with a 5% contingency yields an adjusted benchmark of £[REDACTED]/m² that compares to the same figure we have determined for the Applicants costs (with a 10% contingency) using the same construction cost and same area as the Appraisal. We are therefore satisfied that the Applicant's costs are reasonable.

BP5 Chartered Surveyors
Date: 2015

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	9 February 2016	NON-EXEMPT

Application number	P2016/0025/FUL
Application type	Stopping Up of Highway
Ward	Bunhill Ward
Listed building	n/a
Conservation area	none
Development Plan Context	King Square Estate Site Allocation BC4 King Square Area Framework and Action Plan Bunhill & Clerkenwell Key Area Central Activities Zone Within 50m of Hat & Feathers Conservation Area Within 50m of Northampton Square Conservation Area
Licensing Implications	n/a
Site Address	Part of Mason's Place, London, EC1V
Proposal	Stopping up of an area of existing highway under Section 247 of the Town and Country Planning Act 1990 to enable the redevelopment of the King Square Estate (P2014/5216/FUL)

Case Officer	Stefan Sanctuary
Applicant	Islington Housing
Agent	Islington Housing

RECOMMENDATION

The Committee is asked to resolve to APPROVE the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

1. The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. 621_SK_138 Rev B to enable the development authorised by planning permission ref: P2014/5216/FUL to be carried out.
2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
3. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

PLANS

The plans included in this report at Appendix 1 as follows:

- 621_PL(00)100 Rev C
- 621_SK_138 Rev B

1.0 SITES AND SURROUNDINGS

- 1.1 The area of land to which the application to stop up the highway relates (is Mason's Place, a pedestrian route behind a row of garages between the King Square Estate and the neighbouring residential apartment building known as Seraph Court. The area to be stopped up constitutes virtually the full extent of Mason's Place as shown on **Plan No** 621_SK_138 Rev B
- 1.2 Mason's Place is a highway maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense.
- 1.3 The first phase of the King Square Estate redevelopment (planning application reference P2014/5216/FUL) is about to commence. It is the second phase of this consented development that requires the stopping up of Mason's Place in order for the second phase of the development to be carried out.

2.0 PROPOSAL

- 2.1 The proposal relates to the stopping up of Mason's Place, a 4m wide and 96m long area of highway, under Section 247 of the Town and Country Planning Act 1990 in

connection with the implementation of the planning permission ref: P2014/5216/FUL that granted:

“Demolition of existing row of garages located to the north of Rahere House and demolition of 9 existing single storey studio units located to the south of Turnpike House. Change of use of the west section of the Moreland School site to residential use. Erection of 6 new buildings, providing 140 new residential units and a community centre, comprising: Block B – a 3 storey terrace of 10 x 3-bedroom and 1 x 2-bed houses for social rent located to the north of Rahere House; Block C – a 4 storey building located to the west of Rahere House providing a 167sqm community centre together with 13 flats for social rent, comprising 1 x 3-bedroom and 12 x 2-bedroom flats; Blocks D1 & D2 – a 7 storey over basement building and 5 storey building located on the west section of the school site, providing a 21sqm retail unit and 69 flats for social rent, shared ownership and private market sale, comprising 1 x 3-bedroom, 51 x 2-bedroom, and 17 x 1-bedroom flats; Block E, a part 3-, part-5 storey building located to the north of Turnpike House providing 25 flats for social rent over 55’s independent living, comprising 9 x 2-bedroom and 16 x 1-bedroom flats; Block F – a part 3, part 4 storey building located to the south of Turnpike House providing 22 flats for social rent comprising 13 x 2-bedroom and 9 x 1-bedroom flats.

Alterations to ground floor of Rahere House to provide improved nursery facilities. Comprehensive hard and soft landscaping across the site including: relocation of vehicular access from Central Street, re-provision of 81 parking spaces including 21 wheelchair accessible spaces, creation of new bin store enclosures and cycle parking for existing residents, and creation of a community garden and growing space. The scheme would provide 98 affordable homes which equates to 70% by unit.”

3.0 CONSULTATION

- 3.1 The council’s highway officer has no objection to the proposed stopping up of Mason’s Place.
- 3.2 No public or external consultation has been carried out by the council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the Orders, the council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 3.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:
 - (i) notify the Mayor; and

(ii) cause a local inquiry to be held.

- 3.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.
- 3.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

4.0 EVALUATION

- 4.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.
- 4.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 4.3 The layout of the King Square Estate redevelopment has already been considered and approved under application ref P2014/5216/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the areas of land that are the subject of this report. The stopping up now proposed would give effect to the above described planning permission As shown on Plan No 621_PL(00)100 Rev C a building comprising of 11 social rented housing units will be constructed on the land over which Mason’s Place lies.
- 4.4 Mason’s Place is a highway which provides a route for pedestrians and cyclists. There is no vehicular access over Mason’s Place. As such the proposed stopping up will have no effect on vehicular traffic.
- 4.5 The proposed stopping up of the area of land would not result in a permanent loss of public access through the redeveloped estate. An east-west pedestrian route will continue to be provided between Central Street and Gard Street within the estate as shown on Plan 621_PL(00)100 Rev C. Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highways rights to enable the development to be carried out.

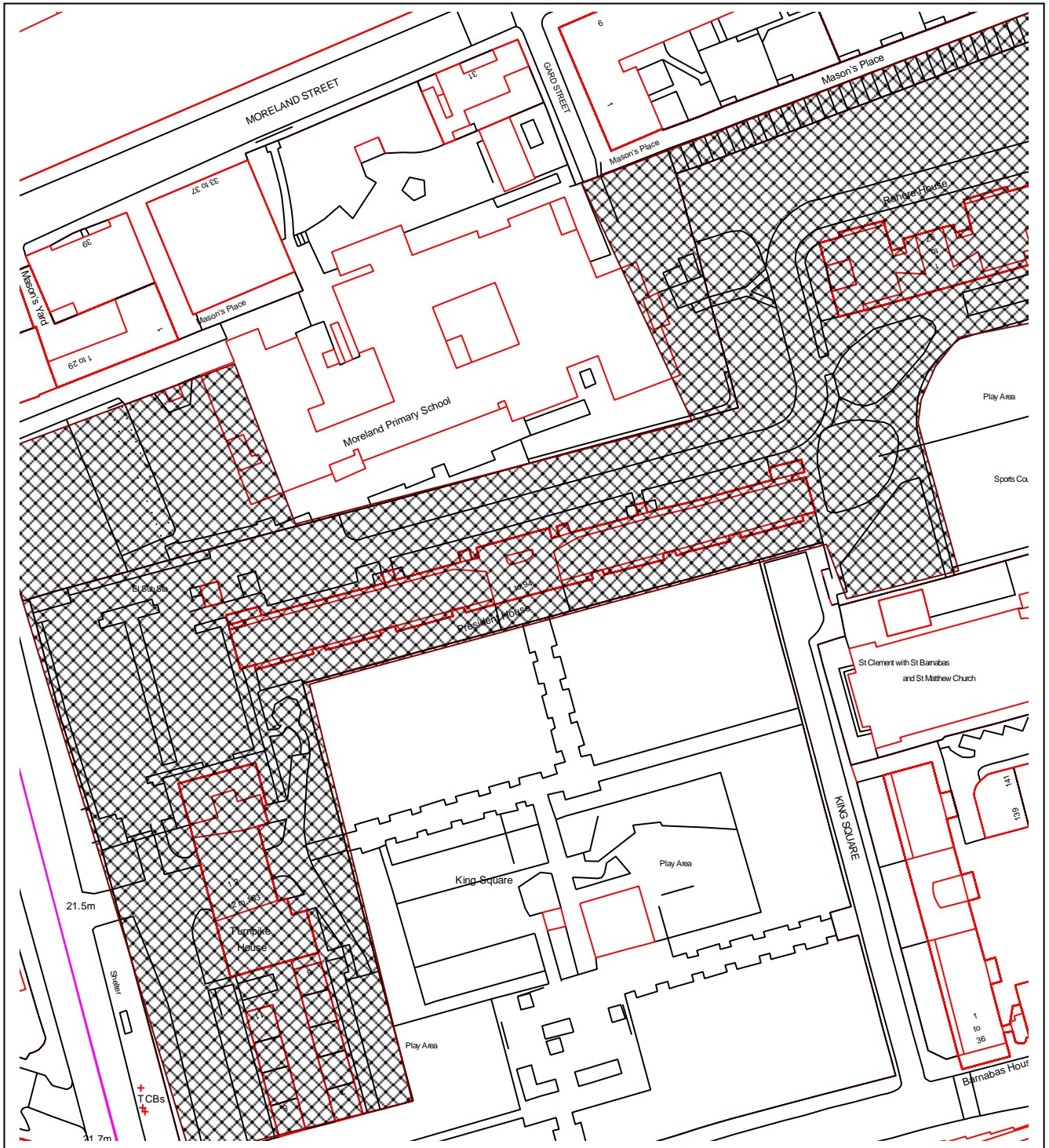
5.0 CONCLUSION

- 5.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development (P2014/5216/FUL) to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

APPENDIX 1 – PLANS

621_PL(00)100 Rev C
621_SK_138 Rev B

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