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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **7 September 2017 at 7.30 pm.**

**Yinka Owa**  
**Director – Law and Governance**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 30 August 2017

**Welcome:**

Members of the public are welcome to attend this meeting.

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


Committee Membership

Wards

Substitute Members

Councillor Khan (Chair)	- Bunhill;	Councillor Chowdhury	- Barnsbury;
Councillor Donovan-Hart (Vice-Chair)	-	Councillor Convery	- Caledonian;
Clerkenwell;		Councillor A Perry	- St Peter's;
Councillor Nicholls	- Junction;	Councillor Williamson	- Tollington;
Councillor Fletcher	- St George's;	Councillor Gill	- St George's;
Councillor Court	- Clerkenwell;	Councillor Wayne	- Canonbury;
Councillor Picknell	- St Mary's;	Councillor Poyser	- Hillrise;
Councillor Gantly	- Highbury East;	Councillor O'Halloran	- Caledonian;
Councillor Kay	- Mildmay;	Councillor Turan	- St Mary's;
Councillor Ward	- St George's;	Councillor Webbe	- Bunhill;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	1 - 2
6. Minutes of Previous Meeting	3 - 6
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 457-463 HOLLOWAY ROAD, ISLINGTON, LONDON, N7 6LJ	7 - 112
2. CENTRAL FOUNDATION SCHOOL, 15 COWPER STREER; 63-67	113 -

	TABERNACLE STREETAND 19 [ SHOREDITCH COUNTY COURT] & 21-23 LEONARD STREET, LONDON, EC2	248
3.	LAND TO THE REAR OF 2 MELODY LANE, LONDON, N5 2BQ	249 - 314
<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>
<b>D.</b>	<b>Urgent non-exempt items (if any)</b>	

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

**Date of Next Meeting:** Planning Committee, 9 October 2017

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

[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)

## **PROCEDURES FOR PLANNING COMMITTEE**

### **Planning Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

### **What Are Relevant Planning Objections?**

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

**For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Jackie Tunstall on 020 7527 3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

**COMMITTEE AGENDA**

**1 457-463 Holloway Road**  
Islington  
LONDON  
N7 6LJ

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**2 Central Foundation School, 15 Cowper Street; 63-67 Tabernacle Street and 19 [Shoreditch County Court] & 21-23 Leonard Street, LONDON EC2**

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**3 Land to the rear of 2 Melody Lane, London, N5 2BQ**

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**1 457-463 Holloway Road**  
Islington  
LONDON  
N7 6LJ

**Ward:** St. Georges

**Proposed Development:** Change of use of Nos. 457-463 Holloway Road from office (Use Class B1) to residential (Use Class C3) to provide 14 residential units and 119 sqm business (Use Class B1) floorspace; demolition of the single storey rear extension and erection of a mews comprising 2 residential units (Use Class C3) with associated cycle and refuse storage and tree works.

**Application Number:** P2016/3157/FUL

**Application Type:** Full Planning Application

**Case Officer:** Simon Greenwood

**Name of Applicant:** N/A

**Recommendation:**

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**2 Central Foundation School, 15 Cowper Street; 63-67 Tabernacle Street and 19 [Shoreditch County Court] & 21-23 Leonard Street, LONDON EC2**

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**Ward:** Bunhill

**Proposed Development:** Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works. [Listed Building Consent application ref: P2017/1049/LBC also submitted].

**Application Number:** P2017/1046/FUL

**Application Type:** Full Planning Application

**Case Officer:** Simon Greenwood

**Name of Applicant:** Central Foundation Boys' School

**Recommendation:**

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### 3 Land to the rear of 2 Melody Lane, London, N5 2BQ

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**Ward:** Highbury East

**Proposed Development:** Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and new 3 storey (plus basement levels) self-storage building (Use Class B8), with associated landscaping and access/parking.

(Re-consultation following changes to reduce number of dwellings, revise design, plans and documentation)

**Application Number:** P2016/1344/FUL

**Application Type:** Full Planning Application

**Case Officer:** Jan Slominski

**Name of Applicant:** Mr David Partridge

**Recommendation:**

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London Borough of Islington

## Planning Committee - 18 July 2017

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 18 July 2017 at 7.30 pm.

**Present:**           **Councillors:**           Khan (Chair), Klute (Vice-Chair), Donovan-Hart (Vice-Chair), Nicholls, Fletcher, Court, Picknell, Gantly, Kay and Ward.

Councillor Kay did not participate in Item B2 as she arrived late for the meeting.

### Councillor Robert Khan in the Chair

#### **298        INTRODUCTIONS (Item A1)**

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

#### **299        APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence, however apologies for lateness was received from Councillor Kay.

#### **300        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

#### **301        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

#### **302        ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

#### **303        MINUTES OF PREVIOUS MEETING (Item A6)**

#### **RESOLVED:**

That the minutes of the meeting held on 20 June 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**304 APPOINTMENT OF VICE-CHAIRS OF PLANNING SUB COMMITTEE'S A & B (Item A7)**

The Chair asked for nominations for the position of Vice Chair's of Planning Sub-Committee A and B

It was Moved and Seconded that Councillors Picknell and Fletcher be appointed as Vice Chairs of Planning Sub-Committees A and B.

**RESOLVED**

That Councillor Picknell be appointed as Vice-Chair of Planning Sub-Committee A and Councillor Fletcher be appointed as Vice-Chair of Planning Sub-Committee B for the current municipal year or until successors are appointed

**305 457-463 HOLLOWAY ROAD ISLINGTON LONDON N7 6LJ (Item B1)**

Change of use of Nos. 457-463 Holloway Road from office (Use Class B1) to residential (Use Class C3) to provide 14 residential units, part excavation of basement and light wells, demolition of the single storey rear extension, erection of a mews comprising 2 residential units (Use Class C3) and associated cycle and refuse storage and landscaping.

(Planning application number: P2016/3157/FUL)

In the discussion the following point was made:

- The Planning Officer advised Committee that a request for more detailed information from the applicant regarding the carbon off set contributions had not been received and the applicant had requested for a deferral.

Councillor Khan proposed a motion to defer the item. This was seconded by Councillor Klute and carried.

**RESOLVED:**

That consideration of the application be deferred for the reasons outlined above.

**306 9-12 GREAT SUTTON STREET LONDON EC1V 0BX (Item B2)**

Demolition of existing buildings and redevelopment to provide a 6-storey (plus basement) building accommodating 1,307sqm (NIA) office floorspace at basement and first to fifth floors, and a 243sqm (NIA) retail (A1 use) unit at ground level, together with associated cycle parking and refuse and recycling storage.

(Planning application number: P2016/3353/FUL)

In the discussion the following points were made:



## Planning Committee - 18 July 2017

- In response to concerns with the results of the Average Daylight Factor (ADF), the Planning Officer advised that little weight could be attached to the applicant's ADF tests results as it relied on a range of inputs including assumptions regarding internal reflectivity and assumptions made regarding room sizes at some of the properties. Additionally, ADF is not one of the two primary tests to be used to assess impacts on adjoining daylight receipt, the primary tests are Vertical Sky Component (VSC) and Daylight Distribution(DD).
- With regards to concerns raised by the London Fire and Emergency Planning, the Legal adviser informed Members that although issues of fire safety were building control matters, the potential impacts on a scheme to accommodate such building regulations solutions provided by the applicants could have material impacts on the scheme –for consideration by Planning Committee.
- The Planning Officer informed Members that the applicants daylight and sunlight consultants had not visited any of the neighbouring properties and acknowledged that the results from the measurements he had undertaken when he visited the neighbouring flats were different from those provided by the applicant's daylight consultants. He acknowledged that he did share the information with the applicant.
- Members were concerned that considering the scale of the scheme and sensitive location that the scheme had not been presented to the Islington Design Review Panel (DRP) for their comments. It was determined that there were concerns over the appropriateness of the response to the character of the immediate vicinity and that therefore it must be presented to the DRP.
- Objections raised by neighbouring residents included the size and scale of the building; impact on neighbouring amenity; loss of privacy and the inaccurate information provided by the applicant's daylight and sunlight consultants etc.
- The Applicant's agent highlighted the benefits of the scheme and addressed concerns raised by the objectors. He indicated that following consultation with neighbouring occupants the scheme was amended to address the issue of massing; the deletion of terraces from along boundary with 13-14 Great Sutton street and the provision of privacy screens to the front and rear terraces at fifth floor level.
- The agent acknowledged that the methodology employed for measuring the sunlight and daylight loss included a number of assumptions, however he indicated that considering the location of the site, any loss was within a tolerable level.

Councillor Khan proposed a motion to defer consideration on three grounds:

- a) Advice from the Design Review Panel would be welcomed by the Committee given the mixed views on the quality of the design.
- b) More detailed information regarding the sunlight and daylight loss measurements to be provided especially as results from the applicants consultant is contrary to those obtained after visits by Planning Officers to neighbouring properties.
- c) A written response from the London Fire and Emergency Planning in light of their fire safety concerns.

This was seconded by Councillor Klute and carried.

**RESOLVED:**

That consideration of the application be deferred for the reasons outlined above.

**307 YORK HOUSE, 207-221 PENTOVILLE ROAD, LONDON, N1 9UZ (Item B3)**

The addition of a single storey to the existing building (including lift overrun and 1.35m increase to parapet height) with plant enclosure above; a five storey front entrance extension; and a part 1, part 2 storey rear extension at upper and lower ground floor levels including the infilling of the rear undercroft area, to provide 1,005sqm (GIA) of additional office space (Use Class B1). Internal and external refurbishment works to provide ancillary gym and cafe areas; new fenestration; articulation to the south elevation; construction of a new front elevation light well; erection of new cycle and bin stores in refurbished service yard; hard and soft landscaping (including replacement of trees); roof level plant; and associated works.

(Planning application number: P2017/1790/FUL)

In the discussion the following point was made:

- In response to a question on whether the financial contribution received from the scheme would be used solely for social housing, the Planning Officer advised that funds would be pooled in the housing budget and decisions as to how that is spent on forthcoming Housing New Build programme would be taken by the Council.

Councillor Ward proposed a motion to grant. This was seconded by Councillor Nicholls and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and conditional on 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.

The meeting ended at 9.00 pm

**CHAIR**

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 333  
 Town Hall  
 LONDON N1 1YA

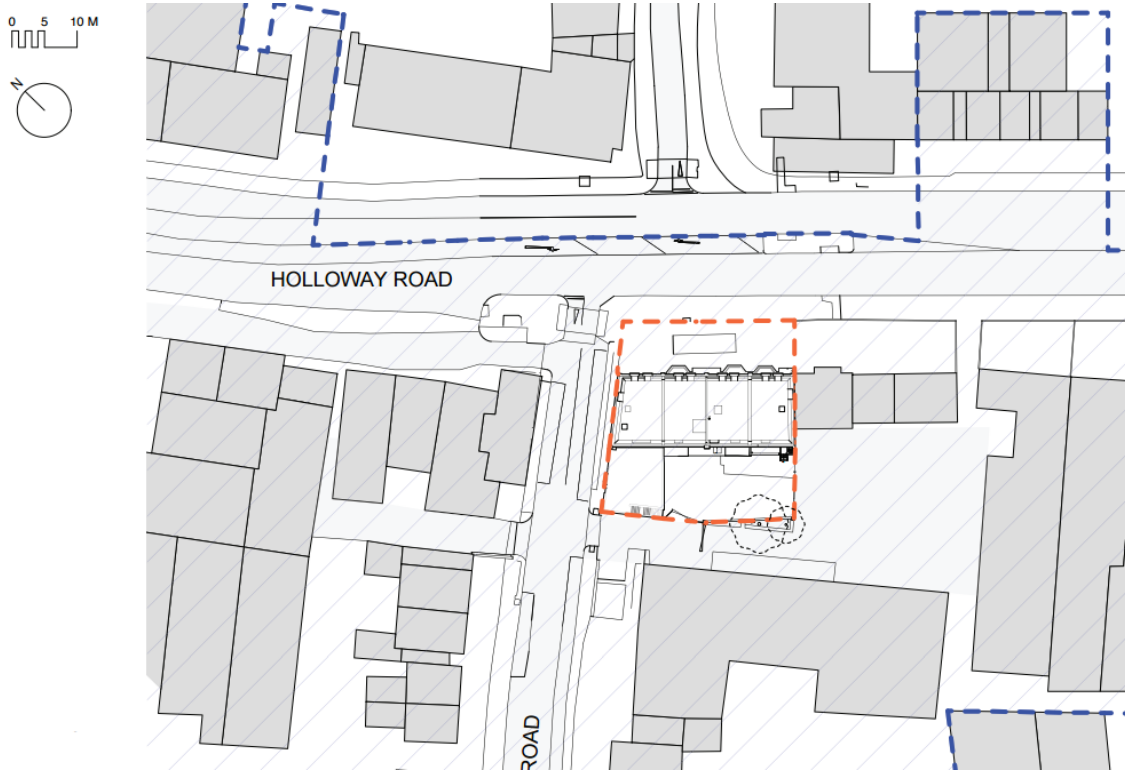
<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM: B1</b>
<b>Date:</b>	18 <sup>th</sup> July 2017	<b>NON-EXEMPT</b>
Application number	P2016/3157/FUL	
Application type	Full Planning Application	
Ward	St George's Ward	
Listed building	Locally Listed Building	
Conservation area	Mercers Road/Tavistock Terrace Conservation Area	
Development Plan Context	Employment Growth Area Nags Head and Upper Holloway Road Core Strategy Area Within 100 metres of a TLRN Road Local Cycle Route Strategic Cycle Route	
Licensing Implications	None	
Site Address	457-463 Holloway Road, London, N7 6LJ	
Proposal	Change of use of Nos. 457-463 Holloway Road from office (Use Class B1) to residential (Use Class C3) to provide 14 residential units, part excavation of basement and light wells, demolition of the single storey rear extension, erection of a mews comprising 2 residential units (Use Class C3) and associated cycle and refuse storage and landscaping.	
Case Officer	Simon Greenwood	
Applicant	Care of Agent	
Agent	Luke Davies - Gerald Eve	

### 1. RECOMMENDATION

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

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

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



**3. PHOTOS OF SITE/STREET**



Image 1: View of site frontage from Holloway Road



Image 2: View of rear of the site from Mercer's Road

#### 4. SUMMARY

- 4.1 The application seeks permission for the part change of use of Nos. 457-463 Holloway Road from office (B1 use) and retail (A1 use) to 14 residential (C3 use) units and 119m<sup>2</sup> (GIA) business (Use Class B1) floorspace. The proposal involves the refurbishment of the existing building, demolition of a single storey rear addition and the erection a mews comprising 2 residential (C3 use) dwellings, and associated cycle and refuse storage. The proposal would provide 9 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units, and 119 square metres of office floor space within 461 and 463 Holloway Road.
- 4.2 The proposed involves the loss of employment floorspace within an employment growth area whilst providing a standard of residential accommodation which falls short of the Council's requirements in a number of respects. In particular, the proposed development is compromised in terms of the following:
- Lack of wheelchair housing and poor accessibility
  - Provision of a ground floor studio unit contrary to Policy DM3.4
  - Inadequate provision of communal and private amenity space
  - Unsatisfactory dwelling mix
  - Cramped layout resulting in poor outlook from some rooms
  - Potential for mutual overlooking from Collingwood Business Centre
  - Incongruous refuse and cycle stores to the front of the site on Holloway Road.
- 4.3 The site and the existing building are subject to significant constraints. The existing terraced, locally listed building is an attractive building and the applicant was advised that its demolition would not be supported. The terraced building is also in a very poor condition internally and the extent of the required renovation works results in significant costs.
- 4.4 The applicant has provided marketing and viability evidence that the scheme cannot viably provide any additional employment floorspace, and it is therefore considered that there is sufficient justification for the loss of the employment floorspace.

- 4.5 The mix of the accommodation within the terraced building is determined by its layout which has constrained the opportunity to provide a policy compliant mix of units and has also informed the decision to provide a studio flat at ground floor level. The shortcomings against policy requirements can therefore be attributed to the constraints of the existing building.
- 4.6 The quantity and quality of private and communal amenity space is considered to be poor. The applicant has satisfactorily demonstrated that, in viability terms, any reduction in the amount of development proposed in order to provide additional amenity space would likely be unviable.
- 4.7 The provision of the mews building to the rear of the site gives rise to some concerns from a design point of view due to the cramped layout and poor outlook from some of the ground and first floor windows. However, it has been demonstrated that the mews building is necessary in viability terms and is therefore required if the renovation of the existing terraced building is to be realised.
- 4.8 In view of the constraints of the existing building and the site it is considered that a compromise in terms of policy and in terms of the quality of new development is necessary if the existing building is to be refurbished and brought back into use. It may therefore be considered that, on balance, the proposal is acceptable.

## 5. SITE AND SURROUNDING

The site is located on the west side of Holloway Road and abuts the junction with Mercers Road to the north. The site comprises four vacant three storey red brick Victorian terraces with accommodation within a part lower ground floor and mansard roof, a single storey rear addition and a rear yard area. The building has a shopfront on the corner unit. The site is currently vacant but the previous lawful use of the site was as an office (B1 use) with a ground floor retail unit (A1 use) within 463 Holloway Road. The existing building comprises 1,748m<sup>2</sup> (GIA) floorspace. The building is in a poor condition internally.

Internal condition of building



5.1 Adjoining the site to the south is a red brick mansion block with a front garden incorporating a number of mature trees. To the rear of the site is a service road with a four storey building beyond this that has a gym at ground floor level fronting Mercers Road and office above and to the rear.

5.2 The site is located within an Employment Growth Area, the Mercers Road / Tavistock Terrace Conservation Area and the building is locally listed (Grade B).

## 6. PROPOSAL (IN DETAIL)

6.1 The proposed development would comprise the part change of use of 457-463 Holloway Road from office (B1 use) and retail (A1 use) to 14 residential (C3 use) units and 119m<sup>2</sup> (GIA) business (Use Class B1) floorspace, refurbishment of the building, demolition of a single storey rear addition and the erection of a mews comprising 2 residential (C3 use) dwellings, and associated cycle and refuse storage. The proposal would provide 9 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units, and 119 square metres of office floor space within 461 and 463 Holloway Road.

6.2 The proposed refurbishment works would comprise the replacement of the mansard roof cladding, reinstatement of stone balustrades to the ground floor bays, a replacement shopfront to 463 Holloway Road, replacement doors and windows, ground floor frontage to be repainted, insertion of window openings to the rear elevation, blocking up of rear window and doors openings, removal of tiling to the Mercers Road elevation and replacement with render to match the property, replacement and rationalisation of downpipes, insertion of air bricks and installation of vents to the roof and rear elevation.

6.3 The proposed mews would comprise a two storey brick block to the rear of the site with a pitched steel roof, retractable timber window shutters and inset balconies on the gable ends.

6.4 The other works at the site comprise the introduction of railings to the front of the site to create gardens and a boundary wall to the north, west and south sides of the rear of the site with landscaping within this.

Artists impression of proposed development (design of mews building since amended)



## Revision 1

- 6.5 The plans were amended on 28th March 2017 to remove three residential units, increase the extent of B1 provision and address officer concerns regarding overlooking through a reconfiguration of the fenestration arrangements.

## Revision 2

- 6.6 The rear elevation drawing was amended on 11<sup>th</sup> April 2017 to amend the design of the rear sash windows (to the retained locally listed building).

## Revision 3

- 6.7 The ground floor plan was amended to indicate a studio flat in place of a previously proposed one-bedroom flat. The amendment was in order to comply with the London Plan and Islington space standards.

## 7. RELEVANT HISTORY:

### Planning Applications:

- 7.1 **TP/19981/NE** – Alterations and additions at No.s 459-463 (odd) Holloway Road to form a shop on the ground floor, offices on the first and second floors and residential accommodation on the third floor – **Granted Permission** (24/07/1958).

- 7.2 **P2013/4477/PRA** – Application for prior approval from the Local Planning Authority for the change of use at 457 - 463 Holloway Road (Exc Ground Floor at 463) of office floorspace (B1a use class) to residential use (C3 use class) comprising of 25 residential units – **Prior Approval Required and Approved** (07/02/2014). An informative was included on the decision notice which included the following advice:

'An informal assessment on the basis of the information currently before the Local Planning Authority indicates that the change of use of the building to residential is unlikely to be lawful. This is due to the building potentially failing to have been in lawful use for B1(a) (offices) immediately before the 30<sup>th</sup> May 2013 or, if the building was not in use immediately before that date, when it was last in use as required by exception J.2 (b) of the identified class of the Order.'

- 7.3 **830052** – Implementation of planning permission dated 30th September 1982 granting change of use to offices without complying with condition 2 of that permission – **Refused Permission** (26/04/1983). Condition 2 this related to stated:

*CONDITION: This permission shall operate for the benefit of the National Union of Students only and shall not ensure for the benefit of the land not of any other person for the time being having an interest therein.*

*REASON: The proposed development is contrary to the policy of the Local Planning Authority but the circumstances of the particular case warrant an exception being made for the benefit of the applicant.*

- 7.4 **820996** – Change of use of 457 Holloway Road from warehouse to offices; 461 Holloway Road ground floor from warehouse and offices to offices; and 459-463 Holloway Road third floor from residential to offices and associated changes to front elevations – **Granted Conditional Permission** (08/10/1982).



## **Collingwood Business Centre, Mercers Road**

- 7.5 P2013/4782/PRA - Prior Approval application in relation to the following considerations arising from the change of use of the 3rd floor and part of the 2nd floor of the building to residential use (C3) use class creating 12 (6x 1-bedroom, 4x 2-bedroom, 2x 3-bedroom) residential units – **Prior Approval Required and Approved** (09/01/2014).
- 7.6 P2015/1402/PRA – Application for prior approval from the Local Planning Authority in relation to the change of use of the 3rd floor and part of the 2nd floor of the building to residential use (C3) class creating 13 (7x 1-bedroom, 6x 2-bedroom) residential units – **Prior Approval Required and Approved** (01/06/2015).

### **ENFORCEMENT:**

- 7.7 **E/2014/0411** – Unauthorised change of use to student accommodation – Case Closed as on-going investigation under ref: E11/05942.
- 7.8 **E11/05942** – Change of use to flats – Advised that lawful use of the property was B1 and that Prior Approval application could not be implemented. Letter sent to cease use.
- 7.9 **E10/05023** – Unauthorised use as business academy – Use has ceased and case closed.

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

- 7.10 **Q2015/2455/MJR** – Retention of the existing building's façade, extensions at roof level and the erection of two-storey buildings to the rear of the site to provide a total of 28 new residential dwellings – **Response Issued** 27/07/2015). **Officer Comments:** *The scheme has been altered considerably from this proposal.*

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 363 adjoining and nearby properties at Empire Square, Mercers Road, Manor Gardens, Highwood Road, Windsor Road and Holloway Road on the 12<sup>th</sup> September 2016. A site notice and press advert were displayed on the 15<sup>th</sup> September 2016. The public consultation on the application therefore expired on 6<sup>th</sup> October 2016. However it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 A further consultation was not undertaken following receipt of revised details of the proposed development. It was not considered necessary on the basis of the responses received following the initial consultation and the fact that the revisions were considered to result in a reduction in any impacts of the proposed development.
- 8.3 At the time of the writing of this report 3 responses had been received from the public with regard to the planning applications, one registering support and one raising objections to elements of the proposal. The points raised are summarised below:
- Support the provision of housing at the site;
  - The sympathetic renovation is welcomed;
  - Overall the project appears to be well considered;
  - The proposed retail unit would be likely to remain empty and this space should be residential *Officer note: the scheme has since been revised and a B1 unit is now proposed in place of the retail unit;*

- The mews building is over development and should include a green buffer zone (paras 11.6 & 11.9);
- The refuse and cycle stores location to the front of the site would block views of the renovated front elevation of the locally listed building and is not in keeping with the character of the conservation area (para 10.41);
- The shop front is at present out of character with the property and should be replaced with an original style bay window (para 10.42);
- Concern raised regarding existing parking pressures and use of the service road to the rear of the site (para 10.137); and
- The trees should be retained and as much additional planting provided as possible (paras 10.57-10.58).

### **Internal Consultees**

8.4 **Planning Policy:** The proposal does not satisfactorily address policy DM5.2 Part B. However, it is acknowledged that this particular EGA has been affected by office to residential permitted development. Furthermore, whilst the site's lawful use could contribute to the EGA function, the fact that it has been vacant for a while means that it hasn't been contributing to the economic function. Given the site specific issues the information provided by the applicant could be a reliable proxy for assessing the proposal against Policy DM5.2 Part B.

**Access and Inclusive Design:** Objection raised. The units would not meet Category 2 and the two mews dwellings would not be wheelchair accessible due to being over two floors. Recommend that platform lifts are explored for the terrace building.

**Design and Conservation:** The refurbishment works and removal of the rear addition are welcomed. The proposed railings to the front of the site should be traditional in design. Concern is raised to the height and proximity of the mews building to the main building. This should have a minimal area of two storey height fronting Mercers Road before dropping down to single storey height.

**Energy and Energy Efficiency:** Generally acceptable subject to conditions and a legal agreement.

**Sustainability Officer:** No objections raised subject to a condition to secure appropriate Sustainable Urban Drainage Systems (SUDS) measures.

**Highways:** No response received.

**Public Protection:** No objections raised.

**Tree Preservation Officer:** Concerns are raised that the construction process will result in harm to the wild cherry tree adjacent to the site and that there will be post development pressure to lop or fell the tree.

**Refuse and Recycling:** No response received.

### **External Consultees**

8.5 **Transport for London (Road Network):** No objection subject to a condition requiring the submission of a construction logistics plan (Condition 21).

**Thames Water:** No objection subject to informatives

**Crime Prevention Officer:** Overall the design and layout of the proposal are sensible from a security perspective.

**London Fire and Emergency Planning:** The Brigade is satisfied with the proposal.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

9.2 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.

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

### **Development Plan**

9.4 The Development Plan relevant to this site is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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 2016, Islington Core Strategy 2011 and Development Management Policies 2013:

- Locally Listed Building
- Mercers Road / Tavistock Terrace Conservation Area
- Employment Growth Area
- Nags Head and Upper Holloway Road Core Strategy Area
- Within 100 metres of TLRN Road
- Local Cycle Route
- Strategic Cycle Route

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Heritage
- Density
- Accessibility
- Landscaping, Trees and Biodiversity
- Neighbouring Amenity
- Quality of Residential Accommodation
- Dwelling Mix
- Affordable Housing and Financial Viability

- Sustainability, Energy Efficiency and Renewable Energy
- Highway and Transportation
- Planning Obligations/Mitigation/CIL

### Land-use

- 10.2 The site is currently vacant and although there have been a number of unauthorised uses, inclusive of an HMO, student accommodation and professional services, with the exception of a ground floor retail unit at 463 Holloway Road, the lawful use of the site is as office (B1) use. The ground floor retail unit has permission dating back to 1958 and while there have been a number of alternative uses of this part of the site over a number of years, there is no evidence to suggest that these have been in place for 10 years or longer and therefore resulted in a lawful change of use. As such, the lawful use of the ground floor corner unit is considered to be as retail (A1 use).
- 10.3 It should be noted that as the site was in use as student accommodation in May 2013, albeit unlawfully, the prior approval for residential use (ref: P2013/4477/PRA) granted on the site could not be lawfully implemented, and as such it does not form a material consideration in the assessment of this application.
- 10.4 The proposal would result in the loss of a retail unit, the reduction of office floorspace from 1570 square metres to 119 square metres and the introduction of 16 new residential units.

### Office Use

- 10.5 Paragraph 22 of the NPPF states that:
- ‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’
- 10.6 The site is located within an Employment Growth Area and the proposal would result in the loss of 1451 square metres of office floor space with 119 square metres of business floorspace retained and refurbished. Within Employment Growth Areas policies DM5.1 and DM5.2 of the Development Management Policies 2013 seek to protect existing business floorspace.
- 10.7 Policy DM5.2 details that where proposals result in a reduction in business floorspace, applications will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence that shows there is no demand for the floorspace, in accordance with Appendix 11 of the Development Management Policies 2013. Furthermore, within Employment Growth Areas the loss of business floorspace should not have a detrimental individual or cumulative impact upon the area’s primary economic function.
- 10.8 Although the site has been vacant for an extended period, the applicant has not submitted details of two years marketing information as detailed within Policy DM5.1 and Appendix 11 of the Development Management Policies 2013. However, this policy states that *‘in exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.’*

- 10.9 The applicant has stated that due to the lack of employment use on the site for a long period of time, the disrepair of the building and the site circumstances, they consider that a market demand analysis and viability approach to the loss of the employment floor space is reasonable.
- 10.10 The application is accompanied by an Economic Assessment, inclusive of a Market Demand Analysis. The assessment of the site's potential use as offices is based on the current level of business floorspace with an assumption of investment to refurbish the building to a modern standard. The report concludes that due to the site's location, the availability of other office space at similar rates within more desirable/central locations, the likely lack of demand for this type of office space and the physical constraints of the building, the site could not command sufficient rent/yield levels to make refurbishment desirable to a potential site occupier. As such, the re-use of the site as offices is unviable in the long term.
- 10.11 The Council appointed BPS Chartered Surveyors (BPS) to undertake a review of the Economic Assessment in order to properly and thoroughly assess the property's continued suitability for office use.
- 10.12 The Economic Assessment suggests that the continued office use of the building would require substantial investment which would not generate a commercially acceptable return. Accordingly, continued use of the building as offices would be unviable and it has therefore reached the end of its economic life in commercial terms.
- 10.13 The Assessment identifies that the building would not meet the demands of modern occupiers due to its layout and other characteristics. The inadequacy of the building for office accommodation would give rise to leasing issues including multiple occupation, high tenant turnover and tenants with weak covenant strength. It is concluded that the building has become functionally obsolete and that going forward the property does not meet the requirements of modern office space.
- 10.14 BPS advised that they were substantially in agreement with the conclusions of the Economic Assessment regarding the future economic viability of retaining the property in office use given its current condition and the costs associated with refurbishment for continued, longer term use. It is also noted that the building is not located in an established office location.
- 10.15 BPS' analysis was supported by a marketing report prepared by Crossland Otter Hunt (Crossland), who are property consultants with direct expertise in the London office market. Crossland carried out a site inspection and came to a view that broadly agrees with the conclusions of the Economic Assessment regarding the ongoing viability of office use. Crossland note that the existing building is in a poor state of repair and is incapable of any form of occupation in its current condition. Significant investment in a comprehensive refurbishment of the building would be required for its continued use. Crossland's key conclusions are detailed as follows:
- Despite strong current demand in the office market the distance to the nearest tube station is a potential issue;
  - The accommodation is fragmented and would not provide desirable space for an occupier – the most likely scenario would involve multiple lettings of small units;
  - The accommodation could at best secure tenants with poor covenant strength, reflecting their sensitivity to costs;
  - Future lettings are likely to be based on shorter leases of typically 5 years with tenant breaks at the 3rd year giving limited income security;
  - Due to the lease length and tenant covenant strength there is a significantly enhanced risk of voids.

- 10.16 The applicant's financial appraisal based upon a refurbished office scheme indicates a negative residual site value of -£2,248,650. BPS undertook a residual valuation using the figures provided within the Crossland report, and whilst showing an improved viability position, still indicated a negative residual value of -£1,690,065. Both assessments suggest a substantively negative residual value, therefore confirming that a refurbishment option is far from economically viable.
- 10.17 The information provided does not meet the criteria detailed in Appendix 11 of the Development Management Policies 2013. However, in view of the conclusions reached by Crossland and BPS regarding the viability of refurbishing the building for office use it is considered that it has been satisfactorily demonstrated that redevelopment of the site for business use is not financially viable. Furthermore, it is considered to represent a reasonable assessment of the likely re-use of the building.
- 10.18 The Economic Assessment considers the re-use of the whole site as office space and does not test a reduced area. In light of this, the potential for use of a reduced area of the building for office use needs to be considered. Policy DM5.1 of the Development Management Policies 2013 requires proposals for change of use to incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.19 The applicant's financial viability assessment indicates that the use of whole of the site for purely office use is not viable. It also suggests that any increase in the commercial element of the proposal over that currently proposed reduces the viability of the scheme, which is proposing to make an off-site affordable housing contribution of £250,000. On the basis of the conclusions reached by BPS it can be accepted that any increase in commercial area would decrease the viability of the scheme, as well as the affordable housing contribution. It is considered that the level of business floorspace has been maximised and should be accepted. It should also be noted that the initial application proposal included nil business floorspace and the scheme has been revised to provide 119m<sup>2</sup>.
- 10.20 Part B of policy DM5.2 seeks to ensure that the reduction of business floor space does not have a detrimental individual or cumulative impact on the area's primary economic function. The site has not been in an authorised use for over 10 years, with hoarding surrounding the site and the building being vacant for the last few years meaning that it has not been contributing to the vitality or viability of the locality. It is considered that the refurbishment and re-use of the site, for office and residential use would reintroduce activity to this part of Holloway Road and provide further footfall for local businesses. Furthermore, this part of Holloway Road is in part characterised by mixed uses and there is no clear primary economic function such that the loss of some lawful but not functional office space would not detrimentally impact upon this.
- 10.21 The Islington Employment Land Study 2016 sets out that outside of the Central Activities Zone (CAZ) there is unlikely to be significant developer interest in re-provision of employment space and that the marketability of B-use stock is being denuded. The Economic Land Study recommends for sites outside of the CAZ that the priorities for Employment Growth Areas should be reviewed to reflect the SME economy and the diverse demand for premises ranging from secondary offices, to studios, to business centres and co-working spaces.
- 10.22 The proposed business floorspace at the site measures 119m<sup>2</sup>, set across two floors with 78m<sup>2</sup> at ground floor level and 41m<sup>2</sup> at lower ground floor level. This area would be suitable for occupation by up to 10 employees (based upon a general average of one employee per 12m<sup>2</sup>) and is therefore suitable for SME occupation. As such, while the proposal would represent a loss of business floorspace within an Employment Growth Area, it would provide a good quality mixed use scheme that would address an identified need to provide SME business floorspace.

- 10.23 In addition to the Economic Statement, Market Demand Analysis and Viability Assessment, the proposal would refurbish a locally listed building in need of significant works and would largely re-use the building for its original intended purpose as residential accommodation. As set out in the 'Design' section below this would maintain the setting of this part of the conservation area and would bring activity back to this prominent corner site.
- 10.24 As such, it is considered that there are site specific circumstances that together with the submitted information justify the reduction in business floorspace at the site as an exceptional case.

#### Loss of Retail

- 10.25 The proposal would result in the loss of a ground floor retail unit at 463 Holloway Road measuring 178 square metres. Policy DM4.7 of the Development Management Policies seeks to protect shops located outside of Town Centres and Local Shopping Areas unless the premises have been vacant for a continuous period of at least 2 years and continuous marketing evidence for this vacancy is provided that demonstrates there is no realistic prospect of the unit being used.
- 10.26 The applicant has not provided any marketing or vacancy evidence to justify the loss of the retail unit at the site. However, from the Council's application and enforcement records it is clear that there have been a number of different uses of this specific part of the site as well as extended periods of vacancy. This evidence shows the unauthorised use of this part of the site as the entrance and reception area to a college/business academy in 2010, use as a student accommodation and private lettings office in 2013 and as an 'Easy Flat Lounge' in 2013. From 2014 onwards the site has been set behind hoarding with no known operational use of this corner unit. In addition to this the Business Rates history for the premises detail that since April 2010 this part of the site has been registered as 'Warehouse and Premises', while the applicant has also detailed that the site has not been used for an authorised use since 2005.
- 10.27 The supporting text to policy DM4.7 details that dispersed shops provide a valuable service to the local community by providing for essential day-to-day needs. It is clear from the Council's records that since at least 2010 the ground floor unit has not been in use for retail purposes and has been vacant for a significant period (in excess of two years) prior to the submission of the application. The unit has therefore not provided a valuable service to the local community for a considerable period of time and its loss would not result in a detrimental impact upon the local area.
- 10.28 Part B of the policy DM4.7 states that where dispersed shops are proposed to be lost it should also be demonstrated that there is accessible provision of essential daily goods within a short walking distance (300m) of the site. Immediately to the north of the site (within 15 metres) on the opposite side of Mercers Road is a supermarket (Sainsbury's) where essential daily goods can be purchased within an accessible location
- 10.29 It is therefore considered that due to the vacancy of the A1 unit and the provision of essential daily goods within such close proximity to the site, the loss of the A1 unit is acceptable in this case.

#### Residential Use

- 10.30 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.

- 10.31 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seek to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 10.32 It is therefore the case that there is a policy presumption in favour of the delivery of new housing, and the scheme would deliver 16 units which would contribute towards the Borough's targets.

### **Design and Heritage**

- 10.33 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 and policies in chapter 2 of Islington's Development Management Policies.
- 10.34 The application site is located within the Mercers Road / Tavistock Terrace Conservation Area and the building is locally listed for its façade quality. However, the building is currently in a state of disrepair, with the ground floor elevations and upper floor side elevations having been painted, doors and windows having been inappropriately blocked up, original features removed, downpipes added across the rear elevation, roof treatments neglected, tiling added to the side elevation, an unsympathetic single storey extension added, an overly large fascia panel added to the shopfront and a modern shopfront added.
- 10.35 These previous additions detract from the quality and overall appearance of the building within the conservation area. The proposed refurbishment works would include repainting and re-rendering of the ground floor and upper floors of the side elevation in a more traditional grey colour, reinstatement of historic windows, doors and stone features, re-cladding of the roof and the rationalisation of the downpipes. Although there would be some new elements added to the building, such as air bricks, vents to the rear and roof, and the blocking up of some windows to avoid overlooking, these would be limited, located in areas where they would not be prominent and would be in keeping with the design of the building. The refurbishment works would reinstate a number of traditional features, provide a coherent appearance and design quality to the terrace row and would ensure that the building would represent an enhancement to this part of the conservation area.
- 10.36 The existing single storey rear projection at the site would be demolished as part of the proposal. This addition is of a utilitarian design that is not sympathetic to the design of the main building and detracts from its traditional design quality. As such, its demolition and replacement is considered to be acceptable in principle.
- 10.37 The proposal would introduce a two storey mews building to the rear of the site that would have a simple gable ended form and pitched metal roof. Its use of London stock brick would reference the traditional materials of the locality, while the metal roof would provide a traditional material within a modern form. The timber detailing to the windows, windows which break the eaves line, inset first floor balconies to the gable ends and projecting porch canopies would help to articulate this simple form and break up the mass of bricks.
- 10.38 The Design and Conservation Officer has raised concerns regarding the scale and proximity of the mews building to the locally listed building. However, by reason of the small scale of the building, its simple form would ensure that it would appear subordinate to this building and would not be highly prominent in the locality. Furthermore, although in close proximity to the main building, the mews would have a clear visual separation from this building, further reinforced by the differentiation in design and height. The proposed mews building would therefore not result in harm to the character and appearance of this part of the conservation area.



- 10.39 The overall quality of materials and finishes is considered to be key to the success of the proposal. Conditions are attached with regard to materials and painted areas to ensure that a development of an appropriate high quality would be delivered.
- 10.40 Previously the front of the site onto Holloway Road was partially defined with a low level brick wall and bollards, with a paved area to the rear of this. It is proposed to introduce a consistent railing treatment and gates to the front of the site with landscaping to the rear of this. The introduction of a consistent frontage treatment and landscaping would enhance the setting of the building and would be more in keeping with the landscaped gardens of the adjoining properties to the south. However, a condition is recommended to ensure that the proposed railings are of a traditional design in keeping with the character of the building. On the Mercer's Road elevation and surrounding the rear yard would be a brick wall and railings, which together would provide consistency with the other materials at the site.
- 10.41 The proposal includes the installation of powder coated bin and cycle stores within the front garden area onto Holloway Road. These would appear incongruous and overly prominent in the front garden areas thereby harmful to the character and appearance of the Mercer's Road Conservation Area. It can be accepted that there are limited opportunities to accommodate bin and cycle storage elsewhere on the site without undermining the viability of the scheme. It is considered that there is potential for an improved arrangement of the bin and cycle storage to the front of the building. As such, a condition is recommended requiring revised details of bin and cycle stores to be submitted to and approved by the Local Planning Authority prior to first occupation. However, it is considered unlikely that concerns around the appearance of the enclosures could be fully overcome. Accordingly, it is considered that the bin and cycle stores would be likely to result in less than substantial harm to the character and appearance of the conservation area. In accordance with paragraph 134 of the NPPF, the harm should be weighed against the public benefits of the proposal, which include the refurbishment of the existing building and the delivery of new housing.
- 10.42 An objection has been received on the basis that the existing shop front to the retail unit is out of character with the remainder of the building and it should be replaced with a bay window to match the building. The existing retail unit will accommodate the proposed business (Use Class B1) unit and bay window arrangement may not be appropriate to the proposed use of the unit. An appropriate appearance for the unit will be secured through the proposed materials condition (condition 3).
- 10.43 Overall, it is considered that the proposal will maintain the character and appearance of the Mercers Road / Tavistock Terrace Conservation Area, in particular through the retention and enhancement of an attractive building which has been in a state of disrepair for a considerable period of time. The proposed mews building would replace an unsightly rear extension to the existing building and would not result in harm to the character and appearance of the Conservation Area.

### **Density**

- 10.44 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development proposes a total of 16 new residential dwellings comprised of 44 habitable rooms (hr).
- 10.45 In assessing density, it is necessary to consider that the London Plan policy notes that it would not be appropriate to apply these limits mechanistically with local context and other considerations to be taken into account when considering the acceptability of a specific proposal.

- 10.46 The site has a public transport accessibility level (PTAL) of 5, which is 'Very Good'. In terms of the characteristics of the area, this would be defined as Urban by the London Plan. The London Plan for areas of this PTAL rating identifies the suggested residential density range of 200-700 hr/ha or 70-260 u/ha.
- 10.47 The proposed development has a residential density of 489 hr/ha and 178 u/ha, both of which are within the density range of the London Plan policy.

### **Accessibility**

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

### A new National Standard

- 10.49 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.50 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. London Plan 2016 Policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3.

### Accessibility Assessment:

- 10.51 The main part of the site is currently accessed via steps up to the main entrances at upper ground floor level. The proposal would therefore not have level access to the residential units within the terraced block. It is noted that the Council's Access and Inclusive Design Officer has advised that open aspect platform lifts could be installed to provide level access to the upper and lower ground floor units. However, the installation of lifts within the front lightwells would reduce the daylight/sunlight received to the lower ground floor flats, whilst also potentially requiring an increase in the light wells. Of more significance is the internal access, whereby should level access be provided to the upper ground floor there would not be any access to the upper floor units.
- 10.52 Although the applicant details that the two mews dwellings would be wheelchair accessible, the two-bedroom unit would not have living space at ground floor level and the bathroom would not be accessible. The proposed 3 bed unit would have level access, living space and an accessible W.C at entrance level and a platform lift to the upper floor. As such, whilst the provision of a wheelchair unit over two floors is not desirable it would meet with the requirement of Category 3 of the Building Regulations.
- 10.53 Although the failure of the majority of the proposed residential units to meet Category 2 standards is regrettable, due to the site constraints, inclusive of the historic layout of the locally listed building and the limited space available for the provision of the mews units, in this case the provision of Category 1 is sufficient.
- 10.54 The proposed office space would have level access from Holloway Road, however there would be stairs between 461 and 463 Holloway Road and the lower ground floor level. To ensure the

office space is accessible and inclusive a condition is recommended requiring details of accessible WCs to the office and means of access to the different floor levels (condition 11).

10.55 Although the proposal does not include any wheelchair accessible housing the proposal generates a requirement for an additional wheelchair accessible parking bay to be provided. The legal agreement requires the applicant to provide a contribution towards the provision of accessible parking bays within the locality where this may be possible or to provide a contribution towards other accessible transport initiatives.

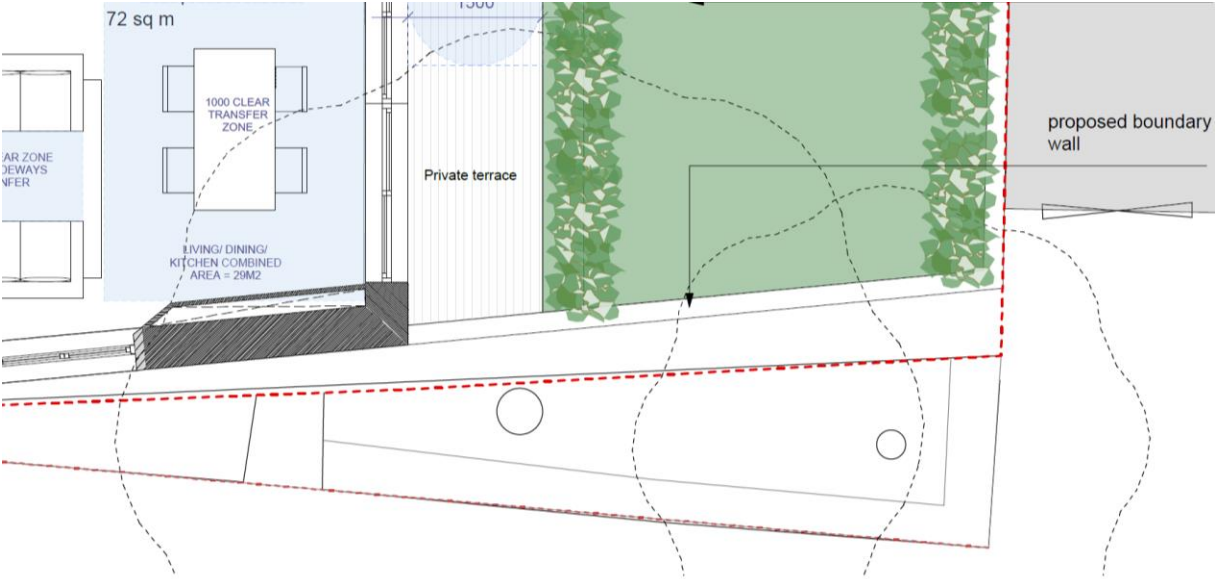
**Landscaping and Trees**

10.56 Policy DM6.5 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas, which expands on the aims of Core Strategy Policy CS15. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation.

10.57 The proposal includes landscaping across two communal areas at the site, comprising hardstanding areas, planters, a soft landscaped communal garden and three trees. The successful use of landscaping would enhance the setting of the building and provide planting and trees visible from Holloway Road. A condition is recommended requiring details of the landscaping and tree planting to be submitted to and approved in writing by the Local Planning Authority.

10.58 There are no trees within the site. However, there are two trees immediately to the rear of the site. The submitted Arboricultural Impact Assessment details the protection of these trees during construction and the pruning of these trees in discussions with the Council. The Council's Tree Preservation Officer has raised concerns that construction impacts may make retention of a wild cherry tree immediately adjacent to the proposed mews building unfeasible. Furthermore, if the tree survives development there will be post development pressure to prune or remove the tree due to its proximity to the development. At the time of writing additional information is awaited from the applicant's arboricultural consultant and an update will be provided at the committee meeting.

Location of tree adjacent to mews building and external amenity areas



## Neighbour Amenity

- 10.59 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.60 Overlooking/Privacy: policy identifies that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.61 The proposed units within the existing terraced building would utilise the existing window openings in the property. The windows which face over Holloway Road would not result in any harmful overlooking. A roof level window is proposed in the northern elevation of the building which would face towards the residential properties within 465 Holloway Road. However, these views would be across a highway and would therefore not constitute a loss of privacy.
- 10.62 The windows in the mews element of the development would be set closer to the Collingwood Business Centre to the south of the site. On the basis that the windows within the mews units would face a commercial premises it is considered that they would not result in unacceptable overlooking. It is noted that the prior approval for conversion of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the Collingwood Business Centre from office to residential use was granted in 2015. However, the conversion does not appear to have been undertaken. In the event that it is converted there will be some increased mutual overlooking. However, the windows within the mews unit would be located at ground and first floor level whilst the windows within Collingwood House would be located at 2<sup>nd</sup> and third floor level. In view of the location of the windows on the buildings any direct overlooking would be limited and it would predominantly be at an oblique angle. There would be an 18m separation between Collingwood House and the existing terraced building and in the event that the 2<sup>nd</sup> and 3<sup>rd</sup> floor of Collingwood House was converted to residential there would not be any harmful overlooking.
- 10.63 An inset balcony and window at first floor level of the mews building would face towards the residential property at 1 Mercers Road, this view would be across a highway and therefore it would not constitute a loss of privacy. The inset balcony and first floor window in the south end of the mews would face over the proposed shared amenity space at the site and towards a parking area to the rear of Manor Mansions and would not result in any unacceptable overlooking.
- 10.64 Noise and Disturbance: The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers as the proposed use as offices and residential are compatible the surrounding predominantly residential and commercial uses. Furthermore, the main entrance to the site is from Holloway Road, which is a busy route through the borough. As such, it is considered that the level of pedestrian activity generated by the development would not give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents.
- 10.65 With regard to servicing, the limited scale of the proposed office development would ensure that servicing requirements are limited and could be accommodated on Mercers Road without detrimentally impacting upon the amenity of neighbouring occupiers.

10.66 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.

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

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

And

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

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

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

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

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

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

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

- 1 Mercers Road; and
- 465 Holloway Road.

10.71 1 Mercers Road: The Daylight Sunlight Report demonstrates that while there would be some reductions in VSC and NSL to the living room bay window at this site, the level of reduction would be minimal and would be in accordance with the BRE Guidelines. There would be no reduction in sunlight to this property.

10.72 465 Holloway Road: The Daylight Sunlight Report details that five windows in this property would have reductions in both VSC and NSL. However, the reductions are minimal and would be in accordance with the BRE Guidelines. There would be no reduction in sunlight to this property.

## Quality of Residential Accommodation

- 10.73 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.74 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes of policy DM3.4 of the Development Management Policies 2013.
- 10.75 A 43m<sup>2</sup> studio flat is proposed on the ground floor at 457 Holloway Road. Policy DM3.4 resists studios where these could be amalgamated to form larger units. However, were this unit to be amalgamated either vertically or laterally; this would result in either an overly large unit in one case or an undersized unit in another case, which is not desirable. As such, in this case it is considered that the provision of a studio flat is acceptable in this case.
- 10.76 Aspect and outlook: There would be a separation of approximately 4.5m between the mews block and the refurbished block resulting in poor outlook from some ground and first floor windows, as illustrated below. However, on the basis that of the proposed units would have a dual outlook it may be considered that, overall, the outlook from the proposed residential units would be satisfactory.
- 10.77 The mews building immediately adjoins an access road which is not within the applicant's ownership. The owner of the land could, in theory, erect a means of enclosure as a permitted development in front of windows which would block outlook and cause a loss of light. The applicant has been asked to provide an assurance, for example details of an easement over the land, to satisfy Officers that such a scenario could not occur. A verbal update will be provided at the committee meeting.

### Partial ground floor plan



## Partial first floor plan



- 10.78 **Overlooking/Privacy:** The proposed mews building would incorporate ground floor windows facing back towards the rear windows of the terrace building, which would result in some mutual overlooking. Within the mews, these windows are secondary and therefore a condition is recommended requiring these windows to be obscurely glazed.
- 10.79 Although, the proposal includes a number of lower ground and ground floor windows that face onto communal open space these all include suitable defensible space. Although the ground floor windows in the west side of the mews dwelling would be located directly on the rear boundary of the site and would not have any defensible space, these windows would face onto a service road and would be set back from the neighbouring properties. Due to this and the inclusion of wooden screens, this is considered to be acceptable in this case.
- 10.80 **Daylight/Sunlight:** Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of daylight and sunlight.
- 10.81 With regard to the units within the existing terraced building, the submitted Daylight Sunlight Assessment makes an assessment of the lower ground, ground and first floor windows/rooms at the site. This shows that a number of lower ground and ground floor windows would have insufficient VSC. However, all of the units would have good levels of ADF, which is a more reliable test for actual light levels within rooms. While the windows/rooms at second and third floor level have not been tested, all of the first floor windows have daylight figures far in excess of minimum requirements.
- 10.82 The proposed mews dwellings would comfortably exceed the BRE Guidelines for daylight. The assessment does not assume that the proposed timber privacy fins will be in place in front of the north-west facing windows. However, suggested condition 13 provides for obscure glazing to be used as a means of maintaining adequate privacy and this would ensure adequate daylight to the rooms served by these windows.

- 10.83 As such, it is considered that the proposed residential units would have sufficient levels of daylight and sunlight.
- 10.84 Amenity Space: Policy DM3.5 of the Development Management Policies identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above).
- 10.85 Although the scheme includes two family units at third floor level, due to the site constraints it is not possible to provide private amenity space in the form of balconies or terraces to the existing locally listed building at the property. As such, the proposal relies predominantly upon two communal external areas for the provision of amenity space; one to the front of the site and one within a rear courtyard. The communal area to the front of the site would face onto Holloway Road, however it would be set back from the road by a wide pavement, and would provide some usable space. The area within the rear of the site is more restricted in size but due to its location and the provision of soft landscaping it would be likely to get more use.
- 10.86 Notwithstanding the communal areas, the two bed unit within the mews building would have a private balcony area measuring 7 square metres, which is in accordance with minimum requirements. Furthermore, while the family unit within the mews would have 17 square metres of amenity space, which is below minimum standards, this would contribute towards the amenity of this larger unit. Two lower ground floor units would also have limited private amenity space within rear lightwells.
- 10.87 It is considered that the overall provision of private and communal amenity space is poor. However, it can be accepted that any increase in the provision of amenity space would require a reduction in the amount of development which would be likely to undermine the financial viability of the scheme. In view of the constraints of the site and the existing building it is considered that the provision of communal space is acceptable in this case and would provide some usable space for the residential occupiers.
- 10.88 Noise: A condition is recommended requiring all residential units to include sufficient sound insulation to meet British Standards.
- 10.89 Refuse: Separate commercial and residential refuse stores would be provided within the front area of the site.
- 10.90 Play Space: The proposal would result in a child yield of 2, which requires 10 square metres of play space to be provided based on Islington’s requirement of 5 square metres per child (including semi-private outdoor space, private outdoor space and gardens suitable for play). It is considered that there is limited opportunity to meet the requirements in view of the constraints of the site.

### **Dwelling Mix**

- 10.91 The scheme proposes a total of 16 residential units with an overall mix comprised of:



<b>Dwelling Type</b>	<b>Private (No. units / %)</b>	<b>Policy DM3.1 Target Mix</b>
One Bedroom	9 / 56%	10%
Two Bedroom	4 / 25%	75%
Three Bedroom	3 / 19 %	15%
Four Bedroom or more	0 / 0%	0%
<b>TOTAL</b>	<b>16</b>	<b>100%</b>

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

10.93 The dwelling mix has an over provision of 1 bedroom and 3 bedroom units and an under provision of 2 bedroom units. However, the layout of the existing building is considered to be a significant constraint to providing a policy compliant unit mix and it is considered that the proposed layout and unit mix is determined by the existing layout of the building.

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

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

10.95 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to provide a more balanced mix of tenures in all parts of London and that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS12 (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 over the threshold set above, taking account of the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable, subject to a financial viability assessment, the availability of public subsidy and individual circumstances on the site.
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'
- ensuring affordable housing units are designed to a high quality and be fully integrated within the overall scheme.

10.96 Islington Core Strategy policy CS12 is clear that sites capable of delivering 10 or more units gross are required to provide the maximum viable level of on-site affordable housing, especially social rented housing, subject to a financial viability assessment.

## Financial Viability Assessment

- 10.97 At application stage a FVA was submitted which sought to demonstrate that the scheme cannot viably make any affordable housing contributions, either on-site or as a payment in lieu of on-site provision. The applicant's FVA adopts a 'market' value approach to the benchmark land value which is defined by RICS Guidance. This approach is contrary to the Mayor's Housing SPG and the Council's Development Viability SPD which promote an existing use value (EUV) 'plus' approach basis for benchmarking viability. The proposed 'market' value is informed by what the applicants advisors considered to be three comparable land sales and two new build transactions.
- 10.98 The applicant's FVA was reviewed by BPS who considered that the benchmark land value of £3 million (using the applicant's interpretation of the 'market value' approach) was significantly overstated. The application site has a very low or negligible EUV and in this respect is relatively unique compared to most urban sites where higher existing use values are the norm rather than the exception. BPS took into account that the existing use value of the site is potentially negligible and considered a number of valuation methodologies including an alternative use value (AUV) based upon an independent development of the proposed mews house to the rear and resumption of ground floor retail activity in the existing property. At this stage BPS suggested that there was no inherent value arising from the upper parts of the existing building without substantial conversion works and then only to residential use which would trigger the council affordable housing policies. BPS suggested that the scheme would generate an AUV of £950,000.
- 10.99 BPS note that it is not clear how the applicant has taken planning policy into account when arriving at the proposed benchmark figure. Actual land transactions reflect site specific factors and the individual circumstances of developers whereas planning viability assessments are based on standardised market assumptions. The applicant's FVA indicates that the site's market value is informed by comparison sites where prior approval has been granted for conversion from offices to residential with no affordable housing requirement. BPS note that the absence of affordable housing requirements will have inflated the values of these sites.
- 10.100 It should be noted that an appeal was recently dismissed in relation to a proposed development at the Former Territorial Army Centre, Parkhurst Road, Islington N7 0LP. The appeal Inspector considered whether a market based approach to establishing benchmark land value was appropriate. The Inspector's report noted at paragraph 39 that:

'It seems to me that a purely market based approach to site valuation where there are no demonstrably comparable schemes available for benchmarking seeks to prioritise the third limb of paragraph 023 of the PPG dealing with viability. Such an approach simply allows for a comparison against other transacted bids which may or may not have had comparable attributes such as EUV, AUV or abnormal costs for example. Such an approach diminishes the importance of the first limb of the PPG guidance, which requires land value to be informed by policy. This position aligns with Paragraph 4.1.5 of the Mayor's Housing SPG which states that a market value approach should only be accepted where it can be demonstrated to properly reflect policy requirements and take account of site specific circumstances.'

- 10.101 This decision lends strong support to the view that a market value approach to determining a benchmark land value is inappropriate.

## Revised Financial Viability Assessment

- 10.102 The application was subsequently amended following discussions with officers which resulted in the introduction of business floorspace on the ground floor and a reduction in the number of

residential units. The applicant submitted an updated FVA to reflect the revisions to the scheme and BPS issued an updated report in March 2017. There remained disagreement in relation to the approach to benchmark land value and consequently to the overall financial viability. BPS noted that it is unlikely that a shared opinion on the approach to benchmarking site value will be reached.

10.103 BPS previously calculated the scheme could deliver a financial contribution in lieu of on-site affordable housing of £500,000, whilst the applicant has made an offer of £250,000 which is based upon an anticipated growth in values of the residential units. In view of the updated assessments and limited difference between the affordable housing contributions, BPS have reviewed the other areas of disagreement between the parties.

10.104 In BPS' initial assessment of AUV no value allowance was made against the existing office premises on the basis that office use was no longer viable. Although the former offices were previously considered to have a nil current use value BPS subsequently reconsidered whether it would be realistic to ascribe a value to the built form to allow a contrast between a cleared site. This recognises that were consent to be granted for the proposed scheme the developer would benefit from the presence of an existing structure for conversion rather than be faced with the cost equivalent of new build. BPS note that the cost advice indicates a high reuse cost rate and as such there may not be a material cost advantage to reuse rather than rebuild, but it is also logical to assume that a rational developer would adopt the route which generated highest sales values relative to cost. In this sense conversion of the existing structure must be viewed as potentially conferring an advantage over new build. Moreover, BPS noted that the previous nil valuation may not adequately reflect a land owners realistic hope value.

10.105 Taking into account the above, BPS included an allowance for the office space at £400,000 (£40 per sq ft) into the previous AUV would result in an updated AUV of £1,350,000. This adjusts the residual value surplus to £250,000 for the affordable housing contribution.

10.106 BPS advise that ascribing a value to the former offices is not incompatible with an EUV/AUV approach. Equally the earlier nil valuation of this space could be argued to not adequately reflect a land owner's realistic hope value, acknowledging that consent for a change of use is implicit having established the current use as offices is no longer viable. BPS state that there is scope to apply a more flexible approach to defining AUV as part of our benchmark which as accounted for above would indicate the applicant's affordable housing offer is the maximum reasonable sum.

10.107 Given uncertainty over future costs and values BPS suggest that that a review of viability is undertaken on an outturn basis in order to capture a fair proportion of any potential uplift in scheme value in accordance with the Council Development Viability SPD, which the applicant has agreed to. The Council's Development Viability SPD indicates that advanced stage reviews should be undertaken upon the sale of 75% of the units and any surplus generated over and above the returns detailed within the FVA could be secured towards off-site affordable housing or carbon offset.

### Conclusion

10.108 It is considered that the revised approach to the AUV proposed by BPS in which some value is attached to the existing structure stands to reason and is therefore appropriate. It is noted that a £250,000 payment in lieu of on-site affordable housing represents a relatively low contribution given the scale of the proposed development. However, it is acknowledged that the costs associated with the renovation of the existing building are high whilst the retention and enhancement of an attractive locally listed building within the Mercers Road Conservation Area is desirable. Officers are therefore satisfied that the proposed contribution is the maximum that could be reasonably supported and the proposal is considered acceptable in terms of financial

viability and affordable housing. A review mechanism has also been agreed with the applicant, which will have the potential to capture a fair proportion of any uplift should values and costs change.

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

- 10.109 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.110 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013, unless it can be demonstrated that such provision is not feasible. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Typically all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (CS10).
- 10.111 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.112 Carbon Emissions: Policy CS10A states that the promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO<sub>2</sub> emissions associated with the building through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 10.113 Paragraph 2.0.7 of the Council's Environmental Design states that the Council's 'CO<sub>2</sub> reduction targets apply to all major developments, including refurbishments. It is accepted that some schemes, particularly refurbishment schemes, may struggle to reach the relevant target. In such instances the onus will be on the applicant to demonstrate that CO<sub>2</sub> emissions have been minimised as far as reasonably possible.'
- 10.114 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO<sub>2</sub> emissions reduction target. The final stage of the hierarchy requires developers to:
- '...offset all remaining CO<sub>2</sub> emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO<sub>2</sub> emissions

from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO<sub>2</sub> for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.

- 10.115 There has been disagreement between the applicant and the Council's Energy Conservation Officers regarding the appropriate baseline for calculating carbon emissions reductions. The Council's Energy Conservation Officer advises that the baseline for calculating carbon emissions reductions should be derived from Building Regulations Part L1A. The applicant notes that Part L of the building regulations is split into two categories with Part L1B covering refurbishments and Parts L1A and L2A covering new builds. The Council's Energy Conservation Officer advises that Parts L1A/L2A of the building regulations go into calculation of Target Emissions Rates (TER) in detail. However, Part L2A/L2B, focusing on existing buildings, do not really address or require TERs. Therefore, by implication, the SPD requires calculation of a baseline using Parts L1A/L2A.
- 10.116 The applicant has calculated that, based upon a L1B baseline, the refurbished building would achieve a 49.3% carbon reduction against a 2013 baseline target, which would give rise to a requirement for a £44,231 carbon offset contribution. Furthermore, the new build building would achieve a 10.2% carbon reduction against a 2013 baseline target giving rise to a requirement for a £7,439 carbon offset contribution. The total carbon offset contribution on this basis would therefore be £51,670.
- 10.117 The required contribution based upon an L1A baseline for the entire scheme is not known as an L1A baseline calculation has not been undertaken. However, the contribution would be a greater than that based upon a L1B baseline. The Environmental Design SPD acknowledges that refurbishment schemes may struggle to meet relevant CO<sub>2</sub> reduction targets and provides for applicants to demonstrate that carbon emissions have been minimised. However, the SPD is clear that the requirement for a financial contribution relates to all major developments and does not differentiate between new build and refurbishment schemes. A L1A calculation has been sought and an update will be provided at the committee meeting. Recommended condition 14 will be updated based upon this calculation.
- 10.118 The proposed development will re-use the structure of the existing terraced building and it can be accepted that this would be likely to result in less carbon emissions from construction than a complete new build scheme and therefore results in a benefit in terms of sustainable development.
- 10.119 A carbon offset payment of £21,840 is indicated within the BPS viability model. This sum was based upon carbon reduction calculations carried out at an earlier stage of the application process and is no longer of any relevance in terms of carbon offset. However, on the basis that it has been accepted in financial viability terms that the proposed development could not viably support an increased carbon offset contribution, a contribution of £21,840 is considered acceptable.
- 10.120 Efficiency: The proposal, in the most part, is a refurbishment a historic terrace building and the application proposes significant improvements over the existing building. While some of these elements fall below expected standards, they would represent an improvement to the U-values, air tightness and 100% low energy efficient lighting. This would represent a significant improvement in efficiency over the existing building. The proposed mews units would meet expected standards.
- 10.121 Heating and shared heating networks: Policy DM7.3 of the Development Management Policies document identifies that major development should connect to a Shared Heating Network

linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible. There is no network within 500 metres of the site, the site does not fall into an opportunity area as identified in the London Plan and there are no opportunities for a shared network in the vicinity. In such cases, policy 5.6 of the London Plan and Islington's Environmental Design SPD set out that a site wide CHP should be provided, or where not feasible then a communal heating (and cooling where relevant) system should be installed.

10.122 A site wide communal heating system would require the construction of a central boiler/energy centre, which for a development of this scale and within an existing locally listed building being refurbished rather than re-built, it is not considered to be economically or practically feasible in this case. In order to ensure that the inclusion of individual boilers does not preclude any future connection the system should be designed to be future proofed for connection to a district heating network and this will be secured with a S106 legal agreement.

10.123 Renewables: The proposal precludes the use of photovoltaic panels due to the roof of the mews dwellings being largely overshadowed and the design and heritage implications of adding these to the roof of the main building. This has been accepted by the Council's Energy Services Team.

10.124 Overheating and Cooling: The overheating modelling and cooling hierarchy is acceptable.

10.125 Sustainability: The proposed dwellings within the refurbished building are detailed to achieve a rating of 'Excellent' under BREEAM Domestic Refurbishment 2014 scheme and the proposed mews houses include sustainable measures that are equivalent to the former Code for Sustainable Homes Level 4 (to be confirmed by applicant), which is in accordance with policy. The office element of the proposal is conditioned to achieve a BREEAM Office Refurbishment and fit-out rating of 'Excellent'.

10.126 Green Performance Plan: This is secured in the legal agreement.

10.127 Sustainable Urban Drainage: The SUDS strategy has been reviewed and accepted by the Council's Sustainability Officer. The details are secured by condition (Condition 15).

10.128 Water Usage: The water usage of the proposal is secured by condition.

10.129 The energy and sustainability measures proposed are, on balance, considered to be acceptable, and accord with London Plan and Islington Policies.

### **Fire Safety**

10.130 Policy 7.13 of the London Plan is concerned with Safety, Security and Resilience to Emergency and states, inter alia, that:

'Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.'

10.131 The London Fire and Emergency Planning Authority and the council's Building Control team have commented on the proposed development. Neither consultee has raised an objection to the proposed development in principle,

10.132 Queries have been raised regarding means of escape from the ground floor accommodation within the mews building. Timber privacy fins are indicated on the north west elevation of the mews block which would prevent the use of these windows as a means of escape. Furthermore, the mews building immediately adjoins an access road which is not within the applicant's ownership. The owner of the land could, in theory, erect a means of enclosure as a

permitted development in front of windows which would provide a means of escape in the event of a fire. The applicant has been asked to provide an assurance, for example details of an easement over the land, to satisfy officers that the proposal is acceptable in fire safety terms. A verbal update will be provided at the committee meeting.

10.133 An informative (7), advising the applicant to contact the council's Building Control team in relation to fire safety, and to refer to the comments of the London Fire and Emergency Planning Authority dated 19/09/2016 (in which advice regarding the use of sprinklers was provided), is recommended.

### **Highways and Transportation**

10.134 The site has a Public Transport Accessibility Level (PTAL) of 5, which is 'Very Good'. The site is located in close vicinity to a number of major bus routes along Holloway Road, Upper Holloway Overground Station and Tufnell Park Underground Station in close proximity to the site.

10.135 Public Transport Implications: The site is located within a highly accessible location, it includes 24 residential and 1 commercial cycle parking spaces, and the introduction of residential would not significantly increase the level of site use from the lawful use as offices. As such, the proposal would not detrimentally impact upon the surrounding transport infrastructure.

10.136 Vehicle Parking: The site currently has a parking area to the rear within a courtyard accessed off a service road. The proposal would remove all onsite parking, which is supported.

10.137 Residential occupiers of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure, this is secured in the legal agreement. The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are currently living in residential properties within Islington prior to moving into the development and they have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. These residents are able to transfer their existing permits to their new homes. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ. It is noted that the service road to the rear of the site is private land and should not be used for servicing or parking in relation to the proposed development.

10.138 Delivery and Servicing Arrangements: With regard to servicing, Holloway Road is a TFL red Route and stopping is not permitted at any time. Servicing would take place on Mercers Road and it is considered that the servicing requirements are limited and could be accommodated on Mercers Road without detrimentally impacting upon the amenity of neighbouring occupiers.

10.139 Refuse collection would continue to take place on-street on Holloway Road and Mercers Road, as is currently the case.

10.140 Cycle Parking: In accordance with Appendix 6 of the Development Management Policies 2013 the proposal should provide 24 cycle parking spaces for the residential element of the proposal and 1 cycle parking space for the office use.

10.141 The proposal includes cycle stores to the front of the site for the residential and commercial units within the refurbished terrace building, while to the rear two cycle spaces would be provided within porch storage areas for the two mews dwellings. The level of provision of cycle storage has not been detailed on the plans and as such a condition is recommended requiring details to be submitted.

10.142 Construction: The legal agreement secures the repair and re-instatement of the footways and highways adjoining the development; and that the development would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee. A condition is recommended requiring the submission of a Construction Environmental Management Plan to minimise disruption to surrounding streets and residential amenity (condition 4).

10.143 TfL have requested that a construction logistics plan is secured by condition (condition 21).

10.144 Conclusion: The proposal is not considered to give rise to any particular concerns from a highways point of view. Comments have been sought from the Council's highways officer and an update will be provided at the committee meeting.

### **Planning Obligations/Mitigations/CIL**

10.145 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.

10.146 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.

10.147 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 onsite 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.

10.148 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.

10.149 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.

10.150 The agreement will include the following agreed heads of terms:

- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of



affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.75 as at 10/07/2017). If these placements are not provided, LBI will request a fee of £5000;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £1600, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Car free residential units – removal of future resident's rights to obtain an on street parking permit;
- The provision of one additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £2000;
- The wheelchair accessible unit shall be required to be marketed as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by the unit and the specific qualities and capacity of the wheelchair accessible unit in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development;
- CO2 offset contribution of £21,840;
- Green Performance Plan;
- Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future;
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

10.151 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 CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £87,701.81 for the Mayoral CIL and £143,189.62 for the Islington CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

## 11. OVERALL ASSESSMENT, SUMMARY AND CONCLUSION

### Overall Planning Assessment

- 11.1 It is noted that the proposed development falls short of policy requirements in a number of respects whilst providing a standard of residential accommodation which may be considered less than satisfactory. In particular, it is noted that the proposed development is compromised in terms of the following:
- Loss of employment floorspace within an Employment Growth Area
  - Loss of retail use
  - Lack of wheelchair housing and poor accessibility
  - Provision of a ground floor studio unit contrary to Policy DM3.4
  - Inadequate provision of communal and private amenity space
  - Unsatisfactory dwelling mix
  - Cramped layout resulting in poor outlook from some rooms
  - Potential from mutual overlooking from Collingwood Business Centre
  - Less than substantial harm to the character and appearance of the Mercer's Road Conservation Area by reason of the bin and cycle stores located to the front of the terraced building.
- 11.2 It is therefore considered that, overall, the scheme is significantly compromised in policy terms and in terms of the quality of the proposed development. It is noted that the site and the existing building are subject to significant constraints. The existing terraced, locally listed building is an attractive building and the applicant was advised at pre-application stage that its demolition would not be supported. The terraced building is also in a very poor condition internally and the extent of the required renovation works results in a significant costs associated with redevelopment of the site. The existing building is also in a state of disrepair externally and the site has been boarded up for several years resulting in harm to the street scene
- 11.3 The applicant has demonstrated that the scheme cannot viably provide any additional employment floorspace and it is therefore considered that there is sufficient justification for the loss of the employment floorspace. Accordingly, the loss of the employment floorspace may be considered a necessary cost of bringing the building back into use. In view of the scale and siting of neighbouring development it is considered that, even if demolition were an option, there is limited opportunity to increase the scale of development on the site and therefore to deliver additional planning benefits such as an increased employment floorspace and/or affordable housing.
- 11.4 The mix of the accommodation within the terraced building is determined by its layout which has constrained the opportunity to provide a policy compliant mix of units and has also informed the decision to provide a studio flat at ground floor level. The shortcomings against policy requirements can therefore be attributed to the constraints of the existing building. It is noted that all of the units will be dual aspect and will exceed minimum space standards and in this respect will provide a good quality of residential accommodation.
- 11.5 The quantity and quality of private and communal amenity space is considered to be poor. The scheme was revised during the application process to increase the provision of private and communal amenity space. It is noted that any increase in the provision of amenity space would require a reduction in the amount of development proposed. The applicant has satisfactorily demonstrated that, in viability terms, any reduction in the amount of development proposed in order to provide additional amenity space would likely be unviable.

- 11.6 The provision of the mews building to the rear of the site gives rise to some concerns from a design point of view due to the cramped layout and poor outlook from some of the ground and first floor windows. However, it has been demonstrated that the mews building is necessary in viability terms and is therefore required if the renovation of the existing terraced building is to be realised.
- 11.7 The bin and cycle stores are considered likely to result in less than substantial harm to the character and appearance of the Conservation Area. In accordance with paragraph 134 of the NPPF this harm can be balanced against the public benefits of the proposal which include the delivery of new housing and the refurbishment of the locally listed building.
- 11.8 The scheme is considered to be less than satisfactory in terms of accessibility. This can again be attributed to the constraints imposed by the site and the existing building and can be justified. The loss of the retail unit can be justified as set out earlier in this report.
- 11.9 In conclusion it is considered that the proposed development is significantly compromised both in policy terms and in terms of the overall quality of the scheme for the reasons identified above. However, it is considered that, in view of the constraints of the existing building and the site, the shortcomings of the scheme can be justified. It is therefore considered that the applicant has adequately demonstrated that a compromise in policy terms and in terms of the quality of new development is necessary if the existing building is to be refurbished and brought back into use. It is considered that the existing, locally listed building is attractive and its refurbishment and re-use is a desirable outcome. The delivery of 16 new residential units which will provide a reasonable standard of internal accommodation along with the provision of 119m<sup>2</sup> business floorspace suitable for occupation by an SME and a £250,000 payment in lieu of on-site affordable housing are amongst the benefits that can be weighed in favour of the proposal. It may therefore be considered that, on balance, the proposal is acceptable.

### **Summary**

- 11.10 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.5 of this report.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission and listed building consent 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:

- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.75 as at 10/07/2017). If these placements are not provided, LBI will request a fee of £5000;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £1600, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Car free residential units – removal of future residents rights to obtain an on street parking permit;
- The provision of one additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £2000;
- The wheelchair accessible unit shall be required to be marketed as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by the unit and the specific qualities and capacity of the wheelchair accessible unit in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development;
- CO2 offset contribution of £21,840;
- Green Performance Plan;
- Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future.

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

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

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

**RECOMMENDATION B**

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

**List of Conditions:**

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1803 (02)000 Rev P1; 0803 (02)001 Rev. P3; 1803 (02)002 Rev. P2; 1803 (02)003 Rev. P3; 1803 (02)004 Rev. P3; 1803 (02)005 Rev. P3; 1803 (02)006 Rev. P3; 1803 (02)007 Rev. P3; 1803 (02)008 Rev. P3; 1803 (02)009 Rev. P2; 1803 (02)010 Rev. P3; 1803 (02)011 Rev. P3; 1803 (02)012 Rev. P3; 1803 (02)013 Rev. P3; 1803 (02)100 Rev. P2; 1803 (02)101 Rev. P2; 1803 (02)102 Rev. P3; 1803 (02)103 Rev. P2; 1803 (02)104 Rev. P3; 1803 (02)105 Rev. P3; 1803 (02)106 Rev. P3; 1803 (02)107 Rev. P3; 1803 (02)108 Rev. P1; 1803 (02)200 Rev. P3; 1803 (02)201 Rev. P3; 1803 (02)202 Rev. P3; 1803 (02)013 Rev. P3; Design and Access Statement (06.08.2016); Addendum to Design and Access Statement (17.02.2017); Arboricultural Report (22.07.2016); Construction and Demolition Management Plan (Rev. A); Daylight and Sunlight Study (July 2016); Energy Strategy (Rev. 05); Sustainable Design and Construction Statement (Rev. 05); Environmental Noise Survey (19.05.2016); Planning Statement (August 2016); Health Impact Assessment; Structural Condition Survey Report (May 2016); Structural Engineering Report (June 2016); TM52 Overheating Study; Transport Assessment (27.07.2016); Underground Drainage Statement (July 2016);</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>

	<p>CONDITION: Details including drawings at scale 1:20 and samples of all facing materials used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the development. The details and samples shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>a) Facing brickwork(s); sample panels of proposed brickwork to be used showing the colour, texture, bond, and pointing;</li> <li>b) Paint colour;</li> <li>c) Windows, including materials, profile, reveal depth and detailing;</li> <li>d) Entrance doors;</li> <li>e) Any other materials used;</li> <li>g) A green procurement plan for sourcing the proposed materials.</li> </ul> <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. 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 order to ensure that the resulting appearance and construction of the development is of an acceptably high standard, so as to preserve and enhance the character and appearance of the surrounding townscape.</p>
<b>4</b>	<p><b>Construction Environmental Management Plan (Details)</b></p>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality,</p>
<b>5</b>	<p><b>External pipes, cables and CCTV (Details)</b></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 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>
<b>6</b>	<p><b>Landscaping (Details)</b></p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The landscaping scheme shall include the following details:</p>

	<p>a) soft plantings: including grass and turf areas, 5 medium sized trees, shrub and herbaceous areas;</p> <p>b) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>c) hard landscaping;</p> <p>d) lighting: including specification of all lamps and light levels/spill; and</p> <p>e) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>REASON: In the interests of residential amenity and ecological and biodiversity value.</p>
<b>7</b>	<b>Fixed Plant (Compliance)</b>
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>8</b>	<b>Sound Insulation between uses (Details)</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office use (B1a use class) and the residential use (C3) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the relevant part 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 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 the development does not have an adverse impact on amenity.</p>
<b>9</b>	<b>Sound Insulation from External Sources (Details)</b>
	<p>CONDITION: Prior to superstructure works commencing on site a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</p>

	<p>Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the future residents of the development do not experience unacceptable levels of noise from the adjacent road network.</p>
<b>10</b>	<b>Accessibility (Compliance)</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 1 (one) of the residential units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (3).</p> <p>A total of 1 x 3-bed unit shall be provided to Category 3 standards and shall be fully fitted out and ready for a wheelchair user at handover.</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.</p>
<b>11</b>	<b>Office Accessibility (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to the first occupation details of accessible W.Cs and a lift within the office (B1) floor space shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To secure the provision of accessible office space appropriate to meet diverse and changing needs.</p>
<b>12</b>	<b>Cycle and Refuse Stores (Details)</b>
	<p>CONDITION: Notwithstanding the details hereby approved, details of the location, layout, design and appearance of the refuse and cycle store(s) (which shall provide for no less than 24 cycle parking spaces for residential use and 1 for office use), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The cycle storage spaces and refuse stores shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking space and physical waste enclosure space is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
<b>13</b>	<b>Obscure Glazing (Details)</b>
	<p>CONDITION: Details of obscure glazing or timber screens to windows on the north-east elevation of the mews block shall be submitted to and approved in writing by the Local</p>



	<p>Planning Authority.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>14</b>	<b>Energy Efficiency (Details)</b>
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a tbc% on-site total C02 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.</p> <p>The revised energy strategy shall provide for no less than a tbc% on-site total C02 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>
<b>15</b>	<b>Sustainable Urban Drainage (Details)</b>
	<p>CONDITION: Notwithstanding the plans submitted, details of a drainage strategy for a sustainable urban drainage system and its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume for the 1 in 100year storm plus 33% climate change allowance and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha)and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear maintenance plan for the system.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>16</b>	<b>Ventilation (Details)</b>
	<p>CONDITION: Prior to occupation of the residential units, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. 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 future residents of the development do not experience overheating or poor quality air.</p>
<b>17</b>	<b>Water Usage (Compliance)</b>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>18</b>	<b>Tree Protection (Details)</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained prior to the any works being carried out which could impact the trees.</p>
<b>19</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM Office refurbishment and fit-out rating (2014) of no less than 'Excellent' for the office accommodation.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>20</b>	<b>Permitted Development (Compliance)</b>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no works under Schedule 2, Part 1 of the above Order shall be carried out to the dwellinghouses hereby approved without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouses in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>21</b>	<b>Construction Management Plan and Construction Logistics Plan (Details)</b>
	<p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted</p>

	<p>to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The reports should demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.</p> <p>The CMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Positive Statement</b></p> <p>INFORMATIVE: 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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<p><b>S106</b></p> <p>INFORMATIVE: You are advised that this permission has been granted subject to the completion of a S106 legal agreement to secure agreed planning obligations.</p>
<b>3</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL 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</p>

	<p>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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>4</b>	<b>Superstructure</b>
	<p>INFORMATIVE: DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>6</b>	<b>Thames Water</b>
	<p>INFORMATIVE: The applicants are reminded that Thames Water does not allow connections 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>Should your proposed building work fall within 3 metres of pipes connecting to a public sewer it is recommended that you email Thames Water a scaled ground floor plan of the property showing the proposed work and the complete sewer layout to <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> to determine if a building over/near to agreement is required.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>7</b>	<b>Fire Safety</b>
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on <a href="mailto:andrew.marx@islington.gov.uk">andrew.marx@islington.gov.uk</a> You are also advised to refer to the comments of the London Fire and Emergency Planning Authority dated 19/09/2016.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1. National Guidance

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

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2016 - 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 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 3.16 Protection and enhancement of social infrastructure

##### 4 London's economy

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

##### 6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 4.1 Developing London's economy  
Policy 4.2 Offices  
Policy 4.3 Mixed use development and offices  
Policy 4.7 Retail and town centre development  
Policy 4.8 Supporting a successful and diverse retail sector  
Policy 4.12 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 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

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

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

#### **Strategic Policies**

Policy CS3 Nag's Head and Upper Holloway Road  
Policy CS8 (Enhancing Islington's Character)  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Meeting the Housing Challenge)  
Policy CS13 (Employment Spaces)  
Policy CS14 (Retail and Services)

#### **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)

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

- DM4.4** Promoting Islington's Town Centres
- DM4.7** Dispersed Shops

#### **Employment**

- DM5.1** New Business Floor space
- 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

#### **Employment**

- DM5.1** New Business Floor space
- DM5.2** Loss of Existing Business Floorspace
- DM5.4** Size and affordability of workspace

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

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

#### **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

### **3. Designations**

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

- Employment Growth Area

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

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

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- Central Activities Zone SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- Crossrail Funding SPG
- London Planning Statement SPG
- London View Management

Framework SPG

- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Social Infrastructure SPG
- Sustainable Design and Construction SPG
- - Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG



**APPENDIX 3: Independent Viability Appraisal**

## 457 - 463 Holloway Road, London, N7 6LJ

Independent Review of Assessment of Economic Viability

27 July 2016



### 1.0 Introduction

- 1.1. BPS Chartered Surveyors has been instructed by The London Borough of Islington ('the Council') to review an Economic Assessment prepared by Gerald Eve on behalf of Metdist Enterprises Ltd ('the applicant') in respect of the property at 457-463 Holloway Road.
- 1.2. The property has B1 office use and consists of 4 Victorian terraced buildings over lower ground, ground and three upper floors. The site itself is approximately 0.09 hectares (0.22 acres) in area. It should be noted that the properties are locally listed.
- 1.3. The property is currently vacant and in a poor state throughout. The current owners are currently in the process of preparing a submission for a change of use to C3 residential.
- 1.4. The proposed change of use would result in the loss of 805 m<sup>2</sup> (8,665 ft<sup>2</sup>) of B1 office space which would be replaced by C3 residential space. Gerald Eve's (GE) economic assessment report dated May 2016 concludes that continued office use of the building is no longer viable. For this reason GE argue that the loss of employment space is justified under the Council's relevant policies on loss of employment space.
- 1.5. We have considered the property's suitability for continued office use in the context of national and local planning policy in respect of loss of employment space, taking into account the specialist advice that we have received from our independent Cost Consultant and from a specialist office agency, Crossland Otter Hunt ('Crossland'). We have also undertaken an internal and external inspection of the property.
- 1.6. We instructed Crossland to undertake an assessment of the building. This assessment focussed upon addressing the following questions:
  - What quality of space would the proposed level of refurbishment works deliver? This refers to a scenario which envisages refurbishment of the existing office space
  - What office rents can be expected for the office once refurbished?
  - What lettings are most likely to be secured?
  - What yields could be achieved for a refurbished and re-let office?
- 1.7. Crossland undertook an internal inspection of the building along with in-depth market research and analysis. Their final report can be found at Appendix B. We have been guided by Crossland's key conclusions when reviewing GE's feasibility study.

- 1.8. Our review has sought to examine the proposed assessment methodology as well as costs and value assumptions that have been applied in the GE assessment in order to determine whether this building has a future in office use.

## 2.0 Conclusion and Recommendations

- 2.1. Following our review of Gerald Eve's assessment and reflecting upon the advice provided by Crossland we are substantially in agreement with Gerald Eve as regards the future economic viability of retaining this property in office use given its current condition and the costs associated with bringing it to a condition which provides for its continued use into the longer term.
- 2.2. The marketing report prepared by Crossland also broadly agrees with Gerald Eve's conclusions in respect of the ongoing viability of office use.
- 2.3. Crossland makes the following observation concerning current ability of the property to attract tenants:

*We understand that [the offices] were recently occupied by the National Union of Students as office accommodation. The property was in a poor state of repair when inspected and is incapable of any form of occupation in its current condition.*

- 2.4. Given Crossland's unambiguous advice the only potential for continuation of office use is reliant on significant investment in a comprehensive refurbishment of the current accommodation. It is our considered view that the costs associated with bringing this building up to a modern lettable standard far outweigh the potential increases in income generated by this investment. In this context the enhanced rental value reflects the relative lack of an established market and demand for offices in this location and the constraints imposed by the internal layout of the available accommodation.
- 2.5. We have undertaken a residual valuation using the figures outlined in the Crossland report and this appraisal generates a negative residual value of -£1,690,065. This figure reflects a more positive assessment when compared to Gerald Eve's residual site value of -£2,248,650, however the point remains that both assessments show a substantively negative residual value confirming that a refurbishment option is far from economically viable.
- 2.6. Ultimately viability is constrained by the relatively low rental levels which could be anticipated for the refurbished space.

## 3.0 Crossland Report Findings

- 3.1. The Crossland report is set out in full in Appendix B. Their key conclusions concerning the building are set out below:
  - Although demand in the office market is currently quite strong the location of this property in relation to the nearest Tube station is a potential issue.
  - The accommodation is fragmented and would not provide desirable space for an occupier.
  - Accommodation of this type will at best secure tenants with poor covenant strength, reflecting their sensitivity to costs
  - Future lettings are likely to be based on shorter leases of typically 5 years with tenant breaks at the 3<sup>rd</sup> year giving limited income security.

- Reflecting on the lease length and tenant covenant strength there is a significantly enhanced risk of voids.
- 3.2. Crossland are of the opinion that the most likely letting scenario for a refurbished property would be through multiple lettings of small units and discount the possibility of a single letting due to the fragmented nature of the space available. This raises issues of covenant strength due to the relative weakness of smaller entities.
- 3.3. It has also been suggested by Crossland that the likely lease terms for letting the property would reflect short terms of five years in duration with a strong likelihood of tenants requiring a midterm break option. Moreover Crossland state that there would need to be a significant allowance for letting space when vacant given the apparent limitations of the accommodation, even when refurbished and the distance from the nearest tube station.
- 3.4. Crossland anticipate the optimum letting rate of £317.54 per m<sup>2</sup> (£29.50 per ft<sup>2</sup>) would be achieved on the ground and first floors with £296, £242 and £161.46 per m<sup>2</sup> (£27.50, £22.50 and £15 per ft<sup>2</sup>) on the 2<sup>nd</sup>, 3<sup>rd</sup> and lower ground levels respectively.
- 3.5. Reflecting the difficulties of letting the property, the likelihood of voids and the limited lease terms and relative lack of income security Crossland anticipate a net initial yield of 6% would be appropriate for a refurbished and let property.

#### **4.0 Discussion of Gerald Eve Methodology**

- 4.1. GE has considered a single option for the continuation of office use which discounts re-letting the property in its current condition and assumes an office refurbishment to the best achievable specification, given the constraints of the existing building.
- 4.2. GE has produced financial models based upon a 'hybrid' development and investment appraisal. They have aimed to produce appraisals showing the current day Internal Rate of Return (IRR) and an IRR which takes into account rental growth and cost inflation.
- 4.3. The cash flow model is a 12 year model that initially starts with a refurbishment void and rent free period. We discuss the separate assumptions applied to the different options in further detail below.
- 4.4. The works required have been predicated on the assumption that the building is in the condition it was when it was purchased and would require only minor refurbishment works. The costs of these works are anticipated to be £4,163,995 inclusive of Preliminaries at 12%, Overheads and Profit at 7.5% and Contingency at 5%. This total costs represents a rate of £3,046 per m<sup>2</sup> (£283 per ft<sup>2</sup>).
- 4.5. The rent assumed on this space equates to £291 per m<sup>2</sup> (£27 per ft<sup>2</sup>) for the 1<sup>st</sup> floor space down to £183 per m<sup>2</sup> (£17 per ft<sup>2</sup>) on the basement space. The space is assumed to be occupied on short term tenancies with a varying degree of rent free periods assumed as letting incentives depending upon the length of the lease.
- 4.6. An exit yield of 6.5% has been applied to the cash flow based upon advice supplied by Currell Chartered Surveyors and Gerald Eves' in house investment team. An

entry yield of 6.75% has been applied in order to reflect the existing condition prior to the refurbishment.

- 4.7. The scenario has been run on both a present-day and a forecast-growth basis with the following results;

	Present Day	Growth
Target IRR	12%	14%
Actual IRR	(-3.33%)	(-0.96%)

- 4.8. These results are below the target IRR as indicated by GE and as such they are of the opinion that the existing building has reached the end of its economic life in commercial terms, requiring substantial investment that would not generate a commercially acceptable return and therefore the property is not considered viable for continued office use.
- 4.9. GE believes that the property is coming to the end of its useful economic life as an office building and state that this is demonstrated by a number of characteristics of the building including issues surrounding multiple occupation, tenant turnover and covenant strength as well as building specific issues such as the layout and non-compliance with the needs of modern occupiers.
- 4.10. Although we accept the thrust of GE's findings we do not regard the methodology used by GE as suitable for this type of investment, in particular the application of a 10 year cash flow as a basis from which to compute the IRR. In our view this period only succeeds in negatively impacting IRR and as such we are of the opinion that a reversionary valuation post refurbishment should be applied. Reflecting the comparatively much short period that this implies and which would reflect a more typical investor timescale for seeking a return on such an investment.
- 4.11. GE state that the building has become functionally obsolete and that going forward the property does not meet the requirements of modern office space.
- 4.12. The cash flows presented by GE also includes a mid-point refurbishment. In the case of option 2 whereby significant expenditure has already been assumed to have occurred we question whether additional works would be required after just four years of tenant occupation.

## 5.0 Planning Policy

- 5.1. We have been guided primarily by the Council's planning policy in our assessment of the properties suitability for continued office use.
- 5.2. With respect to the National Planning Policy Framework (NPPF), the relevant policy in respect of loss of employment space is Paragraph 22:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.” (emphasis added)*

- 5.3. Another relevant planning policy is Core Strategy Policy CS13 (B) which seeks to safeguard existing business accommodation by protecting against change of use to non-business uses:

*The council will provide employment space for businesses in the borough by:*

*B. For existing employment space:*

- *safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ. Development which improves the quality and quantity of existing provision will be encouraged.*
- *in exceptional circumstances loss of employment floorspace might be acceptable in line with considerations which will be set out in the Development Management Policies.....*
- *Protecting units which are suitable for SMEs in terms of their type and size.*

- 5.4. Development Management Policy DM5.2 echoes the above Core Strategy policy requirements:

*“A. Proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.”*

- 5.5. And para 5.13 in the Development Management Policies document states:

*“In relation to any loss of business floorspace planning application must demonstrate clear and robust evidence that there is no demand for use of the building, unit, floorspace and/or site for these purposes.”*

- 5.6. We note also that the property was granted prior approval for conversion to C3 residential in February 2014 ref: P2013/4477/PRA. This permission does provide a sound basis for the conversion from office to residential and in itself would provide the current owner with the opportunity to implement a change of use. Full permission would likely have numerous benefits over a prior approval scheme.

## **6.0 Principles of Obsolescence**

- 6.1. Obsolescence manifests itself as a progressive decline of its investment value. In essence, obsolescence arises when an asset (in this case an office building) can no longer satisfy the requirements of would-be occupiers. It is influenced by and results from a mix of factors including condition, location and functionality. In the case of offices, it is affected in particular by changes to occupier demands resulting, for example, from advances in technology.
- 6.2. As office buildings move through their asset lifecycle, and become less attractive in comparison with modern alternatives, they typically suffer from an increase in tenant turnover, often caused by the weakness of tenant covenant strength. The investment yield achievable in a sale increases, and reduced rental income is

matched by increases in expenditure on repairs and capital expenditure to the point where retention in the existing use is no longer economically advantageous.

#### 7.0 Costs

7.1. Our Cost Consultant, Neil Powling, has reviewed the cost plan prepared by Gardiner & Theobald and he is of the opinion that the costs appear reasonable. His full report can be found at Appendix A.

7.2. Neil states that

*'the Cost Estimate includes an allowance of 15% for preliminaries. Given the current tender market, the location, site constraints and the design details we consider this addition reasonable. The allowance for overheads and profit (OHP) is 6%. The allowance for contingencies is 10%. We consider both these allowances reasonable for works of alteration and refurbishment of an existing building'.*

7.3. The residual valuation provided by Gerald Eve contains a number of cost assumptions which we have reviewed. Overall we are satisfied that the costs applied for professional fees, marketing and letting fees and finance are in line with the current market.

7.4. The profit target for the residual valuation is 15% profit on costs which is a realistic return for commercial property of this type.



Appendix A: Cost Consultant Report

## Project: 457-463 Holloway Rd, Islington N7 6LJ

### Independent Review of Assessment of Economic Viability

#### 1 SUMMARY

- 1.1 The Estimate of Cost includes an allowance of 15% for preliminaries. Given the current tender market, the location, site constraints and the design details we consider this addition reasonable. We calculate the 10 year BCIS average preliminaries addition to be 13.5% and have adjusted our benchmarking accordingly. The allowance for overheads and profit (OHP) is 6%. The allowance for contingencies is 10%. We consider both these allowances reasonable for works of alteration and refurbishment of an existing building.
- 1.2 We have calculated an adjusted benchmark of £3,046/m<sup>2</sup> that compares to the Applicants £3,046/m<sup>2</sup>. We are 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's 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 occasionally upper quartile for benchmarking. The outcome of the benchmarking is little affected, as BCIS levels are used as a starting point to assess the level of cost and specification enhancement in the scheme on an element by element basis. 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 available on an overall £ per sqm and for new build work on an elemental £ per sqm basis. Rehabilitation/conversion data is available an overall £ per sqm and on a group element basis ie. substructure, superstructure, finishings, fittings and services - but is not available on an elemental basis. 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 ideally keep the estimates for different categories separate to assist more accurate benchmarking. However if the Applicant's cost plan does not distinguish different categories we may calculate a blended BCIS average rate for benchmarking based on the different constituent areas of the overall GIA.
- 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 BCIS 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 been used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available from the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Nor do average prices per sqm or 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.
- 2.10 We undertake this adjusted benchmarking by determining the appropriate location adjusted BCIS average rate as a starting point for the adjustment of abnormal and enhanced costs. We review the elemental analysis of the cost plan on an element by element basis and compare the Applicants total to the BCIS element total. If there is a difference, and the information is available, we review the more detailed build-up of information considering the specification and rates to determine if the additional cost appears justified. If it is, then the calculation may be the difference between the cost plan elemental £/m<sup>2</sup> and the equivalent BCIS rate. We may also make a partial adjustment if in our opinion this is appropriate. The BCIS elemental rates are inclusive of OHP but exclude preliminaries. If the Applicant's costings add preliminaries and OHP at the end of

the estimate (as most typically do) we add these to the adjustment amounts to provide a comparable figure to the Applicant's cost estimate. The results of the elemental analysis and BCIS benchmarking are generally issued as a PDF but upon request can be provided as an Excel spreadsheet.

### 3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Economic Assessment (A Lifecycle Cost Benefit Analysis) dated May 2016 issued by Gerald Eve together with its appendices including appendix 6 the Indicative Estimate of Cost dated 29<sup>th</sup> April 2016 issued by Gardiner & Theobald.
- 3.2 The cost plan is on a current day basis 2Q2016 in the total sum of £4,163,995. Further allowances are given in the estimate summary to allow for inflation to a start on site and further to the mid-point of the contract. These allowances have not been included in the appraisal nor in our own analysis and benchmarking. Our benchmarking uses current BCIS data which is similarly on a current tender firm price basis.
- 3.3 The estimate is in reasonable elemental detail with a build-up of the services costs provided in Appendix B that has enabled us to abstract data into a full elemental estimate. Further specification detail is provided in Appendix 5 of the Economic assessment (Appendix C) to supplement the detail in the estimate.
- 3.4 The retail unit is finished to shell only - we have prepared a blended rate calculation as the table below:-

Blended rate calculation	GIA m <sup>2</sup>	%	Blended	
			£/m <sup>2</sup>	£/m <sup>2</sup>
Office - rehab/conversion	1,246	91.1%	1,218	1,110
Retail - shell only	121	8.9%	960	85
	<u>1,367</u>	<u>100.0%</u>		<u>1,195</u>

- 3.5 The Estimate of Cost includes an allowance of 15% for preliminaries. Given the current tender market, the location, site constraints and the design details we consider this addition reasonable. We calculate the 10 year BCIS average preliminaries addition to be 13.5% and have adjusted our benchmarking accordingly. The allowance for overheads and profit (OHP) is 6%. The allowance for contingencies is 10%. We consider both these allowances reasonable for works of alteration and refurbishment of an existing building.
- 3.6 The appraisal includes a construction cost of £4,163,935 - consistent with the estimate.
- 3.7 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Islington of 125 that has been applied in our benchmarking calculations.
- 3.8 These hypothetical works are of alteration and refurbishment to the existing buildings. These type of works tend to be specific to the project; BCIS data is available in group elements but not in elemental form. We have shown new build elemental costs in our analysis to inform our benchmarking and also derived an

elemental split of the superstructure and services group elements to assist benchmarking.

- 3.9 Refer to our attached file "Elemental analysis and BCIS benchmarking".
- 3.10 We have calculated an adjusted benchmark of £3,046/m<sup>2</sup> that compares to the Applicants £3,046/m<sup>2</sup>. We are satisfied that the Applicant's costs are reasonable.

BPS Chartered Surveyors  
Date: 16<sup>th</sup> June 2016

Appendix B: Crossland Otter Hunt Report

457-463 HOLLOWAY ROAD  
LONDON N7

REPORT PREPARED BY

**CROSSLAND OTTER HUNT**

ON BEHALF OF  
BPS SURVEYORS

23<sup>RD</sup> JUNE 2016



## INTRODUCTION

Crossland Offer Hunt are instructed by BPS Surveyors on behalf of Islington Council to report on the viability of 457-463 Holloway Road as an office scheme.

The property was inspected by Nick Sinclair, a partner of Crossland Offer Hunt on 15<sup>th</sup> June 2016.

[www.coh.eu](http://www.coh.eu)

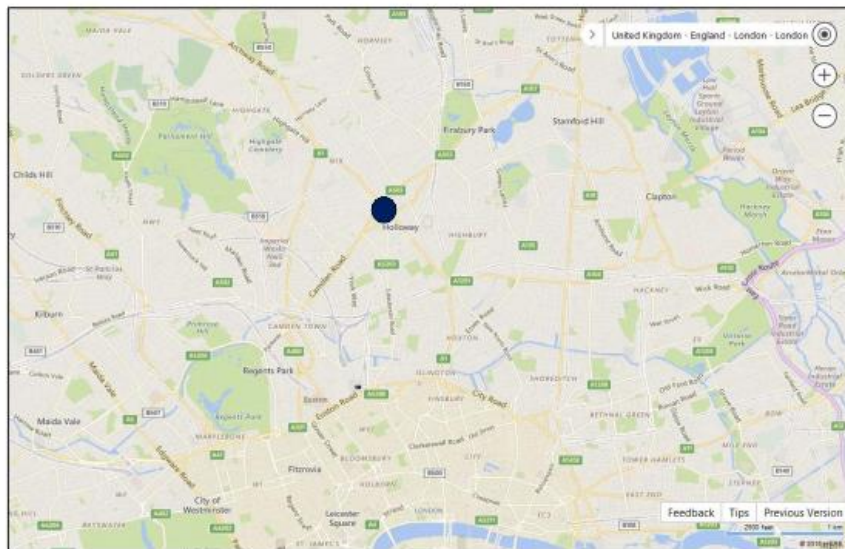
This report is provided for guidance purposes, and is not a valuation, and cannot be relied upon for borrowing or any other collateral. All rents are assuming the building is available on 23<sup>rd</sup> June 2016, and assumes a "Remain" vote in the EU Referendum.

## LOCATION

The property is located on the junction of Holloway road and Mercers Road. Holloway Road Station (Piccadilly Line) circa 1km from the subject property and Archway Station (Northern Line) is circa 1.6 km from the property. A number of bus routes follow Holloway Road.

The subject property is not located in a recognised office location as it is not well served by the Tube network.

## LOCATION PLAN





## SITE PLAN



## DESCRIPTION

The property was originally developed as a terrace of four residential buildings. We understand that they were recently occupied by the National Union of Students as office accommodation. The property was in a poor state of repair when inspected and is incapable of any form of occupation in its current condition.

The buildings are very much residential in character and do not provide modern office accommodation of the type that is demanded by a modern occupier. The structural walls mean it will not be capable of providing clean open plan floors.

The office net internal floor areas provided are:

Floor	NIA/Sq ft	NIA/Sq m
3 <sup>rd</sup>	1,669	155
2 <sup>nd</sup>	2,002	186
1 <sup>st</sup>	1,959	182
G-retail	1,109	103
G	1,453	135
LG	1,582	147

## TENANT DEMAND

Tenant demand in Central London has been very strong with a distinct lack of supply of good quality office accommodation. We have witnessed significant rental growth in Central London submarkets such as Clerkenwell and Shoreditch. These locations are well connected by the Tube network as occupiers will typically employ staff from all over London and the South East and ease of commute is a key driver in the decision making process for occupiers. Given the nearest Tube station is 1km away, we would deem this a potential issue with this as an office location.

This is not to say there will be no demand but we would perceive it to be tenants priced out of areas that have witnessed rapid rental growth such as EC1, however given the transport issues it would have to be at a significant discount to locations closer to the Tube network.

The building is somewhat fragmented and does not provide open plan, efficient office accommodation, again this will be a detractor from the desirability of the building from an occupational point of view and we therefore think it highly likely that the building would have to be marketed as a number of small units.

A lack of disabled access could also deter tenants, especially from the charity and not for profit sector who in our opinion would be a key target audience for the property.

## MAJOR REFURBISHMENT

As outlined in the Gerald Eve report, a major refurbishment would entail:

- Full external repair
- Structural alternation to relocate steel columns away from existing window openings
- All windows replaced
- All entrance doors to be replaced
- Re-planning of existing layouts
- Cooling/heating system either floor or wall mounted units.
- Removal of lift shaft
- Provision of WCs
- Provide risers for cable and power management
- Perimeter trunking
- Entry phone
- Tea points/capped off services for tea points
- Plaster ceilings
- LED/LG7 lighting
- Redecorate
- Replace all internal doors.
- Redecorate entrance hall and common parts with contemporary finishes.
- Investigate disabled lift
- Shower facilities in the basement.

This scheme would provide in our view the best possible accommodation within the existing envelope of the building.

Given the scarcity of comparable evidence in this vicinity it is very difficult to place an anticipated rent of this development, the top rents in the area are at The Studios on Hornsey Street – the top rent is £40 per sq ft. We would note that this is modern office accommodation located nearer the Tube network.

We would therefore place the following expected office rents on the building:

Floor	Rent/Per Sq ft
3 <sup>rd</sup>	£22.50
2 <sup>nd</sup>	£27.50
1 <sup>st</sup>	£29.50
G	£29.50
LG	£15

The 1<sup>st</sup> floor rent is the prime rent, we would have to discount above due to a lack of a lift.

The rationale behind this is:

- Fragmented nature of the building – given the constraints of the building it will have limitations upon the occupancy of the space. Occupiers tend to prefer open plan occupation which they can divide up as they see fit, as opposed to having a configuration enforced upon them.
- Disabled access – this is an issue with a lack of lift, this will reduce the available audience for the property.
- Tube access – given the distance from the tube, we have had to discount the rents achievable.

#### Yield

Given the fragmentation of the building, we would anticipate that it would be unlikely that a single occupier would take the premises. We think it far more likely that the property will be let in small units. The issue over letting small units are:

- Covenant strength of smaller entities is weaker
- Shorter leases, typically 5 years with tenant breaks at 3
- Letting voids will not be insignificant due to the public transport and configuration issues.

With this and the public transportation issues, we feel a net initial yield of 6% is appropriate in this instance.

#### LIGHT REFURBISHMENT

The specification as outlined in the Drivers and Norris/Currell report is the most basic specification acceptable to the leasing market. The basic specification is similar to the above comprehensive refurbishment save for it will not be cooled and is

generally a lower specification. Due to the location the rental differential is not as marked as it would be in other prime locations. The rents we would apply are below.

<b>Floor</b>	<b>Rent/Per Sq ft</b>
3 <sup>rd</sup>	£20.00
2 <sup>nd</sup>	£25.00
1 <sup>st</sup>	£27.50
G	£27.50
LG	£15.00

#### *Yield*

There should be a yield differential for an enhanced specification, we would apply 6.25% as a net initial yield.

# 457-463 Holloway Road, N7 6LJ

## Independent Viability Review

Prepared on behalf of the London Borough of Islington

30 January 2017



82 South Street, Orkney, H4 2HD  
[www.bps-surveyors.co.uk](http://www.bps-surveyors.co.uk)

Planning Reference: P2016/3157/FUL

## 1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors have been instructed by The London Borough of Islington ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by Gerald Eve on behalf of Metdist Enterprises Ltd ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 The proposals are for the:  
  
*change of use of numbers 457-463 Holloway Road from office to 16 residential units, the demolition of the single storey rear extension and the development of a mews providing 3 residential units, associated refuse and cycle storage.*
- 1.3 The property was formerly in B1 office use and comprises a four storey Victorian terraced buildings over lower ground, ground and three upper floors. The site itself is approximately 0.09 hectares (0.22 acres) in area. It should be noted that the property is locally listed.
- 1.4 The applicant secured permission under Permitted Development rights to convert the offices to C3 residential use in February 2014.
- 1.5 Gerald Eve notes that the applicant could also apply for vacant building credit but due to the apparent lack of scheme unviability, this option has not been included within the scheme assessment.
- 1.6 BPS provided a report to the Council, dated June 2016 which explored the feasibility of continued office use of the building and concluded that the building was no longer fit for purpose and could not viably be refurbished. This assessment complies with the National Planning Policy Framework (NPPF), policy in respect of loss of employment space Paragraph 22 and Core Strategy Policy CS13 (B) which seeks to safeguard existing business accommodation by protecting against change of use to non-business uses
- 1.7 Gerald Eve concludes that without making any payment in lieu (PIL) the scheme generates a profit on cost of just 8.80% compared to a stated profit target of 25% of scheme costs. Furthermore, Gerald Eve notes there are practical difficulties in providing on-site affordable units related to the suitability of adapted accommodation and potential impact of higher service charges on overall affordability. The report also notes that the applicant does not have any suitable residential properties which could be used provide an off-site contribution.
- 1.8 We have assessed the cost and value inputs within the financial appraisal in order to determine whether the scheme can viably make any affordable housing contributions.

## 2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 We are of the opinion that the benchmark land value proposed by Gerald Eve is significantly overstated. We have considered the potential benchmark from a number of possible perspectives. The first considers the existing use value.
- 2.2 Consistent with the findings of our June report considering the viability of the existing use we concluded that the current use of the offices was negligible supporting the conclusion that a change of use was justified in terms of loss of employment space. We note that the property benefits from prior approval for conversion to residential use. Gerald Eve has undertaken a residual appraisal of this approach which generates a residual land value, allowing for the proposed profit targets of £950,000. We have seen no plans for this scheme and are unable to comment on whether costs and value assumptions are realistic but note these align with the proposed scheme, however we are advised by Council Officers that this approval would require a certificate of lawful use which cannot technically be issued therefore a prior approval scheme could not be implemented.
- 2.3 No alternative use value has been proposed. We have considered a scheme residual valuation based on a fully policy compliant scheme which generates a residual value of £62,000. We note Gerald Eve are of the view that the existing space is fully eligible for vacant building credit. We are advised by Council Officers that VBC would not apply therefore we have not adjusted this assessment.
- 2.4 We have reviewed how value could potentially be extracted from this property without triggering on site affordable housing. Based on an assumption of independent development of the proposed mews house to the rear and resumption of ground floor retail activity in the existing property we estimated a combined land value of £950,000.
- 2.5 We have also considered Gerald Eve's analysis of local transactions and note that Gerald Eve's analysis does not account for either the benefit of disposal with planning permission or that the price paid needs to be adjusted to reflect planning policy as required by PPG.
- 2.6 We have undertaken analysis to accord with the requirements of PPG and conclude that on this basis a site value not exceeding £1.15m is indicated which differs substantially from the £3m proposed by Gerald Eve.
- 2.7 The table below depicts the different benchmark positions as determined by BPS;

Input	Result
GE Investment Value	£1,365,839*
Policy Compliant RLV	£62,212
GE RLV of the Prior Approval scheme	£760,000
BPs AUV	£950,000
Adjusted MV	£1,150,000

**Note** \*1 this figure reflects an assumption of investment in the building. Deducting this expenditure reduces this figure to a negligible value.

- 2.8 At appendix 4 we attach an Argus appraisal that shows the residual value using Gerald Eve's inputs assuming fixed profit targets on GDV. The resulting residual land value of £1.8 million further suggests that Gerald Eves site value of £3million is excessive.
- 2.9 With regards to residential sales values it would appear that the average sales rate of £8,693 per m<sup>2</sup> (£807.92/ft<sup>2</sup>) is at the low end of the achievable spectrum but largely acceptable given the limitations of this specific site. The scheme has limited outdoor amenity space and is further from transport hubs than a number of the comparable schemes. Also the majority of units will have frontage on to Holloway Road which will ultimately have a detrimental effect on the unit value.
- 2.10 Our Cost Consultant has reviewed the cost information provided by Gardiner & Theobald and has made the following comments;
- 'The adjusted benchmark for the terrace flats is £1,958/m<sup>2</sup> that compares to the applicant's £1,849/m<sup>2</sup> - we are therefore satisfied that the Applicants costs for the conversion of the existing building into flats are reasonable.*
- As the mews are priced at an all-in rate inclusive of preliminaries, OHP and contingency - it has not been possible to analyse or benchmark it. The BCIS average rate is £1,288/m<sup>2</sup> and the Applicant's rate £2,250/m<sup>2</sup>. We suggest that the cost plan should be expanded to provide an elemental build-up of the mews houses, but mindful of the quality indicated by the sales figures, we would expect a subsequent benchmarking exercise to indicate the costs to be reasonable.'*
- 2.11 With regards to additional build costs we note that build cost contingency has been included in the build costs at a rate of 10%. Our Cost Consultant agrees that this is appropriate for developments of this nature which involve conversion of older buildings although we note it is beyond the commonly excepted 5%.
- 2.12 Developers Profit has been viewed as an output in Gerald Eve's Argus appraisals with a fixed residual land value. The target rate is stated as 25%



profit on costs. We are of the opinion that a blended rate should be used to account for the difference elements of the scheme. To this effect we are of the opinion that a maximum 20% profit on private GDV and 15% on commercial GDV is more appropriate and in line with prevailing market evidence in this regard, accepting the higher risks associated with a part conversion scheme have been largely offset by inclusion of a higher than normal level of contingency.

- 2.13 Adopting a residual value approach based on our AUV we calculate the scheme could deliver a £985,000 surplus. Adopting a PPG compliant approach to assessing market transactions indicates that the scheme would generate a surplus of £775,000 over our recommended profit target when applying the benchmark as a fixed sum. It is therefore evident that this scheme can deliver an affordable housing contribution.

### 3.0 BENCHMARK LAND VALUE

#### Viability Benchmarking

- 3.1 Development appraisals work to derive a residual value. This approach can be represented by the formula below:  
Gross Development Value - Development Costs (including Developer's Profit) = Residual Value
- 3.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 3.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.
- 3.4 We note the Mayor's Housing SPG published March 2016 states a clear preference for using EUV as a basis for benchmarking development as this clearly defines the uplift in value generated by the consent sought. This is evidenced through the following extract:  
  
".....either 'Market Value', 'alternative use value', 'existing use value plus' based approaches can address this requirement where correctly applied (see below); their appropriate application depends on specific circumstances. On balance, the Mayor has found that the 'Existing use Value plus' approach is generally most appropriate for planning purposes, not least because of the way it can be used to address the need to ensure that development is sustainable in terms of the NPPF and Local Plan requirements, he therefore supports this approach. The 'plus' element will vary on a case by case basis based on the circumstances of the site and owner and policy requirements."  
[Emphasis original]
- 3.5 We find the Market Value approach as defined by RICS Guidance Viability in Planning 2012 if misapplied is potentially open to 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 value 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 compliance somewhere on a scale of 0% to the policy target placing land owner requirements ahead of the need to meet planning policy.

- 3.6 Furthermore, the RICS guidance is in conflict with PPG in that PPG adopts a different level of emphasis in respect of the importance of planning policy. This is evident from the PPG extract set out below:

*reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;*

- 3.7 The requirement to reflect policy is unambiguous.
- 3.8 There is also a high risk that the RICS Guidance in placing a very high level of reliance on market transactions is potentially exposed to reliance on bids which might:
- Represent expectations which do not mirror current costs and values as required by PPG.
  - May themselves be overbids, and most importantly
  - Need to be analysed to reflect a policy compliant position.
- 3.9 To explain this point further, it is inevitable that if site sales are analysed on a headline rate per acre or per unit without adjustment for the level of affordable housing delivered then if these rates are applied to the subject site they will effectively cap delivery at the rates of delivery achieved of the comparable sites. This is an essentially circular approach which would effectively mitigate against delivery of affordable housing if applied.
- 3.10 The NPPF recognises at paragraph 173 identifies the need to provide both site owners and developers with a competitive return. In relation to site owners this is to encourage site 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 a range from 5-30%. Guidance indicates that the scale of any premium should reflect the circumstances of the site owner. We are of the view that where sites represent an ongoing liability to a site 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.

#### The Proposed Benchmark

##### Consideration of Existing use Value

- 3.11 Gerald Eve concludes that the property if refurbished would generate a value as an office investment of £1,365,839.
- 3.12 Gerald Eve also note conclusions drawn from our June 2016 report that office use would generate a negative site value which they contest, citing lack of available market evidence to suggest sites transact at a negative value to challenge this conclusion. This comment appears to ignore the conclusions of their own report that identifies the fact that the property is

current stripped out and in the opinion of two office agents whose advice Gerald Eve sought:

*4.6 The Office Agents<sup>1</sup> consider that the Property in its current condition is not of sufficient quality to attract an office occupier/s and would therefore require substantial investment to ensure future lettings. They are also of the view that excessive capital expenditure would be required to bring the building to a modern day standard.*

*4.7 Whilst the Office Agents consider that there is market demand for low costing office accommodation, the minimum standard of amenities would be for something superior to the existing condition and therefore lease terms would need to be sufficiently attractive to compensate the tenants*

- 3.13 Gerald Eve's report of May 2016 explored the viability of refurbishment options for office use and concluded, that on a current day costs and value approach, the approach required by PPG, the property would generate a negative return for investors of -3.33% on an IRR basis. Gerald Eve also provided an estimated return hypothesising growth in office rents which was also negative.

	Internal Rate of Return	
	Present Day	Growth
Major Refurbishment Works	(-3.33%)	(-0.96%)

Source: GE

- 3.14 Gerald Eve also considered a more conventional and in our view market typical residual approach which after allowing for developer profit of 15% on costs generated a negative residual value of -£2,248,650.
- 3.15 Given evidence of their reported conclusions it is hard to see how Gerald Eve generates a positive view of the property's existing use value. Analysis of their existing use valuation reveals that no allowance for the costs of refurbishment has been included therefore it would appear to fall short of an assessment of existing use value in that it ignores the problems of the properties current condition.
- 3.16 Given the current dilapidated condition of the property it would appear entirely erroneous and diametrically opposed to the findings of both our June and Gerald Eve's May report to assume that continued office use would generate a positive site value.
- 3.17 Gerald Eve appear to view a negative land value as being an unsupportable conclusion and have therefore defaulted to a "market" value approach as defined by RICS Guidance.

<sup>1</sup> Currell Chartered Surveyors and Drivers Norris

- 3.18 In doing so Gerald Eve overlook the Mayor's Housing SPG and the Council's Development Viability SPD both documents representing relevant and recently adopted planning guidance. These document clearly indicate a preference for consideration of a EUV "plus" basis for benchmarking viability.
- 3.19 Although it is perhaps unrealistic to assume a property would trade at a negative value where it also has a realistic planning prospect of securing consent for a higher value use, it is important to note that any approach to establish site value on an alternative basis must;
- a) Comply with PPG in that it must reflect planning policy
  - b) Reflect that planning consent is required to secure that use
- 3.20 Consequently it would be inappropriate to adopt a land value which did not take the above into consideration.
- 3.21 In this instance the negative EUV serves to underpin the view that the EUV does not represent a barrier to meeting planning policy requirements. Gerald Eve raises the question as to whether there is evidence of sites transacting at this level. This again misses the purpose of establishing an EUV for planning viability purposes. Through identifying a low or negative EUV it firstly establishes that that site value is entirely dependent on a planning consent to deliver a higher site value and secondly that EUV does not represent a barrier to compliance with planning policy.
- 3.22 It is evident from a comparison of agreed benchmark values and site purchase prices that the actions of the market, without adjustment, do not reflect the approach required for planning purposes and that benchmark land values almost always reflect lower values than actual land transactions. Actual land transactions reflect the individual circumstances of developers whereas planning viability assessments are based on standardised market assumptions. Some of the limitations with the use of land transactions are referenced in the Council's Development Viability SPD at paragraph 6.60. In this context market land sales evidence would only be relevant where sales evidence was available and suitably adjusted and where the market viewed the land as incapable of securing consent for an alternative use.
- 3.23 The NPPF has a presumption in favour of sustainable development. Where there is a realistic prospect of securing consent for a policy compliant alternative use, it may be appropriate to consider an alternative use value as the land value benchmark. Indeed the purpose of Gerald Eve's earlier submission was precisely aimed at serving this objective. Consequently to ask if there is market evidence of where the market does not ascribe hope value to the potential of securing another valuable use is somewhat abstract. However it does not mean that EUV is irrelevant for the reasons stated or that the "hope" value ascribed by the market to a site should be seen as a suitable alternative basis for determining site value in a planning

context, especially where it is evident that the hope value does not reflect planning policy.

- 3.24 We have undertaken an exercise to demonstrate the residual of the site if a policy compliant provision was provided. Our Argus appraisal can be found at appendix 2, it shows a residual land value of £62,212.
- 3.25 We note that Gerald Eve claims that they would be able to apply for vacant building credit (VBC). Gerald Eve has not sought to pursue this approach presumably relying on their conclusion that reflecting their approach to land value the scheme is non-viable.
- 3.26 We have been advised by the council that for the purposes of VBC; the tests set out in the PPG are not met and therefore will not apply.
- 3.27 We note an application for prior approval was approved although we understand from Council officers that this approval cannot be technically implemented without a certificate of lawful use of the property as offices. Given the conclusion of our earlier report it is evident that this certificate is very unlikely to be forthcoming therefore we have discounted this potential. We note Gerald Eve has provided a residual valuation on this basis.

#### Adjusted Market Value

- 3.28 Gerald Eve's site value is based on the market value of the site which they estimate equates to £3 million. Gerald Eve notes that the site was purchased in March 2015 for £5 million.
- 3.29 Gerald Eve have analysed the proposed market value in line with three comparable land sales:
1. Whittington House
  2. The Harper Building
  3. Fonthill Mews
- And the following new build transactions
4. 2, 4 & 4A, Tufnell Park Road, 419 Holloway Road, N7 6LJ (Rear of Odeon Cinema);
  5. 107-129 Seven Sisters Road, N7 7QG;

- 3.30 To generate a range of values Gerald Eve has analysed the comparable evidence on the basis of both the proposed number of total units and the proposed NIA. Gerald Eve has disregarded an analysis on the basis of price per acre due to the characteristics of the sites which we consider to be reasonable.
- 3.31 On the basis of price per proposed unit, the comparable evidence shows a value when applied to the subject site which ranges between £1.9 million

and £6.1 million with an average value per unit of £161,000 which when applied to the subject site provides a total value of say £3.0 million. Based on an analysis of site value in reference to the proposed residential NIA, Gerald Eve calculates a subject site value which ranges between £2.9 million and £6.4 million.

- 3.32 The analysis of site sale information should be reviewed against PPG which unambiguously states that the land value should *reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge*. The applicant's advisors have not indicated how planning policy has been taken into account when arriving at the proposed benchmark figure.
- 3.33 It is self-evident that applying land values derived from other transactions without adjustment to reflect planning policy, has the effect of importing site specific factors which may not apply in respect of the subject site, for example a high existing use value.
- 3.34 In considering an appropriate benchmark land value of this site we are firmly of the view that in seeking to derive rates per acre or per unit from other sites as a basis to establish value, there is also a need to establish the constraints of the subject site and how this might impact on the ability to match or exceed comparative site values. Two highly relevant examples of such constraints include a high existing use value or the need for extensive site remediation.
- 3.35 The subject site has a very low or negligible existing use value which is supported by our July 2016 report. There are no apparently unusual constraints affecting development form beyond those normally anticipated in an urban environment. In this context this site can be considered to be relatively unique compared to most urban sites where higher existing use values are the norm rather than the exception.
- 3.36 The Harper Building at 256-268 Holloway Road is approximately 0.6 miles from the subject site. It was granted prior approval in August 2013 for conversion from offices to 36 residential units. It has the added benefit of being close to good transport links. Given that it was a prior approval scheme it has no requirement to deliver affordable housing.
- 3.37 Whittington House is another office to residential scheme that is situated at 764-768 Holloway Road approximately 0.6 miles to the northwest of the subject site. Prior approval was granted for 39 residential units. Again this is close to good transport links being close to Archway underground station. It should be noted that there is no requirement for affordable housing.
- 3.38 Fonthill Mews at 25 Lennox Road benefited from prior approval for 19 residential units at the time of sale with consent subsequently granted for a further 3 units. This site is located in the popular Finsbury Park area and is

close to Finsbury Park stations. Again there is no requirement for affordable housing.

- 3.39 Sites that have been granted prior approval consent with no affordable housing requirements are not comparable with the application site and will have inflated land values.
- 3.40 We have sought to identify the impact of affordable housing delivery on the site sales considered. It is essential when analysing land sales to reflect a policy compliant position otherwise there is an essential circularity of approach in that evidence from a scheme delivering say 20% affordable housing will only support that level of delivery when applied to another site. This issue has been highlighted by the RICS in their recent research paper (April 2015) but also more recently within the Mayors Housing SPG published March 2016.
- 3.41 We address this point by calculating a value per private unit based on the consented scheme and then applying this rate to an otherwise policy compliant amount of affordable housing units. We provide a worked example below:

**Land Sold Price = £2m**

Total units consented = 30

Affordable units consented = 9 (30% AH)

Private units consented = 21

Based on strategic affordable housing target = 15 units (50% AH)

Private units = 15

Private unit land value rate = £2m/21 = £95,238

Apply private land value rate to amount of private units = £95,238 x 15 = £1,428,571

Adjusted land value to reflect policy compliant consent = £1,428,571

- 3.42 The table below sets out our analysis in relation to the subject site. We have made an adjustment of 20% on the purchase price given that the sites were sold with the benefit of planning permission. This, in our view, adequately reflects the level of planning risk:



Scheme	Date	Price (Adjusted for Planning)	Further adjusted purchase price to reflect strategic affordable housing target (50% AH)	Proposed No. Units	£ Per Dwelling	£ Per Private Dwelling	£ Per Dwelling Rate applied to total units proposed (19)	£ Per Private Dwelling Rate applied to number of private unit in a 50% AH scheme (10)
Whittington House	Sep-13	£2,841,667	£1,457,265	39	£37,366	£72,863	£709,950	£728,632
The Harper Building	Jul-14	£2,522,523	£1,307,975	27	£48,444	£93,427	£920,427	£934,268
Fonthill Mews	Jun-15	£6,041,667	£3,020,833	22	£137,311	£274,621	£2,608,902	£2,746,212

3.43 The above approach has not had the benefit of being informed by all relevant factors that informed the land sales values such as adjustments to insure that they are based on current day residential values rather than future values, but are at least reflective of affordable housing policy.

3.44 We note that Gerald Eve regard the sale 2, 4 & 4A, Tufnell Park Road, 419 Holloway Road, N7 6LJ (Rear of Odeon Cinema) to be an “excellent” sale comparator. We have also considered 400 Caledonian Road as good comparator. Our analysis of these transaction concludes:

Scheme	Date	Price	Adjusted purchase price to reflect strategic affordable housing target (50% AH)	Proposed No. Units	£ Per Dwelling	£ Per Private Dwelling	£ Per Dwelling Rate applied to total units proposed (19)	£/Private Dwelling Rate applied to number of private unit in a 50% AH scheme (10)
Tufnell Park	Feb-13	£2,500,00	£2,000,00	31	£64,516	£125,00	£1,225,806	£1,250,00
400 Caledonian Road	Oct-12	£1,600,000	£960,000	23	£41,739	£80,000	£793,043	£800,000

3.45 Gerald Eve also indicate that the unconditional sale of land at 107-129 Seven Sisters Road represents a useful comparable, reflecting the price paid for sites with a risk attached at the pre planning stage

3.46 Gerald Eve note that National Grid Electricity Transmission Plc purchased this 0.19 acre site for £7,500,000 in March 2011. The site was not purchased with the benefit of planning permission. An application was subsequently approved in November 2013 for redevelopment to provide a National Grid electricity substation and associated infrastructure. It also includes 44 residential units comprising of 50% affordable housing and four commercial units (flexible permission sought for planning use classes A1 retail, A2 financial and professional services, B1 office, D1 non-residential institutions and A4 (1 unit only) drinking establishments)

3.47 It is not clear on the information available what considerations the National Grid had in mind. It is clear that the substation was an element of their subsequent application and in that this organisation is not noted for direct developments of this type without the objective of infrastructure delivery it

might not be unreasonable to assume that this was an important element of their reason for purchase. Gerald Eve does not offer any considered evaluation of how they see each element of the subsequent application contributing to land value or indeed how they see the purchase reflecting PPG.

- 3.48 Given the lack of apparent transparency, the potential for an overbid from national Grid in their capacity as a statutory undertaker we are of the view this purchase offers very little meaningful direction in relation to establishing a suitably adjusted market value.
- 3.49 The results show a land price range when applied to the application site of £860,000 to £2,700,000 with an average of £1,150,000. Our analysis more accurately responds to the requirements of PPG than is evident from Gerald Eve's analysis, however it is clear that without fuller knowledge of all the relevant variants between the site sale comparators e.g. respective unit sales values, EUV, proposed unit mix, levels of amenity e.g. balconies, specification etc. Our analysis can at best indicate a likely approximation of site value using this method.
- 3.50 Gerald Eve refers to a marketing process and indicates that the site has sold for £5,000,000 in 2015 and was one of ten offers ranging from £4,250,000 - £5,075,000. No other analysis is provided and Gerald Eve has not sought to rely on this information to support its analysis. Indeed were this bidding process to be considered relevant it would be important to establish the degree of potential compliance offered by these bids in respect of PPG as without this information it is quite possible that these bids reflected assumptions which could include assumptions about securing alternative planning consents, achievable development densities, level of planning obligations attached to those consents, assumptions of net value growth etc.

#### Alternative Use Value

- 3.51 We have considered possible scenarios which might generate value which for ease of reference we refer to as alternative use. These scenarios are summarised below:
- a) Independent development of the mews houses to the rear of the site. We understand that Planning Officers have significant reservations about the likelihood of consent being secured in isolation of a wider scheme. For the purposes of scenario testing we have assumed that if consent were forthcoming for the subject application it might be realistic to assume this element of the site could also come forward independently. In assessing this value we have allowed for contributions under the council's small sites policy.

Site residual value £800,000

- b) We have considered the independent conversion of existing property to deliver nine residential units. We acknowledge this would not meet the council's requirements to maximise development capability but this does not generate a positive value

Site residual value -£negative

- c) We have assumed that the ground floor retail use of the property could be resumed with some relatively minor refurbishment works

Site value £150,000

- 3.52 We see no inherent value arising from the upper parts of the existing building without substantial conversion works and then only to residential use which would trigger the council affordable housing policies.
- 3.53 Based on our assessment above we calculate a base land value of up to £950,000 could potentially be secured. It should be noted that consent has not been secured for the mews development and we have contemplated reducing the apparent residual value by circa 20% due to the lack of permission and associated risk but on balance we are of the view that the exclusion of a land owner premium on the existing space as being a realistic alternative to reflecting this uncertainty.

#### Benchmark Land Value analysis

- 3.54 In all cases, land transactions reflect developer specific circumstances such as whether lower than typical build costs can be achieved or lower profit can be accepted. Moreover, in some cases the price paid for land can be based on unrealistic assumption that do not correctly reflect planning policy requirements such as planning obligations or the size and quantum of development possible etc. On the other hand, viability assessments prepared for planning are carried out on a standardised basis using generic assumptions, and on a present day assessment without taking into account any possible sales value growth or changes in build costs.
- 3.55 Therefore, an additional point of reference that would support the analysis of land values would be a consideration of benchmarks accepted in planning applications in the borough. The advantages of taking this into account is that it will assist to inform an appropriate land value that would allow for the delivery of policy compliant development, whilst also providing a sufficient return to the land owner on a standardised basis.
- 3.56 There is currently limited information available in the public domain on all benchmark land values in Islington. We are aware of a planning application where the council has resolved to grant planning permission subject to a S106 agreement at 273 Camden Road. The scheme is similar in scale to the development at the subject site with 21 residential units, providing 48%

affordable housing (by unit). The site benefits from existing A1 use on the ground floor, and A4 use on the upper floors. The benchmark based on the existing use value was £660,000. On a per unit basis this equates to £31,429, taking this into account for the subject site would result in a value of approximately £600,000.

- 3.57 Overall we are of the opinion that based on our analysis the benchmark land value should not exceed £1.15 million. This figure, in our view, not only meets the PPG requirement to reflect planning policy but also provides a competitive return to the site owner.

#### 4.0 RESIDENTIAL UNIT VALUES

- 4.1 The proposed residential units comprise a mix of 2 x studios, 9 x one bed units, 5 x two bed units and 3 x three bed units. The total calculated GDV from residential units is proposed at a figure of £10,710,000 (£807.92 sq.ft / £8,693 sq.m). The sales values are based on advice provided by Chesterton's.

Type	Count	Average Area m <sup>2</sup> (ft <sup>2</sup> )	Sale Price	£ per m <sup>2</sup> (ft <sup>2</sup> )
Studio	2	44 (468)	£377,500	£8,678 (£807)
1 Bed	9	52 (556)	£439,444	£8,505 (£791)
2 Bed	3	64 (692)	£553,333	£8,601 (£799)
3 Bed	2	105 (1,125)	£862,500	£8,254 (£767)
2 Bed House	2	88 (947)	£832,500	£9,460 (£879)
3 Bed House	1	102 (1,098)	£950,000	£9,314 (£866)

- 4.2 Gerald Eve has cross checked Chesterton's proposed values with the following sales evidence.
- 4.3 2, 4 & 4A Tufnell Park Road contains 31 units of which 35% is affordable housing. This scheme is in close proximity to the subject site being approximately 0.2 miles along Holloway Road to the South East. The following units are currently listed as available online.

Beds	Date	Price	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
2	Listed	£675,000	79 (850)	£8,544 (£794)
2	Listed	£675,000	77 (829)	£8,766 (£814)
2	Listed	£669,450	73 (786)	£9,171 (£852)
2	Listed	£595,000	69 (743)	£8,623 (£801)
<b>Average</b>		<b>£653,613</b>	<b>75 (802)</b>	<b>£8,776 (£815)</b>

- 4.4 These figures represent asking prices. We are also aware of a number of completed transactions within this scheme identified below:

Rear of Odean Cinema, 2 Tufnell Park Road N7 ODP						
APT	Beds	Floor	Sq Ft	Achieved price	£psf Achieved	Date
Flat 1	1B2P	1	517	£ 449,950.00	£871	Apr-16
Flat 12	1B2P	3	495	£ 409,000.00	£826	Mar-16

- 4.5 It can be seen that the prevailing tone of these transactions in terms of achieved sales rates is well above the level indicated for the subject scheme. We also note that the average asking price of £653,613 is considerably greater than the average two bed value of the units at proposed schemes of £553,333. The units do have a similar sales rate but some allowance should also be made for the unit size, the proposed scheme

units having a smaller size would in our view have a proportionately higher sales rate when compared to larger units.

- 4.6 The Harper Building on Holloway Road is just over half a mile to the southeast of the subject site next to Holloway Road Underground station. The building was converted from office space under permitted development rights and has been refurbished to a reasonably high standard. The building exterior unlike many PD schemes presents an attractive period façade which does not appear especially commercial and would be an asset rather than a detractor to unit values. Its proximity to the underground station would give this property a marginal sales advantage over the subject site. The table below contains information on the listings and sales of this scheme with sales values being increased by HPI to reflect present day values.

Unit	Beds	Date	Area m <sup>2</sup> (ft <sup>2</sup> )	Price (+HPI)	£ per m <sup>2</sup> (ft <sup>2</sup> )
Flat 1	3	Listed	82.2 (885)	£695,950	£8,467 (£787)
Flat 2	1	16/03/16	43.8 (472)	£459,497	£10,491 (£975)
Flat 3	1	21/03/16	53.7 (578)	£517,594	£9,639 (£895)
Flat 4	2	10/03/16	60.9 (656)	£623,225	£10,234 (£951)
Flat 5	3	Listed	81.1 (873)	£705,000	£8,693 (£808)
Flat 6	1	29/03/16	42.8 (461)	£454,215	£10,612 (£986)
Flat 7	1	17/03/16	53.2 (573)	£517,594	£9,729 (£904)
Flat 8	2	24/02/16	61.3 (660)	£623,463	£10,171 (£945)
Flat 9	3	29/03/16	82.1 (884)	£740,740	£9,022 (£838)
Flat 10	1	21/03/16	43.5 (468)	£464,778	£10,685 (£993)
Flat 12	2	18/03/16	62 (667)	£623,225	£10,052 (£934)
Flat 13	3	24/03/16	77.3 (831)	£691,886	£8,951 (£833)

- 4.7 The average sales values for this scheme are £482,735 for one beds, £623,305 for two beds and £708,394 for three beds. The overall average sales rate equates to £9,729 per m<sup>2</sup> (£904/ft<sup>2</sup>).
- 4.8 Unit sizes appear broadly comparable although it is noted that the 3 bed units in the proposed scheme at 105 sqm (1,125 sq ft) are much larger than in the Harper Building which is likely to depress sales rates even though this may indicate overall values should be at a higher level.
- 4.9 Gerald Eve has also provided the following local one bedroom re-sale evidence;

Property Address	Price Sold	Date Sold	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
11 Keighley Close	£350,000	30/10/15	53 (570)	(£6,604) £614
F1 Hilton House, Parkhurst Rd	£410,000	19/10/15	53 (570)	£7,736 (£719)
61 Carronade Court	£377,500	04/09/15	45 (484)	£8,389 (£779)
22 Fairweather House, Parkhurst Rd	£325,000	02/10/15	43 (463)	£7,558 (£702)
Average	£365,625		49 (522)	£7,462 (£701)

- 4.10 The above evidence is rather dated and reflects second hand rather than new build units. It shows an average for one bedroom flats at £7,462 per m<sup>2</sup> (£701 per ft<sup>2</sup>) which is somewhat below the tone of new build sales.
- 4.11 Gerald Eve has also provided the following local two bedroom re-sale evidence;

Property Address	Price Sold	Date Sold	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
60 Carronade Court	£555,000	27/10/15	75 (812)	£7,400 (£684)
Flat 7 Bakersfield Crayford Road	£515,000	19/10/15	66 (710)	£7,803 (£725)
226 The Beaux Arts Buildings, 10-18 Manor gardens	£590,000	01/12/15	84 (905)	£7,024 (£651)
Flat 2, 9 Tiltman Place	£550,000	01/08/16	67 (719)	£8,209 (£719)
<b>Average</b>	<b>£552,500</b>		<b>73 (787)</b>	<b>£7,568 (£702)</b>

- 4.12 Again the majority of these sales are rather dated but show a similar second hand sales rate to the one bedroom units with an average of £7,568 per m<sup>2</sup> (£702 per ft<sup>2</sup>).
- 4.13 We have sought to supplement the information provided by Gerald Eve with further evidence of local second hand sales.

#### *One Bedroom*

Address	Sale price	Sale date	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
Flat 225 10-18 Manor Gardens N7	£500,000	15/06/16	60 (646)	£8,333 (£774)
Flat E 39 Parkhurst Road N7	£337,900	16/06/16	47 (506)	£7,189 (£668)
Flat 38 Hollins House N7	£326,500	27/05/16	51 (549)	£6,402 (£595)
Flat 327 10-18 Manor Gardens N7	£441,000	06/05/16	65 (700)	£6,785 (£630)
Flat 36 Margery Fry Court N7	£329,950	27/07/16	45 (484)	£7,332 (£681)
<b>Average</b>	<b>£387,070</b>		<b>54 (577)</b>	<b>£7,208 (£670)</b>

- 4.14 The above local second hand sales evidence shows an average price of £387,070 and a rate of £7,208 per m<sup>2</sup> (£670 per ft<sup>2</sup>) for one bed units.

#### *Two Bedrooms*

Address	Sale price	Sale date	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
Flat 324 10-18 Manor Gardens N7	£637,500	16/08/16	71 (764)	£8,979 (£834)
Flat 25 Margery Fry Court N7	£426,000	03/06/16	59 (635)	£7,220 (£671)
Flat 24 433 Holloway Road N7	£425,000	22/08/16	53 (570)	£8,019 (£745)
Flat 22 Parkhurst Court N7	£420,100	04/07/16	57 (614)	£7,370 (£685)
Flat 125 10-18 Manor Gardens N7	£620,000	27/05/16	82 (883)	£7,561 (£702)
Flat 5 20 Tollington Way N7	£545,000	29/07/16	78 (840)	£6,987 (£649)
Flat 7 19 Manor Gardens N7	£550,000	27/05/16	66 (710)	£8,333 (£774)

Flat 86 3 Manor Gardens N7	£540,000	09/06/16	74 (797)	£7,297 (£678)
Average	£520,450		68 (727)	£7,721 (£717)

- 4.15 The above local second hand sales evidence shows an average price of £520,450 and a rate of £7,721 per m<sup>2</sup> (£717 per ft<sup>2</sup>) for two bed units.

#### Three Bedrooms

Address	Sale price	Sale date	Area m' (ft <sup>2</sup> )	£ per m' (ft <sup>2</sup> )
Flat 3 43 Anson Road N7	£898,210	12/02/16	93 (1,001)	9,658 (897)
Apartment 21 5 Tiltman Place N7	£741,325	12/05/16	91 (980)	8,146 (757)
55A Birnam Road N4	£684,402	14/12/15	87 (940)	7,840 (728)
3B Axminster Road N7	£606,010	30/10/15	88 (950)	6,863 (638)
Flat 18 Bakersfield Crayford Rd N7	£590,987	12/05/16	87 (936)	6,793 (631)
Flat 14 Bakersfield Crayford Rd N7	£593,276	27/11/15	89 (958)	6,666 (619)
Average	£685,702		89 (961)	£7,661 (712)

- 4.16 The three bedroom flat local evidence that we found was dated and as such we increased the achieved sales prices by local HPI. The average price for second hand three bed sales in the area is £685,702 although we note that there is a broad range and we do not account of 3 bed 5 person units which may account for the lower priced units.
- 4.17 We have also collected the following evidence of local sales and listings of two and three bed houses, it should be noted that there is limited evidence of either.

Address	Price	Date	Beds	Area m' (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )
7 Keighley Close N7	£685,000	29/04/16	2	72 (775)	9,514 (884)
7 Marlborough Yard N19	£1,050,000	10/06/16	3	116 (1,243)	9,091 (845)
Wedmore Street	£1,000,000	Listed	3	122 (1,310)	8,217 (763)
Crayford Mews	£850,000	Listed	3	93 (997)	9,179 (853)
Crayford Road	£750,000	Listed	2	73 (784)	10,302 (957)

- 4.18 We attach at appendix 3 an additional sales value schedule that depicts and discussed the local comparable evidence in further detail.
- 4.19 Overall we are of the opinion that the residential values are broadly reasonable and generally reflect the tone of local new build sales, however given the evidence of sales in the Harper building and at The Tufnall Park Road scheme, there is potential for higher rates to be achieved in the area. The proposed rates reflect the limitations associated with a part conversion scheme to the properties fronting onto Holloway Road. There is also a lack of outdoor amenity space for the residents of this scheme, however there is limited direct sales evidence therefore an outturn review of viability in accordance with the Council's SPD appears highly relevant.



4.20 Capitalised Ground Rental income has been included in the appraisal at a rate of £375 per unit per annum with the total annual income capitalised at a rate of 5%. There is usually a graduation in the level of ground rent according to unit size but accept the rate expressed as an average across the scheme.

## 5.0 COMMERCIAL UNIT VALUATION

- 5.1 The proposals include provision for a retail unit measuring 50 m<sup>2</sup> / 538 ft<sup>2</sup> (NIA) situated on the ground floor level. The space has been valued at a rate of £269 per m<sup>2</sup> (£25/ft<sup>2</sup>) with the annual rent capitalised at a rate of 6.5%.
- 5.2 Gerald Eve has provided the following comparable evidence in support of their assumptions.

Address	Date	Total Area ft <sup>2</sup>	Floor	Use Class	Term	Rent Free	Annual Rent	Rate £/ft
324 Holloway Rd	01/05/16	736	Ground	A1	10 years	3 mnt	£14,509	£19.71
483 Holloway Rd	28/03/16	1,782	Basement Ground First	A1	Rolling monthly		£25,000	£14.03
6 Seven Sisters Rd	01/03/16	847	Ground	A1	3 years 1 months		£29,925	£35.33
506 Holloway Rd	22/01/16	1536	Basement Ground	A1	15 years	3 mnt	£24,376	£15.87

- 5.3 Further relevant local evidence, beyond those provided by Gerald Eve, is rather limited but we have identified the following transactions;

Address	Date	Area m <sup>2</sup> (ft <sup>2</sup> )	Rent p.a.	£ per m <sup>2</sup> (ft <sup>2</sup> )
Ground, 342 Hornsey Road, N7 7HE	15/03/16	52 (560)	£12,000	£231 (£21.44)
Basement and Ground, 506 Holloway Rd, N7 6JD	25/01/16	136 (1,465)	£25,000	£184 (£17.06)
Ground, 283 Hornsey Road, N19 4HN	01/01/16	40 (431)	£13,000	£325 (£30.19)

- 5.4 The rents of the two units on Hornsey Road are reflective of asking rents and limited information is available with regards to the agreed terms.
- 5.5 A balanced view of the available suggests the proposed rent of £269 per m<sup>2</sup> (£25/ft<sup>2</sup>) is appropriate, although possibly a little conservative.
- 5.6 The capitalisation yield of 6.5% also appears in context with other market transactions given the evidence provided in the form of two marketing reports compiled by Currell's and Drivers Norris and our own research.

## 6.0 BUILD COSTS

- 6.1 Our Cost Consultant, Neil Powling, has reviewed the cost information provided and has made the following comments;

*'The adjusted benchmark for the terrace flats is £1,958/m<sup>2</sup> that compares to the applicant's £1,849/m<sup>2</sup> - we are therefore satisfied that the Applicants costs for the conversion of the existing building into flats are reasonable.*

*As the mews are priced at an all-in rate inclusive of preliminaries, OHP and contingency - it has not been possible to analyse or benchmark it. The BCIS average rate is £1,288/m<sup>2</sup> and the Applicant's rate £2,250/m<sup>2</sup>. We suggest that the cost plan should be expanded to provide an elemental build-up of the mews houses, but mindful of the quality indicated by the sales figures, we would expect a subsequent benchmarking exercise to indicate the costs to be reasonable.'*

- 6.2 Developers Profit has been viewed as an output in Gerald Eve's Argus appraisals with a fixed residual land value. The target rate is stated as 25% profit on costs. We are of the opinion that a blended rate should be used to account for the difference elements of the scheme. To this effect we are of the opinion that 20% profit on private GDV and 15% on commercial GDV is an appropriate assumption.
- 6.3 Professional Fees have been included at a rate of 12% on build costs. We agree that this is a realistic allowance for a scheme of this type.
- 6.4 Contingency has been included in the build costs at a rate of 10%. Our Cost Consultant agrees that this is appropriate for redevelopments of this nature.
- 6.5 Disposal Fees have been included at 1.5% and 0.5% for sales agent and sales legal fees respectively. We accept that these figures are in line with current market norms.
- 6.6 Marketing & Letting fees have been included at 2% for marketing, 10% for letting agent fees and 5% for letting legal fees. We accept that these figures reflect market norms.
- 6.7 Finance costs have been applied at an all-inclusive rate of 7% to total debt which is at the upper end of the current financing costs spectrum given current low rates.

BPS Surveyors

## Appendix 1: Build Cost Report

Project: 457-463 Holloway Road, N6 6LJ

### 1 SUMMARY

- 1.1 As the mews are priced at an all-in rate inclusive of preliminaries, OHP and contingency - it has not been possible to analyse or benchmark it. The BCIS average rate is £1,288/m<sup>2</sup> and the Applicant's rate £2,250/m<sup>2</sup>. We suggest that the cost plan should be expanded to provide an elemental build-up of the mews houses, but mindful of the quality indicated by the sales figures, we would expect a subsequent benchmarking exercise to indicate the costs to be reasonable.
- 1.2 The adjusted benchmark for the terrace flats is £1,958/m<sup>2</sup> that compares to the applicant's £1,849/m<sup>2</sup> - we are therefore satisfied that the Applicants costs for the conversion of the existing building into flats 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's 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 occasionally upper quartile for benchmarking. The outcome of the benchmarking is little affected, as BCIS levels are used as a starting point to assess the level of cost and specification enhancement in the scheme on an element by element basis. 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 available on an overall £ per sqm and for new build work on an elemental £ per sqm basis. Rehabilitation/conversion data is available on an overall £ per sqm and on a group element basis ie. substructure, superstructure, finishings, fittings and services - but is not available on an elemental basis. 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 ideally keep the estimates for different categories separate to assist more accurate benchmarking. However if the Applicant's cost plan does not distinguish different categories we may calculate a blended BCIS average rate for benchmarking based on the different constituent areas of the overall GIA.
- 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 BCIS 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 from the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Nor do average prices per sqm or 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.
- 2.10 We undertake this adjusted benchmarking by determining the appropriate location adjusted BCIS average rate as a starting point for the adjustment of abnormal and enhanced costs. We review the elemental analysis of the cost plan on an element by element basis and compare the Applicants total to the BCIS element total. If there is a difference, and the information is available, we review the more detailed build-up of information considering the specification and rates to determine if the additional cost appears justified. If it is, then the calculation may be the difference between the cost plan elemental £/m<sup>2</sup> and the equivalent BCIS rate. We may also make a partial adjustment if in our opinion this is appropriate. The BCIS elemental rates are inclusive of OHP but exclude preliminaries. If the Applicant's costings add preliminaries and OHP at the end of the estimate (as most typically do) we add these to the adjustment amounts to provide a comparable figure to the Applicant's cost estimate. The results of the elemental analysis and BCIS benchmarking are generally issued as a PDF but upon

request can be provided as an Excel spreadsheet.

### 3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Financial Viability Assessment issued by Gerald Eve dated 22<sup>nd</sup> August 2016, Appendix 3 site location map, Appendix 6 Gardiner & Theobald Cost Report totalling £4,694,005 (excluding inflation), Appendix 8 the Argus Financial Appraisal for the Proposed scheme, Appendix 9 the Argus Financial Appraisal for the Counterfactual scheme, the Design & Access Statement and the Planning statement.
- 3.2 We have not accessed the planning web site as there was sufficient information provided for us to assess the costs for viability purposes.
- 3.3 The cost plan is on a 3Q2016 basis. Our benchmarking uses current 4Q2016 BCIS data which is on a current tender firm price basis. The BCIS all-in Tender Price Index (TPI) is a forecast figure for 3Q2016 of 281 and for 4Q2016 of 280.
- 3.4 The cost plan includes an allowance of 15% for preliminaries and overheads and profit (OHP) calculated at 6% on the terrace flats; the rate used to estimate the mews houses is inclusive of preliminaries, OHP and contingencies. We consider all of these allowances reasonable. The allowance for contingencies is 10% which we consider reasonable for works of conversion of an existing building.
- 3.5 As the mews are priced at an all-in rate inclusive of preliminaries, OHP and contingency - it has not been possible to analyse or benchmark it. The BCIS average rate is £1,288/m<sup>2</sup> and the Applicant's rate £2,250/m<sup>2</sup>. We suggest that the cost plan should be expanded to provide an elemental build-up of the mews houses, but mindful of the quality indicated by the sales figures, we would expect a subsequent benchmarking exercise to indicate the costs to be reasonable.
- 3.6 The cost plan calculates inflation figures for the period to the expected commencement date and for construction inflation to the mid-point of the contract. These figures have not been included in the construction cost included in the appraisal.
- 3.7 Sales have been included in the Appraisal at average figures of £788.60/ft<sup>2</sup> for flats in the existing terrace and £874.21/ft<sup>2</sup> for the new build mews houses (Net Sales Areas).
- 3.8 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Islington of 123 that has been applied in our benchmarking calculations.
- 3.9 Refer to our attached file "Elemental analysis and BCIS benchmarking". The external works is an abnormal cost for BCIS benchmarking purposes and included in the total column of our elemental analysis but not in either the terrace flats or mews columns.
- 3.10 The retail area cost to a shell only specification has been estimated in the terrace flats section. We have calculated a blended benchmark rate as follows:-

	GIA m <sup>2</sup>	%	BCIS £/m <sup>2</sup>	Blended £/m <sup>2</sup>
Flats in existing terrace	1,283	96.3%	1,617	1,558
Retail shell only	49	3.7%	913	34
Total	<u>1,332</u>			<u>1,592</u>

- 3.11 The building is a 4 storey building of conversion to flats; BCIS average cost data is given in steps: 1-2 storey, 3-5 storey, 6+ storey. The new build elemental information makes no distinction for storey height resulting in an anomaly for flats below 6 storeys. We have benchmarked the flats in the 3-5 storey category.
- 3.12 The adjusted benchmark for the terrace flats is £1,958/m<sup>2</sup> that compares to the applicant's £1,849/m<sup>2</sup> - we are therefore satisfied that the Applicants costs for the conversion of the existing building into flats are reasonable.

BPS Chartered Surveyors  
Date: 7<sup>th</sup> October 2016

457-463 Holloway Road, Islington N7 6LJ  
Elemental analysis & BCIS benchmarking

Terrace 1,283  
Retail 49

	GIA m <sup>2</sup> 1,660		Total 1,332		328		New build	
	Total		Convert Terrace		New bld Mews		LF100	LF123
	£	£/m <sup>2</sup>	£	£/m <sup>2</sup>	£	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>
<b>Stripping out</b>	53,050	32	53,050	40				
<b>1 Alteration &amp; repair/ substructure</b>	390,745	235	390,745	293			132	162
2A Frame							134	165
2B Upper Floors							83	102
2C Roof	161,750	97	161,750	121			76	93
2D Stairs							29	36
2E External Walls	37,925	23	37,925	28			196	241
2F Windows & External Doors	210,010	127	210,010	158			76	93
2G Internal Walls & Partitions	236,135	142	236,135	177			58	71
2H Internal Doors	88,450	53	88,450	66			46	57
<b>2 Superstructure</b>	734,270	442	734,270				698	859
3A Wall Finishes	86,163	52	86,163	65			58	71
3B Floor Finishes	129,925	78	129,925	98			58	71
3C Ceiling Finishes	111,960	67	111,960	84			32	39
<b>3 Internal Finishes</b>	328,048	198	328,048	246			148	182
<b>4 Fittings</b>	405,000	244	405,000	304			56	69
5A Sanitary Appliances	55,400	33	55,400	42			23	28
5B Services Equipment (kitchen, laundry)							19	23
5C Disposal Installations	48,520	29	48,520	36			14	17
5D Water Installations	42,500	26	42,500	32			32	39
5E Heat Source	55,400	33	55,400	42			21	26
5F Space Heating & Air Treatment	57,000	34	57,000	43			64	79
5G Ventilating Systems	41,090	25	41,090	31			21	26
5H Electrical Installations (power, lighting, emergency lighting, standby generator, UPS)	111,048	67	111,048	83			86	106
5I Gas Installations	8,000	5	8,000	6			6	7
5J Lift Installations							34	42
5K Protective Installations (fire fighting, dry & wet risers, sprinklers, lightning protection)	20,364	12	20,364	15			13	16
5L Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems, leak detection, induction loop)	39,775	24	39,775	30			32	39
5M Special Installations - (window cleaning, BMS, medical gas)	12,200	7	12,200	9			29	36
5N BWIC with Services	33,902	20	33,902	25			12	15
5O Sub contract preliminaries	88,440	53	88,440	66			3	4
<b>5 Services</b>	613,639	370	613,639	461			409	503
6A Site Works	272,000	164						
6B Drainage								
6C External Services	98,305	59	98,305	74				
6D Minor Building Works								
<b>6 External Works</b>	370,305	223	98,305	74				
<b>SUB TOTAL</b>	3,633,058	2,189	2,623,058	1,418	738,000	2,250	1,443	1,775
<b>7 Preliminaries 15%</b>	434,250	262	393,459	295	inc			
<b>Overheads &amp; Profit 6%</b>	199,755	120	180,991	136	inc			
<b>SUB TOTAL</b>	4,267,063	2,571	3,197,507	1,849	738,000	2,250		
Design Development risks 10%	427,000	257			inc			
Construction risks								
Employer change risks								
To balance	-58	0						
<b>TOTAL</b>	4,694,005	2,828	3,197,507	1,849	738,000	2,250		

Benchmarking							
Add external works	74		1,592			1,288	
Add additional cost of floor finishings	26						
Add additional cost of fittings	212						
	<u>312</u>						
Add preliminaries 11.95%	37						
Add OHP 4.91%	17		366				
			<u>1,958</u>				
Contingency 10%			N/A			129	
						<u>1,417</u>	
Difference			144,461			-273,358	



Appendix 2 - 50% On Site  
457-467 Holloway Road  
Islington  
50% Scheme

Development Appraisal  
Prepared by FKI  
BPS Surveyors  
17 November 2016

**APPRAISAL SUMMARY****BPS SURVEYORS**

Appendix 2 - 50% On Site  
457-467 Holloway Road  
Islington

**Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Residential - Private Sales	10	8,092	818.71	662,500	6,625,000
Affordable Housing	9	5,164	182.82	104,897	944,070
<b>Totals</b>	<b>19</b>	<b>13,256</b>			<b>7,569,070</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rent	19			375	7,125	7,125
Commercial Units	1	538	25.00	13,450	13,450	13,450
<b>Totals</b>	<b>20</b>	<b>538</b>			<b>20,575</b>	<b>20,575</b>

**Investment Valuation****Ground Rent**

Current Rent	7,125	YP @	5.0000%	20.0000	142,500
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**Commercial Units**

Market Rent	13,450	YP @	6.5000%	15.3846	
(9mths Unexpired Rent Free)		PV 9mths @	6.5000%	0.9539	197,377
					<b>339,877</b>

**GROSS DEVELOPMENT VALUE****7,908,947**

Purchaser's Costs

(4,934)

(4,934)

**NET DEVELOPMENT VALUE****7,904,013****NET REALISATION****7,904,013****OUTLAY****ACQUISITION COSTS**

Residualised Price			62,212		62,212
Stamp Duty		4.00%	2,488		
Agent Fee		2.00%	1,244		
Legal Fee			10,000		
					13,733

**Other Acquisition**

Site Security, insurance etc			10,000		10,000
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**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
Construction Costs	17,342 ft <sup>2</sup>	270.67 pF <sup>2</sup>	4,694,005	<b>4,694,005</b>
Mayoral CIL			60,000	
Energy Sum			447,227	
Energy Contributions			21,840	
Section 106			1,900	
				530,967

**PROFESSIONAL FEES**

Prof Fees		12.00%	563,281		563,281
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**MARKETING & LETTING**

Marketing		2.00%	135,350		
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**APPRAISAL SUMMARY****BPS SURVEYORS****Appendix 2 - 50% On Site  
457-467 Holloway Road****Islington**

Letting Agent Fee	10.00%	1,345	
Letting Legal Fee	5.00%	673	
			137,368
<b>DISPOSAL FEES</b>			
Sales Agent Fee	1.50%	118,560	
Sales Legal Fee	0.50%	39,520	
			158,080
<b>MISCELLANEOUS FEES</b>			
Profit on Private	20.00%	1,353,500	
Profit on Commercial	15.00%	29,607	
Profit on AH	6.00%	56,644	
			1,439,751
<b>FINANCE</b>			
Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land		6,697	
Construction		209,612	
Letting Void		5,542	
Other		72,766	
Total Finance Cost			294,617
<b>TOTAL COSTS</b>			<b>7,904,013</b>
<b>PROFIT</b>			<b>0</b>
<b>Performance Measures</b>			
Profit on Cost%	0.00%		
Profit on GDV%	0.00%		
Profit on NDV%	0.00%		
Development Yield% (on Rent)	0.26%		
Equivalent Yield% (Nominal)	5.89%		
Equivalent Yield% (True)	6.11%		
IRR	6.23%		
Rent Cover	0 mths		
Profit Erosion (finance rate 7.000%)	N/A		

457-463 Holloway Road - GE Values

UNIT TYPE	COUNT	AVERAGE AREA SQ F	SALE PRICE	£ PSF
STUDIO	2	468	£ 377,500.0	807
1 BED	9	556	£ 439,444.0	790
2 BED	3	692	£ 553,333.0	800
3 BED	2	1125	£ 862,500.0	767
2 BED HOUSE	2	947	£ 832,500.0	879
3 BED HOUSE	1	1098	£ 950,000.0	865

Harper Building

UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ F	AVERAGE ASKING PRICE	AVERAGE EPSF ASKING	Comments
1 BED	1	507	£ 445,000.00	878	The Harper Building can be considered as the strongest comparative due to the fact that it was a commercial to residential conversion permitted under Permitted Development Rights. The Harper Building is also located fairly close to the subject development proposal, however the development arguably benefits from its superior proximity to Holloway Road Train Station.
2 BED	1	750	£ 599,950.00	800	
3 BED	2	884.5	£ 700,475.00	792	
UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ FT	AVERAGE PRICE ACHIEVED	AVERAGE EPSF ACHIEVED	
STUDIO	1	287	£ 305,000.00	1,063	
1 BED	6	499.6	£ 445,833.00	892	
2 BED	4	681	£ 602,500.00	885	
3 BED	2	857.4	£ 678,125.00	791	

Queensland Terrace

UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ F	AVERAGE ASKING PRICE	AVERAGE EPSF ASKING	Comments
STUDIO	2	363	£ 367,500.0	1,012	The Queensland Terrace development is located reasonably close to the subject development proposal but benefits from its superior proximity to Holloway Road Train Station.
1 BED	15	510.5	£ 496,827.0	973	
2 BED	2	766	£ 644,975.0	842	
3 BED	1	1034	£ 1,000,000.0	967	
UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ F	AVERAGE PRICE ACHIEVED	AVERAGE EPSF ACHIEVED	
1 BED					
2 BED					
3 BED					

2 Tufnell Park Road

UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ F	AVERAGE ASKING PRICE	AVERAGE EPSF ASKING	Comments
2 BED	4	802	£ 653,612.50	815	2 Tufnell Park Road (Rear of Odean Cinema) is the comparative located closest to the subject development proposal, however unlike the subject development, 2 Tufnell Park Road is a new build development.
UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ FT	AVERAGE PRICE ACHIEVED	AVERAGE EPSF ACHIEVED	
1 BED	2	506	£ 429,975.00	850	

400 Caledonian Road

UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ F	AVERAGE PRICE ACHIEVED	AVERAGE EPSF ACHIEVED	Comments
1 BED	5	560	£ 423,900.00	757	The 400 Caledonian Road scheme is located furthest away from the subject development proposal. The scheme appears to have performed badly and attained low values on a Epsf basis. Data has been derived from transactions all dated in January 2016 and could be considered dated and not indicative of current local market conditions.
2 BED	8	765	£ 563,812.50	737	
3 BED	1	1046	£ 759,000.00	726	

321 Holloway Road

UNIT TYPE	No. Comparative units	AVERAGE SIZE SQ FT	AVERAGE PRICE ACHIEVED	AVERAGE EPSF ACHIEVED	Comments
1 BED	3	581	£ 419,000.00	721	The 321 Holloway Road scheme is located in close proximity to the subject property. The scheme appears to have underperformed in sales and as a result attained low Epsf values. It should be noted that the data for this scheme was derived from transactions in final quarter of 2015 and can thus be considered dated.
2 BED	8	780	£ 548,118.75	703	
3 BED	3	973	£ 688,333.00	707	

Appendix 4  
457-467 Holloway Road, Islington, N7  
19 Unit Scheme

Development Appraisal  
Prepared by BPS  
BPS Surveyors  
31 January 2017

**APPRAISAL SUMMARY****BPS SURVEYORS****Appendix 4  
457-467 Holloway Road, Islington, N7****Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

<b>Sales Valuation</b>					
Residential - Private Sales	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
	19	13,079	808.00	556,202	10,567,832

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rent	19			375	7,125	7,125
Commercial Units	<u>1</u>	<u>538</u>	25.00	13,450	<u>13,450</u>	<u>13,450</u>
<b>Totals</b>	<b>20</b>	<b>538</b>			<b>20,575</b>	<b>20,575</b>

**Investment Valuation**

<b>Ground Rent</b>					
Current Rent	7,125	YP @	5.0000%	20.0000	142,500
<b>Commercial Units</b>					
Market Rent	13,450	YP @	6.5000%	15.3846	
(9mths Unexpired Rent Free)		PV 9mths @	6.5000%	0.9539	197,377
					<b>339,877</b>

**GROSS DEVELOPMENT VALUE****10,907,709**

Purchaser's Costs	(4,934)	
		(4,934)

**NET DEVELOPMENT VALUE****10,902,775****NET REALISATION****10,902,775****OUTLAY****ACQUISITION COSTS**

Residualised Price			1,882,678	
				1,882,678
Stamp Duty		4.00%	75,307	
Agent Fee		2.00%	37,654	
Legal Fee			10,000	
				122,961

**Other Acquisition**

Site Security, insurance etc			10,000	
				10,000

**CONSTRUCTION COSTS**

<b>Construction</b>	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
Construction Costs	17,342 ft <sup>2</sup>	270.67 pF	4,694,005	<b>4,694,005</b>
Mayoral CIL			101,837	
Energy Sum			447,227	
Energy Contributions			21,840	
Section 106			1,900	
				572,804

**PROFESSIONAL FEES**

Prof Fees		12.00%	563,281	
				563,281

**MARKETING & LETTING**

Marketing		2.00%	214,207	
Letting Agent Fee		10.00%	1,345	
Letting Legal Fee		5.00%	673	
				216,224

**DISPOSAL FEES**

Sales Agent Fee		1.50%	163,542	
Sales Legal Fee		0.50%	54,514	
				218,055

**MISCELLANEOUS FEES**

Private Profit		20.00%	2,142,066	
Commercial Profit		15.00%	29,607	

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ARGUS Developer Version: 7.50.000

Date: 31/01/2017

**Appendix 4****457-467 Holloway Road, Islington, N7**

		2,171,673
<b>FINANCE</b>		
Debit Rate 7.000%, Credit Rate 0.000% (Nominal)		
Land	117,763	
Construction	206,452	
Letting Void	63,439	
Other	63,439	
Total Finance Cost		451,094
<b>TOTAL COSTS</b>		<b>10,902,775</b>
<b>PROFIT</b>		<b>0</b>

**Performance Measures**

Profit on Cost%	0.00%
Profit on GDV%	0.00%
Profit on NDV%	0.00%
Development Yield% (on Rent)	0.19%
Equivalent Yield% (Nominal)	5.89%
Equivalent Yield% (True)	6.11%
IRR	6.31%
Rent Cover	0 mths
Profit Erosion (finance rate 7.000%)	0 mths

## 457 - 463 Holloway Road, London, N7 6LJ

Addendum Report

30 March 2017



### 1.0 Introduction

- 1.1. BPS Chartered Surveyors has been instructed by The London Borough of Islington ('the Council') to review an Economic Assessment prepared by Gerald Eve on behalf of Metdist Enterprises Ltd ('the applicant') in respect of the property at 457-463 Holloway Road.
- 1.2. This addendum report follows our initial report dated 30 January 2017 and the subsequent response from Gerald Eve dated 15 February 2017.

### 2.0 Conclusions and Recommendations

- 2.1. There remains disagreement between BPS and Gerald Eve (GE) with regards to the process of determining both the appropriate market value and site value benchmark and consequently the overall financial viability of the site. Our approach reflects relevant national, regional and local planning policies, this includes the Mayor's Housing SPG and the Islington Development Viability SPD in seeking to arrive at a benchmark reflecting existing use and where appropriate alternative use together with a land owner premium where appropriate.
- 2.2. Given the continued disagreement between ourselves and Gerald Eve as to the appropriate basis for using market evidence of property sales as a basis for determining a suitable benchmark land value we have concluded that we are unlikely to reach a shared opinion on this approach to benchmarking site value given that in principle we sit some distance apart. Our opinion of site value being £1.15m which differs substantially from the £3m proposed by Gerald Eve.
- 2.3. We note that our last report concluded that the scheme could deliver a contribution to a value of £775,000. Following that report we understand the scheme has been reduced in scale and applying the same approach we now calculate the scheme could deliver a contribution of £500,000. By contrast the applicant has offered £250,000.
- 2.4. In that there now seems to be relatively little difference between our respective figures and in applying a reasonable approach we have reviewed any outstanding areas of disagreement.
- 2.5. In our initial assessment of AUV we made no value allowance against the existing office premises. This reflected the findings of our 27 July 2016 report which concluded that office use was no longer viable.
- 2.6. Although the former offices have a nil current use value we have considered whether it would be realistic to ascribe a value to the built form to allow a contrast between a cleared site. This recognises that were consent to be granted for the proposed scheme the developer would benefit from the presence of an existing structure for conversion rather than be faced with the cost equivalent of new build.

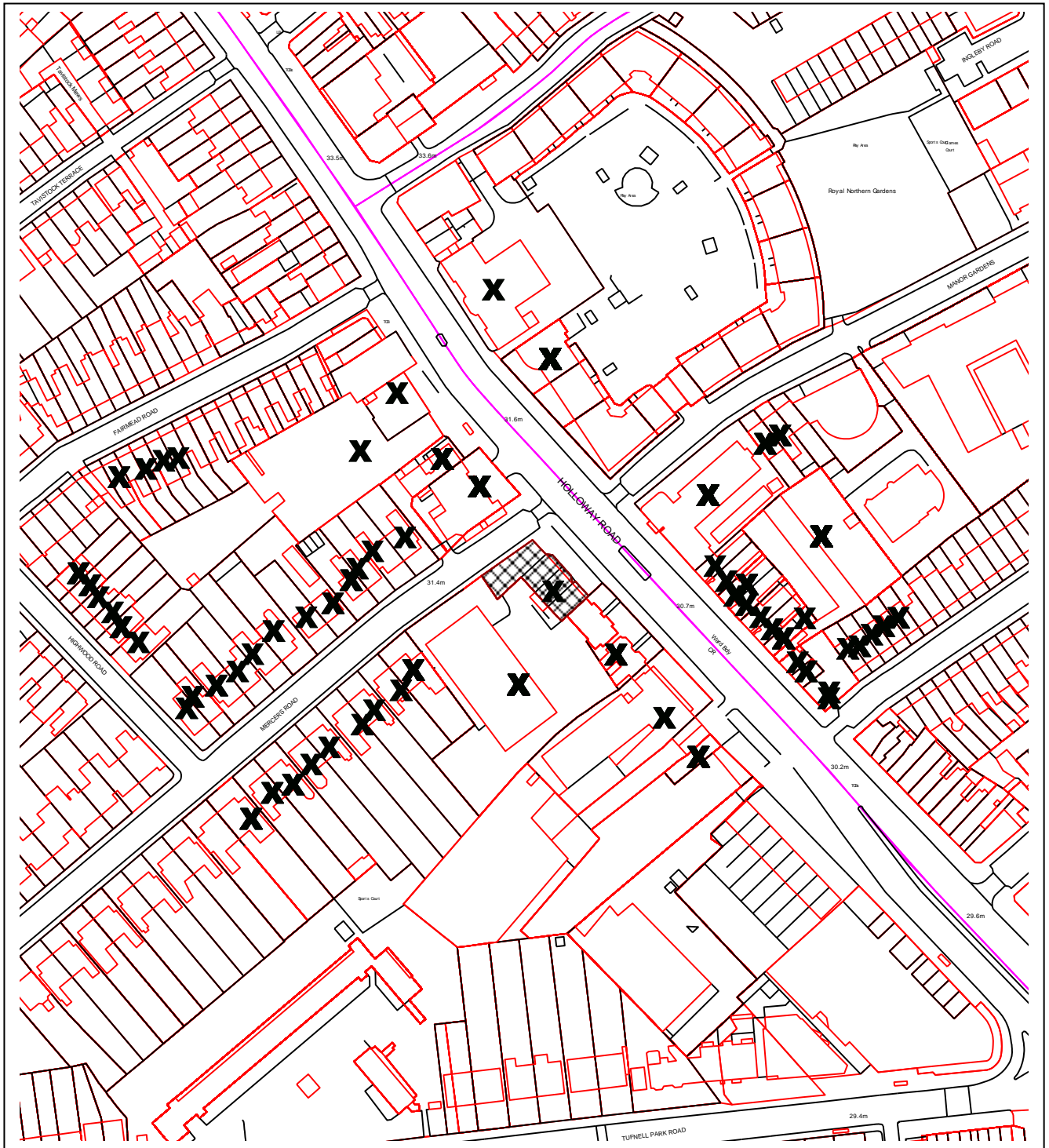


- 2.7. The cost advice provided by our Cost Consultant indicates a high reuse cost rate as such there may not be a material cost advantage to reuse rather than rebuild but it is also logical to assume that a rational developer would adopt the route which generated highest sales values relative to cost. In this sense conversion of the existing structure must be viewed as potentially conferring an advantage over new build.
- 2.8. To arrive at a break even appraisal which generated the applicant's proposed contribution of £250,000 would require an increase in our AUV approach of £400,000. Assuming this figure was attributed to the former office space we calculate that it equates to a rate of £431 per m<sup>2</sup> (£40 per ft<sup>2</sup>). This rate compares to an anticipated sales rate of £8,697 per sq m (£808 per sq ft) and reflects a land value of just under 5% which is a relatively modest hurdle rate when considering site value.
- 2.9. Including the allowance for the office space at £400,000 into our previous AUV would result in an updated AUV of £1,350,000 and would adjust our residual value surplus to a figure of £250,000.
- 2.10. In considering our benchmark value as previously reported ascribing a value to the former offices is not incompatible with an EUV/AUV approach. Equally our earlier nil valuation of this space could be argued to not adequately reflect a land owners realistic hope value, acknowledging that consent for a change of use is implicit having established the current use as offices is no longer viable.
- 2.11. The purpose of this report is to highlight our view that there is scope in our view to apply a more flexible approach to defining AUV as part of our benchmark which as accounted for above would indicate the applicant's affordable housing offer is the maximum reasonable sum.
- 2.12. Given uncertainty over future costs and values we would suggest that a review of viability is undertaken on an outturn basis in order to capture a fair proportion of any potential uplift in scheme value in accordance with the Council Development Viability SPD adopting our suggested revised benchmark of £1,350,000.

**BPS Surveyors**

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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 3333  
 222 Upper Street  
 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO: B2</b>
<b>Date:</b> 7 September 2017	<b>NON-EXEMPT</b>

Application numbers	P2017/1046/FUL & P2017/1049/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	Bunhill
Listed building	Main School Building (Cowper Street) Grade II listed; County Court Building (Leonard Street) Grade II listed.
Conservation area	Bunhill Fields / Finsbury Square Conservation Area
Development Plan Context	Central Activities Zone (CAZ) City Fringe Opportunity Area
Licensing Implications	None
Site Address	Central Foundation Boys' School, Cowper Street, London EC2A 4SH
Proposal	Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building (3,774m <sup>2</sup> GIA); landscaping and associated works.

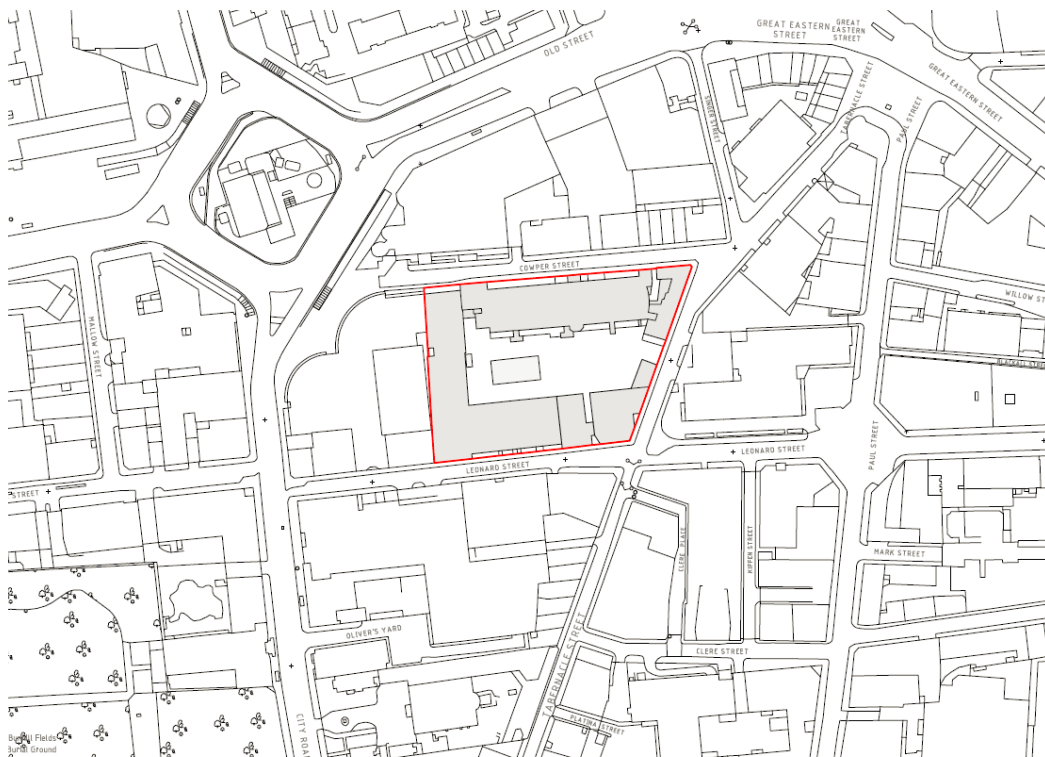
Case Officer	Simon Greenwood
Applicant	Central Foundation Boys' School
Agent	Montagu Evans – Miss Jade Wong

## 1. RECOMMENDATION

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

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

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

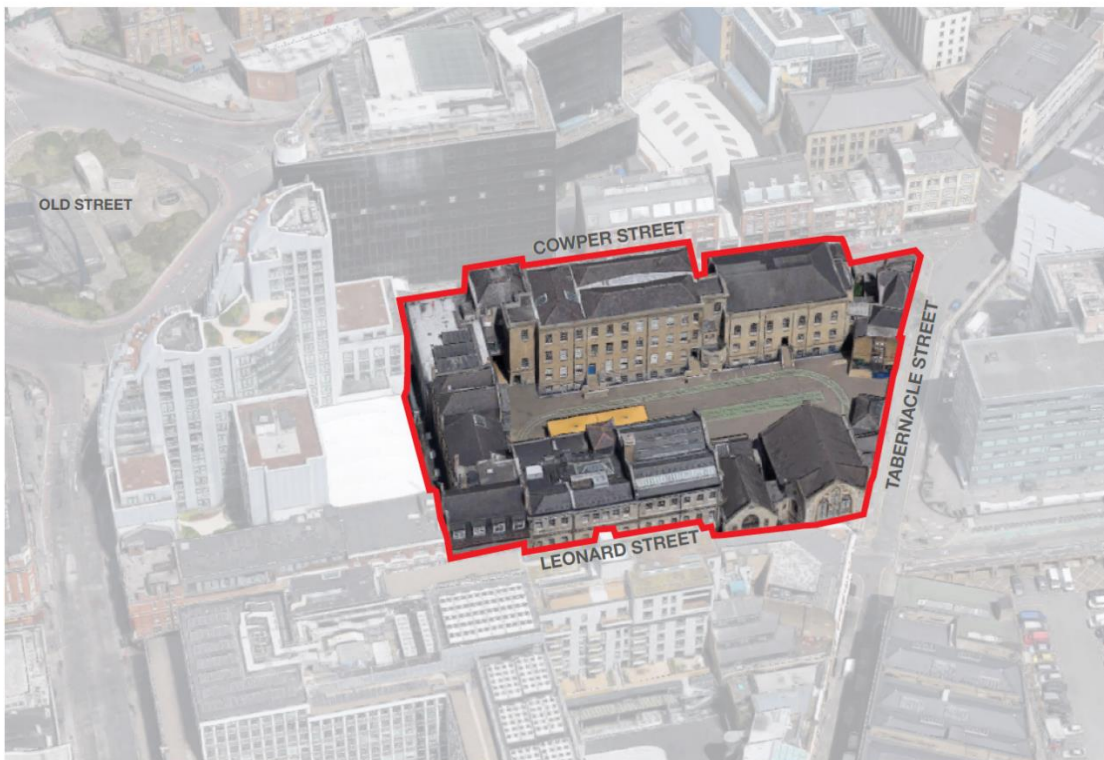


**3. PHOTOS OF SITE/STREET**

Aerial view of site



Birds eye view of site



Cowper Street view of Block B (foreground) and Block A



Tabernacle Street view (looking north-east) of Tabernacle Building (foreground) and former sixth form block





Tabernacle Street view of Tabernacle Building



Leonard Street view of Tabernacle Building (foreground) and County Court Building



View of school looking west on Tabernacle Street with Bezier development beyond



#### **4. SUMMARY**

- 4.1 The application is for Full Planning Permission and an associated application for Listed Building Consent and the report addresses both applications.
- 4.2 Central Foundation Boys' School provides an 'Outstanding' (Ofsted 2015) education for its pupils, over 60% of whom are from disadvantaged families. The existing school accommodation is considered inadequate whilst the school is planning to increase its intake of pupils with an additional form of entry from September 2018 and an additional 120 sixth form pupils over the next five years.
- 4.3 It is proposed to demolish the existing Block B and erect a new 4 storey science block, install a part subterranean sports hall in the central courtyard and to partially redevelop the existing Tabernacle Building to provide a new creative arts block. It is also proposed to demolish existing ancillary buildings and erect an 8 storey commercial block. Internal and refurbishment works are proposed to Blocks A and C.
- 4.4 The proposed development would significantly enhance the quality of education offered by the school through the provision of new and improved education facilities whilst facilitating the expansion of student numbers.
- 4.5 The proposed school works are currently subject to a significant funding shortfall and an 8 storey office block is proposed on the school's land as an enabling development to assist in bridging this shortfall. The application is accompanied by a financial viability

assessment which may be considered to satisfactorily demonstrate that, in viability terms, the enabling block is necessary in order to maximise the capital receipt from the sale of the development site.

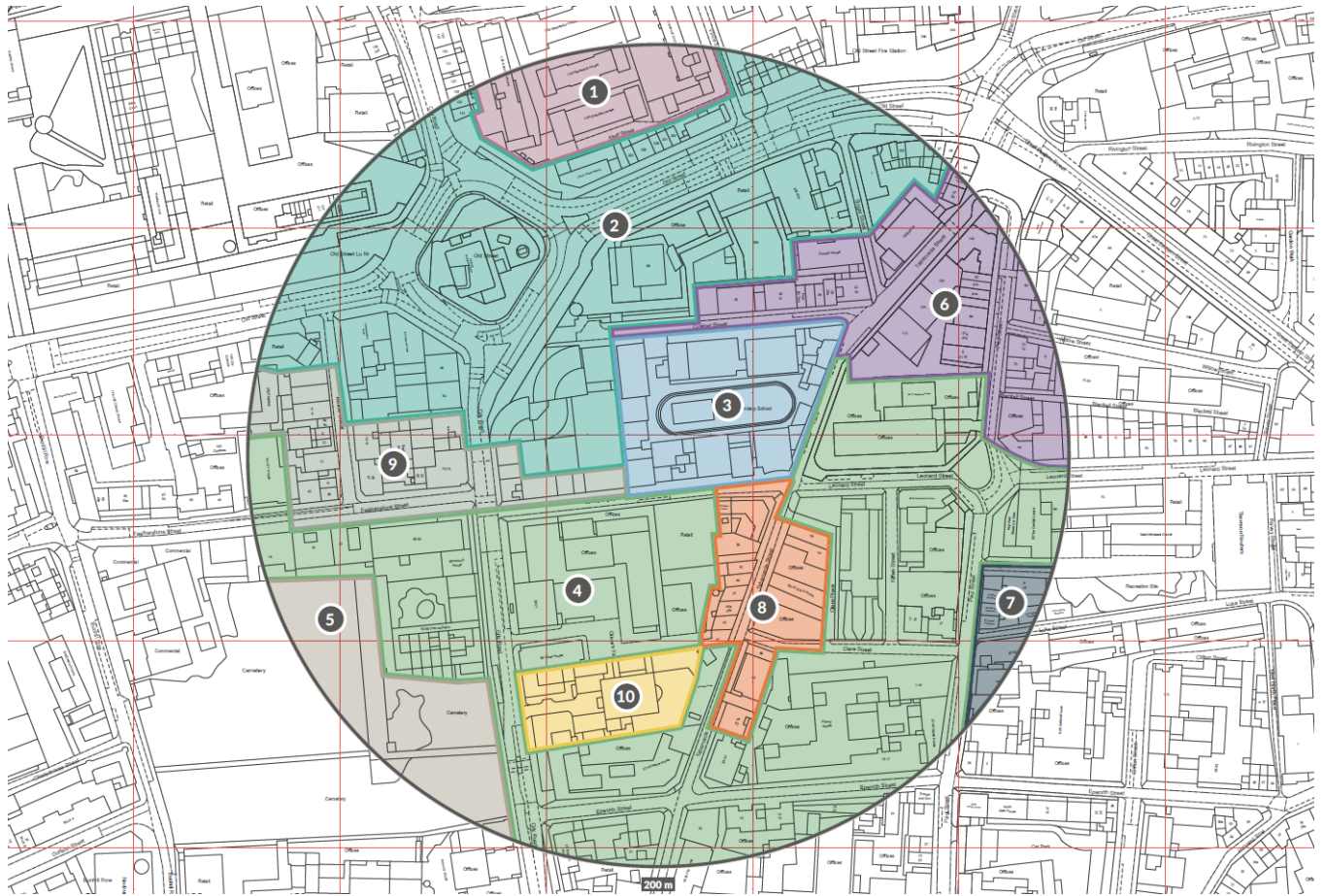
- 4.6 The proposal is considered to result in harm in planning terms. In particular, it would result in the loss of the school's former sixth form block which is considered to make a positive contribution to the character and appearance of the Bunhill Fields / Finsbury Square Conservation Area. Furthermore, the proposed office block is considered to result in harm to the character and appearance of the conservation area and a minor degree of harm to the setting of the Grade II listed County Court and the main School building (Block A) by reason of its excessive height, scale and massing.
- 4.7 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 4.8 Overall, it is considered that the harm arising from the demolition of the former sixth form block and the erection of the new office block would constitute less than substantial harm to the significance of designated heritage assets. In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal.
- 4.9 The proposed development would deliver significant improvements to the quality, accessibility and functionality of the existing school, including through provision of a 3 court sports hall, an improved sixth form centre and a creative arts facility. These improvements will allow the school to build upon its impressive record of success and improve the quality of education and the school environment for its pupils. The educational benefits of the proposal are considered to be compelling. The proposed development would deliver a number of other benefits including the following:
- Repair, restoration and modernisation of existing listed and curtilage listed historic buildings
  - Improvements to the character and appearance of the conservation area as a result of works to the Tabernacle building and the replacement of Block B
  - Provision of office floorspace and associated employment benefits in a location where there is very strong policy support for the delivery of new offices
  - Landscaping improvements to the School courtyard
  - Additional capacity to facilitate the acceptance an additional form of entry as requested by the Local Education Authority and an enlarged sixth form
  - 8 hours a week community use of the 3 court sports hall.
- 4.10 The benefits of the proposal, in particular the educational benefits, are considered to be substantial. It is considered that the benefits of the proposal will significantly outweigh the less than substantial harm to the significance of designated heritage assets. The proposal is therefore considered acceptable.

## **5. CENTRAL FOUNDATION BOYS SCHOOL**

- 5.1 Central Foundation is a voluntary aided, comprehensive school, providing education for 933 students between the ages of 11 and 18. Although the majority of the students are male, there is a mixed sixth form. The school is voluntary aided by a Foundation Trust, which was established in the 19th century. The School provides an 'Outstanding' (Ofsted 2015) education for its pupils, over 60% of whom are from disadvantaged backgrounds, being eligible for Pupil Premium. In 2016, the School's GCSE added value measure ranked it as the top performing non-selective boys' school in England. The School has been one of the top performing schools in England for the last 4 years. At A-level the School's performance in terms of value added progress places it in the top 10 sixth form providers in London. In 2016 the percentage of A\*-B grades at A level was 65%, with 100% of grades at A\*-E. In 2016, 75 of its students secured places at university, with 40% going onto those universities in the Russell Group (an association of 24 public research universities often perceived as representing the best universities in the country).
- 5.2 The School provides an aspirational curriculum that offers programmes that are acknowledged to be outstanding in Music, Drama, Art and a wide range of sports. The School considers that access to such opportunities is an essential part of a young person's development and such opportunities should not be limited to those from more privileged backgrounds.
- 5.3 The School offers an extensive programme of music tuition and provides opportunities to join a wide range of musical ensembles, orchestras and choirs. Drama is also a very important part of the School's provision and last year the School produced four major performances. However, the school does not have any specialist facilities for teaching or performance of music and drama. Similarly, the School's sport facilities are very limited and the sports programme depends upon off-site facilities.
- 5.4 The Foundation Trust is responsible for both the School and Central Foundation Girls School in Hackney. Prior to 1975, both schools were governed by a combined trustee and governing body. In 1975, as a result of legislation relating to schools' governance, it was decided to divide the responsibilities of the Trustees and governors, and separate governing bodies were set up for the Boys' and Girls' Schools with the Trustees nominating representatives to each board whilst remaining owners of its school properties. The remaining governors are appointed by the local education authority, the parents and staff of the Schools. The Trustee body manages the finances of the foundation.

## **6. SITE AND SURROUNDINGS**

- 6.1 The approximately 0.67 ha site is bounded to the north by Cowper Street, to the south by Leonard Street, to the east by Tabernacle Street and to the west by the rear of the Bezier Buildings which front Old Street roundabout.
- 6.2 There are a wide variety of uses in the surrounding area including retail, restaurant, offices and residential. The surrounding area is mixed in character comprises a variety of architectural styles and building heights ranging from 3 and 4 storey historic buildings located on side streets to the large scale, modern commercial and residential buildings around Old Street roundabout. The applicant has identified 10 distinct character areas within the surrounding area which are detailed below:

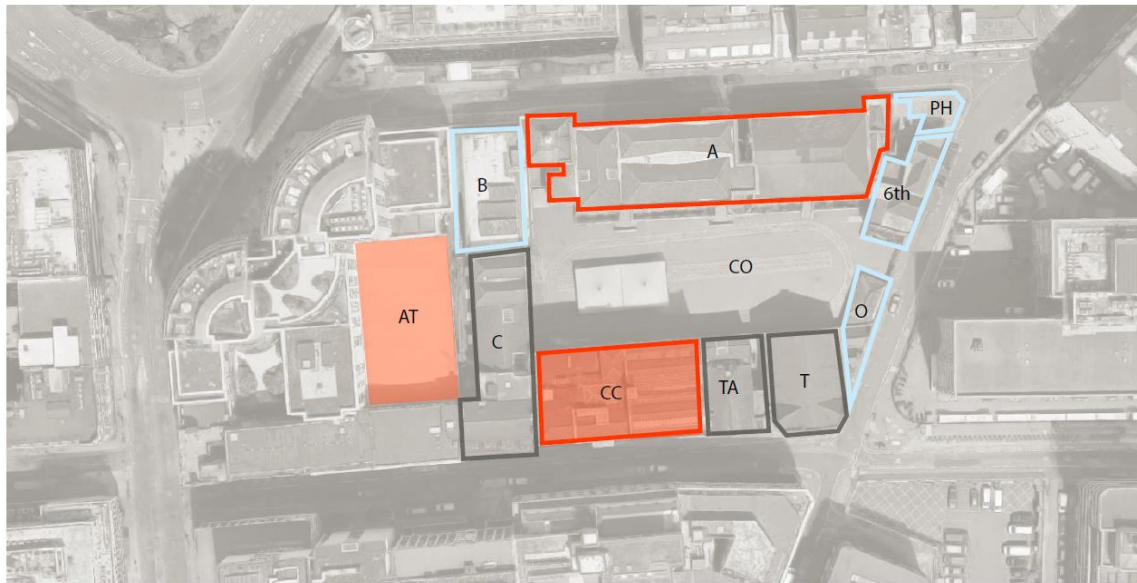


1. Post war residential estate
2. Old Street Roundabout Environment
3. Application site
4. Post war and 21<sup>st</sup> Century large scale development
5. Bunhill Fields
- 6,7,8 and 9. Historic Townscape including late Victorian and Edwardian commercial showrooms and warehouses
10. Wesley's Chapel and associated buildings.

- 6.3 Block A (the original main school building) and the County Court Building fronting Leonard Street are both Grade II statutory listed and the site lies within the Bunhill Fields and Finsbury Square Conservation Area. The site is also located within an Archaeological Priority Area.
- 6.4 The site is also located in the Central Activities Zone (CAZ) and within the 'Inner Core' of the City Fringe Opportunity Area.
- 6.5 The site has a Public Transport Accessibility Level (PTAL) of 6a, indicating an excellent level of access to public transport.

## 7. PROPOSAL (IN DETAIL)

7.1 The buildings on the site are identified in the diagram below.



Key:

Principal Listed Building

Recent investment

Poorly Functioning / Underdeveloped

A - Block A  
AT - Astroturf  
B - Block B  
C - Block C  
CC - County Court

CO - Courtyard  
6th - Former 6th Form Building  
PH - Former Public House Site  
T - Tabernacle  
TA - Tabernacle Sunday School Annex  
O - Outbuildings / Bike Shed / Stores

7.2 It is proposed to demolish the existing Block B and erect a new 4 storey science block, install a part subterranean sports hall in the central courtyard and to partially redevelop the existing Tabernacle Building to provide a new creative arts block. It is also proposed to demolish existing ancillary buildings and erect an 8 storey commercial block. Internal and refurbishment works are proposed to Blocks A and C. The existing and proposed floor areas are detailed below.

### Existing and proposed floor areas

Building	Existing Floor area (m <sup>2</sup> GIA)	Proposed Floor Area (m <sup>2</sup> GIA)	+ / - m <sup>2</sup> (GIA)
Block A	4,069	4,069	0
Block B	1,032	1,572	+540
Block C	2,242	2,230	-12
Block F (County Court)	2,787	2,787	0
Block D (Tabernacle)	1,061	1,572	+511
Outbuildings (Tabernacle)	43	0	-43
Bike Shed	60	0	-60
Former Sixth Form Building	566	0	-566
3 court sports hall	0	731	+731
<b>Total Education</b>	11,860	12,961	+1,101
<b>Commercial Block</b>	0	3,774	+3,774

7.3 The school is planning to increase its intake by one form of entry from September 2018 which would result in an eventual increase to the school roll of 150 students. It is also anticipated that sixth form numbers will increase from the current 180 to an upper limit of 300 students over the next five years. The school would therefore be required to accommodate as many as additional 270 students.

Replacement Block B

7.4 It is proposed to demolish Block B and erect a 4 storey replacement building to accommodate seven science laboratories, two science classrooms with associated preparatory and storage areas and a new main reception for the school. The block will provide consolidated science facilities for the school, replacing outdated classrooms spread over numerous existing buildings. The block will also provide direct links to existing laboratories in Blocks A and C.

7.5 The existing Block B is compromised by the Bezier Development which has blocked out daylight to many of the classrooms, especially on the ground floor. The proposed replacement block would therefore be organised to maximise daylight on the north and east façades.

CGI of proposed replacement Block C on Cowper Street



### Tabernacle Building

- 7.6 It is proposed to partially redevelop the existing Tabernacle building to provide a new Creative Arts Centre and Sixth Form Centre. The chapel and annexe buildings will be fully reconfigured internally. The building will provide a drama performance space; dance studio / music recital space; large group practice music room linked to a technology studio; six individual music practice rooms; two music classrooms; a music media suite; two art rooms with associated storage space and four new sixth form spaces located at the top of the building.
- 7.7 Existing windows will be refurbished or replaced and the roof will be repaired. The primary façades on Tabernacle Street and Leonard Street will be retained, repaired and refurbished. The blank north elevation facing the school's internal courtyard is stated to be in poor condition and will be replaced with a predominantly glazed facade to allow more natural daylight into the building.
- 7.8 The chapel and annexe are presently connected via an external stair case which is in poor condition. A new circulation core for the Creative Arts Centre will be provided in the space between the two buildings. A roof addition is proposed to the annexe for plant and sixth form accommodation.
- 7.9 The proposed underpinning of the existing primary structure will facilitate the lowering of the ground floor to align with the adjacent County Court basement which will allow the connection of the two buildings. The internal reconfiguration would improve accessibility whilst allowing more accommodation to be provided within the existing building envelope of the Tabernacle.

### Part-Subterranean Sports Hall

- 7.10 A part subterranean 3 court sports hall is proposed within the central courtyard area and will project above the existing courtyard level by approximately 1.5m. The roof will provide enhanced replacement landscaped amenity space for the school and will align with the ground floor level of the Tabernacle building, Block A and the County Court building.
- 7.11 The landscaping proposals would include the creation of an area linked to the main entrance which will be demarcated from the rest of the courtyard to create a 'welcome' space for students, staff and visitors. Seating steps leading up to a terrace garden space would be provided for students to use at lunchtimes whilst a planted buffer would separate the office building site and the terrace garden.



CGI of proposed development indicating sports hall with landscaping above



### Block A

- 7.12 Essential refurbishment and maintenance works to Block A are proposed and would include the replacement of some existing windows and repairs to the elevations of the building. Changing rooms will be provided in the basement to serve the proposed sports hall whilst a flexible hall, stores and a staff room will also be provided. A new flexible hall in Block A would be provided to complement the proposed sports facilities as well as to provide spill out space for the existing dining hall which is already functioning at capacity. It will also offer social space during break and lunch times and will support other teaching activities. The area to the south of the Block A light-well will be opened up to provide the main circulation route down to the sports hall. A new (external) lift will serve the ground and basement levels of Block A to improve general circulation and accessibility as well as being used for kitchen deliveries and removal of waste.

### Accessibility

- 7.13 The proposed development will considerably improve accessibility across the campus by facilitating horizontal circulation across the whole site, easing congestion and allowing for free movement from one area of the school to another. The redevelopment of the Tabernacle Building will improve accessibility by inserting new floors in the Tabernacle to align levels with the County Court. The proposed new science block occupies a key location within the campus and its redevelopment will provide significantly improved circulation and accessibility.

### Block C

- 7.14 It is proposed to refurbish and reconfigure the currently inefficient Block C to address its poor current condition and increase the number of general classrooms through the conversion of under-utilised hall spaces. The works would include repair and refurbishment of the roof, replacement of existing windows and removal of the external means of escape stair. Original features would be preserved, repaired and reinstated where possible. The primary circulation for the block would be re-provided to the west to allow the corridor to act as an acoustic buffer to the adjacent open air astro-turf pitch. Existing levels would be rationalised to provide fully accessible accommodation which would be serviced by a new lift in Block B.

### Commercial Block

- 7.15 It is proposed to demolish the existing former sixth form building and erect an 8 storey building with basement for commercial / office use (Class B1). The basement would accommodate the majority of the plant provision and the remainder of the building would accommodate nine commercial units, organised and serviced via a central core. Two commercial units are proposed at ground floor level (approximately 265m<sup>2</sup> NIA) each with independent access from Tabernacle Street whilst the first to seventh floors of the building would have large flexible floorplates (approximately 384m<sup>2</sup>-386m<sup>2</sup> NIA). A cycle store (38 spaces), bin store, substation and switch room will be located at ground floor level. The main entrance to the building would be located between the ground floor commercial units on the Tabernacle Street frontage. The building is proposed as an enabling development generate funding for the proposed school works.

CGI of proposed commercial block looking south-west along Tabernacle Street



## 8. RELEVANT HISTORY

- 8.1 Planning permission and listed building consent was granted on 4 October 2006 for the change of use of the Finsbury County Court building to educational use (D1) and associated works (application reference P061606).
- 8.2 Planning permission was granted in April 2006 for 184 residential units, A1/A3 units at ground floor, a health club, car and cycle parking and an all-weather sports pitch within a development of two 16 and 14 storey towers and two adjoining buildings of 6 and 8 storeys on school land (application reference P052328). The development is now known as the Bezier Buildings. The site was previously owned by the school and the report to the Council's South Planning Committee meeting of 4 April 2006 stated at paragraph 21 that:

'The scheme is an enabling development to allow the school to remain on site and enhance and develop facilities for its pupils. The school will as a result of the capital from the development invest heavily in the sustainable future of the school. Works will include a new library, IT centre, Sixth Form Centre and gym, as well as an all-weather sports pitch. The works will also include upgrading the existing listed buildings, the main outdoor yard area and enhancing access arrangements.'

- 8.3 The report concluded that:

'The scheme is therefore welcome in terms of its land use variety, appropriate scale of development, innovative design, contributions to sustainability and the

contribution it will make in retaining and enhancing the Central Foundation School for Boys...’

### **Pre-application Advice**

- 8.4 Formal pre application meetings were held with the applicant in June 2016 and October 2016. During the pre-application process the proposed enabling block (commercial building) was changed from a residential block (with ground floor affordable workspace) to an office (Use Class B1a) block. The change in the proposed use of the enabling block addressed officer’s concerns regarding the compatibility of a residential use with the education use of the site and the quality of residential accommodation proposed. The change to an office use was also welcomed on the basis of the strong policy support for office floorspace in this location.

## **9. CONSULTATION**

### **Public Consultation**

- 9.1 Letters were sent to occupants of 669 adjoining and nearby properties at Cowper Street, Leonard Street, Old Street, Tabernacle Street, City Road, Clere Street, Oliver’s Yard and St. Agnes Well on 31 March 2017. A site notice and a press advert were displayed on 9 May 2017. The public consultation of the application therefore expired on 30 May 2017. However, it is the Council’s practice to continue to consider representations made up until the date of a decision.
- 9.2 At the time of the writing of this report a total of 12 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph(s) that provides responses to each issue indicated within brackets):

### **Objections**

- Excessive height, scale and massing / out of character (12.131-12.136 & 13.9-13.13)
- Harm to character and appearance of the Conservation Area / commercial block would dominate buildings on Tabernacle Street (12.129-12.136 & 13.9-13.13)
- Proposal is contrary to Council’s tall buildings policies (12/137-12.142)
- Loss of light to neighbouring properties including 25a Cowper Street, 112-116 Tabernacle Street (all flats), 7 Leonard Street (Flat 42), 32 Leonard Street (4, 17 & 18 Galaxy House) (12.1153-12.172)
- Loss of outlook from neighbouring properties including 25a Cowper Street, 32 Leonard Street (4 & 18 Galaxy House) (12.171-12.172)
- Loss of privacy at neighbouring properties including 25a Cowper Street, 112-116 Tabernacle Street (all flats), 7 Leonard Street (Flat 42). 32 Leonard Street (Flat 13 & 17 Galaxy House) / Loss of privacy will increase if the building is subsequently converted to residential use (12.175)
- Lack of demand for office accommodation which will be subject to noise from immediately adjacent school use (12.9-12.18)
- Unexploded Second World War bombs are a cause for concern (12.209-12.212)
- Impact on groundwater / Increased risk of subsidence at neighbouring buildings (12.210)

- Noise, dust and traffic congestion during construction phase (12.176)
- Precedent for further tall buildings (12.131-12.136 & 13.9-13.13)
- Applicant has misinterpreted August 2011 Ministerial Statement 912.2)
- Substantial funding gap partly arises from proposal to undertake extensive and expensive basement development – consideration should be given to alternative proposals which would reduce the requirement for enabling development (12.36-12.71)
- School is giving up more of its limited space / Loss of school land will undermine school's ability to meet future educational needs (13.5)
- Detrimental impact on property values (*Officer note – this is not a material consideration relevant to the determination of this planning application*).

### **Applicant's Consultation**

- 9.3 The applicant carried out a consultation exercise with local residents, including two public exhibitions in June 2016 and September 2016. The consultation is detailed within a Statement of Community Involvement that accompanied the planning application. The Statement indicated that the response from the local community was positive.

### **External Consultees**

- 9.4 Metropolitan Police (Crime Prevention) – no objections raised.
- 9.5 Thames Water – no objections raised.
- 9.6 London Fire and Emergency Planning Authority – no objections raised.
- 9.7 Transport for London – raised concerns over cycle parking and car parking which have since been addressed by the applicant.
- 9.8 Greater London Authority (GLA) – the application was referable to the Greater London Authority as it falls under the category 1C (The building (commercial block) is more than 30 metres high and is outside the City of London) of the schedule to the Town and Country Planning (Mayor of London) Order 2008. The Council received the Mayor of London's Stage 1 response on 21 June 2017 which is summarised as follows:

#### **Principle of development**

- Scheme is fully in accordance with London Plan policy 3.18 which supports proposals which enhance education and skills provision, including the expansion of existing facilities, particularly developments which seek to address identified current and projected shortfalls in secondary school places.
- Community use of the sports hall is in accordance with London Plan Policy 3.19
- London Plan Policy 4.2 supports increases in the current office stock where there is authoritative, strategic and local evidence of sustained demand - the site is located within the commercial core of the City Fringe Opportunity Area (Tech City) where the Mayor encourages the provision of new B class employment space.
- London Plan policy 4.3 requires office developments to incorporate a mix of uses including housing. Given the improvements to education provision, and in view of

the site's location in the City Fringe, the provision of offices with no residential uses proposed on site is supported.

- The City Fringe Opportunity Area Planning Framework (OAPF) specifically encourages the provision of affordable workspace as part of major employment developments in the identified core growth area. As such, the applicant should to seek to incorporate a proportionate level of affordable workspace that is flexible and/or suitable for occupation by micro and small enterprises.

#### Design and Heritage

- The 1912 school building on Tabernacle Street has been identified by Historic England as a positive contributor to the character and appearance of the Conservation Area and its demolition would ordinarily be resisted. The demolition of this building would cause 'less than substantial harm' to the Conservation Area and therefore needs to be considered acceptable on the balance of public benefits, in accordance with the NPPF. The public benefits include:
  - The expansion of an existing secondary school; the substantial improvements made to the school buildings to improve access, maximise the occupation of space and provide modern, fit-for-purpose classrooms;
  - The provision of a new sports hall which will be utilised by the local community out of hours;
  - The repair, restoration and refurbishment of the listed buildings on site so that they can continue to be utilised by the school into the future.

As such, having applied the statutory tests for dealing with heritage assets set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in the NPPF, it is considered that the very high architectural quality of the replacement building and the substantial public benefits arising from the scheme as a whole would outweigh the less than substantial harm to the Conservation Area arising from the demolition of the 1912 building.

- The proposed office building would be notably taller than both the neighbouring Tabernacle building (which is also identified as a positive contributor to the Conservation Area) and listed main school building; however, the existing immediate townscape is already formed of a number of buildings which are taller, or of similar height, to the proposed office building. Furthermore, the replacement building is of high architectural quality and has been sensitively designed with reference to the existing contextual vernacular and materiality. It is therefore considered that the proposed replacement building would make a positive contribution to the character and appearance of the Conservation Area.
- In relation to the impact of the replacement building on the setting of the Grade II listed main school building, in view of the design of the proposed building, the surrounding context and the already strong architectural presence of the listed building; it is considered that the proposed replacement building would not detract from the setting or significance of the listed building.

#### Transport

- The proposed cycle parking provision for the school falls below London Plan standards (up to 60 spaces compared with the London Plan requirement of 169 long stay and 12 short stay cycle parking spaces) - The applicant has confirmed that the required shortfall in cycle parking can be accommodated within the associated car parking area resulting in the loss of up to seven car parking spaces. The loss of these car parking spaces is acceptable considering the high PTAL rating of the site. The cycle parking should be secured by condition.

- 9.9 Historic England (GLAAS) - no objections subject to a condition securing a two stage process of archaeological investigation.
- 9.10 Historic England – An assessment of the significance of the existing buildings is provided and this is detailed in the heritage section of this report. The single storey Victorian block on Tabernacle Street is considered to make a positive contribution to the Conservation Area. Its demolition will harm the conservation area by removing a building that reflects the area's humble past. The proposed new building introduces development of a much larger scale, further harming the conservation area and the settings of nearby listed buildings. The harm is considered to be less than substantial in NPPF policy terms and it is therefore a matter for the Local Planning Authority to be satisfied that the development is necessary and justified, and to weigh the harm against the public benefits the scheme will deliver. The Local Planning Authority should also consider whether the proposals would preserve or enhance the character of the conservation area as required under the 1990 Act.

### **Internal Consultees**

- 9.11 Access Officer – no objections raised. The accessibility improvements that will be delivered are welcomed.
- 9.12 Ecology – no objections subject to conditions.
- 9.13 Design and Conservation Officer – objection raised. The proposed new building fronting Tabernacle Street and alterations to the Tabernacle and attached Sunday School building by virtue of its height and design would adversely affect the character and special architectural and historic interest of the listed building and cause significant harm to the setting of the listed buildings. The works would cause substantial harm to the setting of the listed buildings on the site and would therefore cause harm to the significance of the heritage asset.

### **Tabernacle Building**

- Removal of the entire rear elevation of the Tabernacle and replacement with a modern, largely glazed intervention is considered harmful to the building itself, to the setting of the surrounding listed buildings and to the character and appearance of the conservation area. Alterations to the Tabernacle and adjoining Sunday School should be sympathetic to the buildings themselves and to the surrounding heritage assets.
- The Heritage Statement submitted with these applications states that *the current Tabernacle Building also contributes to the historical significance of the site due to its historical associations with the original 1752 Tabernacle, and as a historic building in its own right* (para 4.51). These buildings have also been identified as being of some historic value by Historic England.
- The proposed rear elevations of both the Tabernacle and the Sunday School are unrecognisable as part of these buildings or group of buildings. Part of the original stone window surround to the rear elevation survives internally. The proposal removes the building's masonry and reintroduces some solid areas albeit in metal. This aesthetic move is to the expense of the historic character and appearance of the building. The solid brickwork should be retained around this historic opening and then the opening glazed down to the base of the building, if required. This would

allow a large area of glazing, while still retaining much of the character of the building.

- The proposed alterations to the Sunday school are not considered sympathetic to the building or to the adjoining listed buildings. The roof form also represents an alien form of development within the context and does not relate to the host building in any way.

#### Works to listed buildings

- The proposed works to the existing listed buildings on the site are generally considered acceptable and largely comprise repair work. Full details will need to be provided of all repairs. The alterations proposed to the plan form of Block A at basement level are likely to be considered acceptable as the original plan form does not survive here and the proposed subdivision is considered no more harmful than the existing arrangement.
- The proposed new escape stair to the main assembly hall in Block A may be considered acceptable in principle as this appears to be proposed within an existing store. Full details of the new stair and fabric that is affected by its installation should be submitted prior to the works being carried out. A full schedule of all windows should be submitted outlining the repair work that is required to each and if any are to be replaced, identifying whether or not they are original/historic and justifying why they need to be replaced.

#### Subterranean sports hall and courtyard

- The proposed partly submerged sports hall to the playground/courtyard is considered acceptable in principle, but it is felt that this should ideally be entirely submerged in order to maintain the existing courtyard character of the space as well as provide a level and accessible playing area.
- The central playground appears more like that of a landscaping proposal for a communal/public area to a residential or mixed use scheme or alternatively like a university campus space. It does not appear to have been designed as a school playground or to have taken into consideration the needs of the user (i.e. secondary school children). The accessibility of the space is also complicated due to the raised section and steps up to the higher level. Although some lift access is provided, it is not easily accessible directly from the lower level.

#### Replacement Block B

- New school entrance and science block building is considered acceptable in terms of its height, massing and design. There are no objections to the replacement of the existing building and the proposed building is considered appropriate, respecting the scale and proportions of the listed buildings. The proposed plant screen at roof level is fairly prominent from the courtyard and as currently proposed is considered to compete with the gable ends to Block C. As such it is felt that this should either be reduced (with plant relocated elsewhere if possible) or set further back so that it is less visible/prominent in context with the adjoining Block C.
- The proposed perforated anodised aluminium panel to the area under the colonnade science wing extension is considered inappropriate. The brick infill and sash windows should not be concealed with a modern cladding. It may be acceptable to add the aluminium panels to the area above the open colonnade and also to the side walls of this route through into the playground as this is currently rendered.

#### New commercial development

- The loss of the existing conservation area building is not yet justified. The building makes a positive contribution to the character and appearance of the conservation



area and its loss would cause significant harm to the conservation area which would need to be outweighed by substantial public benefits – including (but not exclusively) exceptional design quality. The design team should have demonstrated that they had made some attempt to retain the building or at the very least retain part of the building, but they do not appear to have done this. The replacement building must be a building of sufficient quality to justify the loss of a good conservation area building. As currently proposed the replacement building is not considered to be of a high enough quality or to be of an appropriate scale in order to justify the loss of the existing building. The height and massing of the proposed building is considered excessive. The cumulative impact of the loss of the conservation area building and the inappropriate height and design of the new building are considered to cause substantial harm to the setting of the listed building and to the character and appearance of the conservation area.

- The applicant references taller buildings adjacent to the site to justify the height of the proposed block. The Bezier buildings and Telephone House are not within the conservation area nor are they immediately adjacent to the listed school building. Telephone House is on a large plot of land, set back from the road and with much space around it whereas the proposed block would occupy a more constrained site in a far more sensitive setting.
- The strong, prominent datum line that runs horizontally across the proposed building above the fifth storey emphasises the appropriate height for a building here and also emphasises the additional height proposed above this more acceptable level. This building has a significant impact on the setting of the group of listed buildings and on the character and appearance of the conservation area.
- The perceived scale and mass of the building is further exacerbated by the monolithic elevational treatment. The composition lacks rhythm and articulation, with the monolithic proportions of some unsuccessful past architecture that we are now trying to rectify. It does not relate positively to the surrounding context in any way, lacking in human scale and appearing very top heavy. The squat ground floor appears to be carrying the very heavy top, giving an inverted sense of proportion. The architect says that the elevational composition is derived from the surrounding references, however the final result is lost in this concept and actually does the opposite. The proportions and rhythm of the fenestration pattern of the surrounding buildings that characterise the conservation area follow a sense of hierarchy going up the building with a strong base and the scale diminishing further up the building.
- The impact of the proposed new commercial building on the street scene and on the character and appearance of the conservation area is considered unacceptable, but from within the school courtyard it is also considered to cause significant harm to the setting of the listed buildings as additional height here will also increase the enclosure of the courtyard with a form and height that is uncharacteristic on the school site. It will be the most dominant building enclosing the courtyard, diminishing the significance of the school building itself as well as the other historic buildings surrounding the courtyard and this is partly why its height along with the inappropriate design are considered to cause substantial harm to the setting of the listed buildings.

9.14 Energy Conservation Officer – no objections raised. Further comments are awaited at the time of writing and a verbal update will be provided at the meeting.

9.15 Highways Officer - no objections raised.

- 9.16 Public Protection Division (Air Quality) – All of Islington is an AQMA and this area near Old Street will be subject to poor air quality. The Air Quality Assessment focuses on the construction impact and offers only NO2 filtration to mitigate the exposure. There needs to be a more comprehensive package of measures here to address the exposure particularly bearing in mind the sensitivity of the school children (condition no. 21).
- 9.17 Public Protection Division (Noise) - The accompanying noise report measures only background noise levels. There are no details about the amount, position or noise level of the proposed plant and likely to be considerable bearing in mind the size of the basement. Plant noise should therefore be addressed by condition (No. 8).
- 9.18 Public Protection Division (Construction Management) – A Demolition Construction Environmental Management Plan should be secured by condition (No. 5).
- 9.19 Sustainability Officer – no objections subject to conditions.

### **Other Consultees**

- 9.20 Design Review Panel – the application was considered by the Design Review Panel on 10 August 2016 and 25 January 2017. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The Panel's observations are attached at **Appendix 3** and are detailed below:

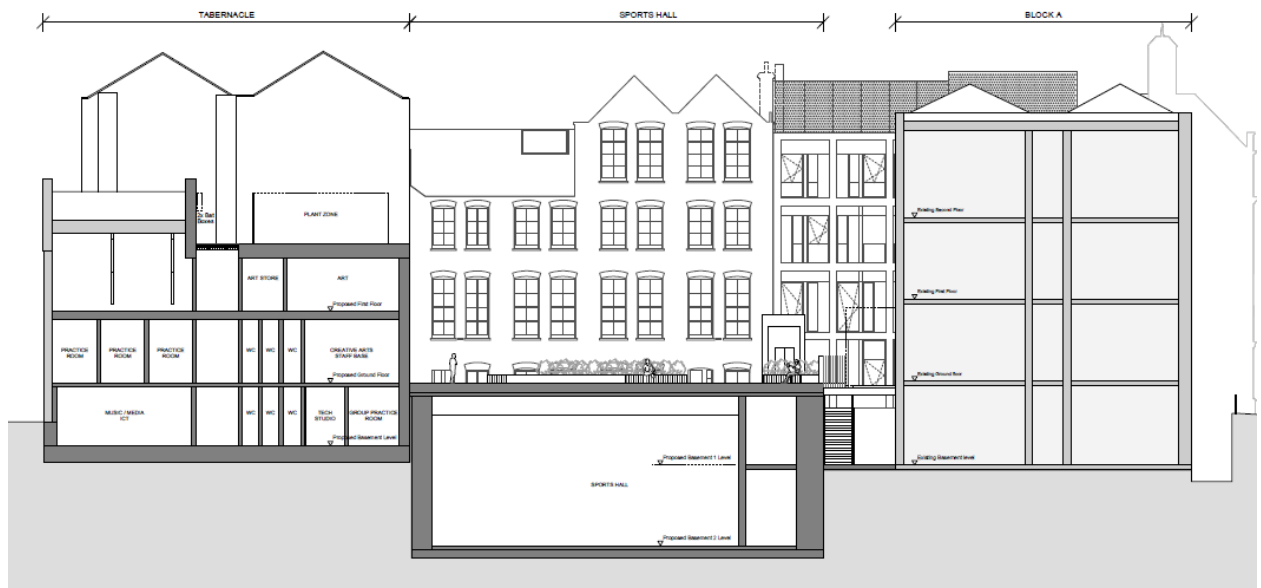
'The Panel welcomed seeing the scheme for a second review, with some of the changes addressing the issues raised in the first review. However, panel members continued to raise concerns over the proposed circulation strategy and landscape design, and the design of both the new entrance block and commercial block. The Panel made the following observations:

## Circulation

The Panel appreciated the challenge that the complexity and varying levels of the existing buildings presents, though reiterated the need to see circulation plans and detailed drawings, particularly sections, showing the existing and proposed arrangements, as previously requested. Panel members were very supportive of the overall access improvements proposed as part of the works, but some concerns remained over the access arrangements in some locations on the school site, particularly the courtyard.

*Officer note – following the above comments the design of the Sports Hall was revised in order to relocate the new Sports Hall lift into a more visible and central location to ensure that wheelchair users do not need to navigate to the north-east of the site to access the lift. The alignment of the roof of the Sports Hall with the dominant raised ground floor level across the site (approximately 1.5m above the courtyard) along with the re-alignment of internal levels within the Tabernacle facilitate significant improvements to site wide accessibility. It is therefore the case that if level access were provided within the courtyard it would be at the expense of level access into adjacent buildings, as illustrated below. The applicant also advises that a fully submerged sports hall would add approximately £1 million to the cost of the scheme which would undermine the deliverability of the scheme. The application is accompanied by section plans demonstrating the level access within the proposed development.*

Section Plan indicating level access from courtyard to Tabernacle Building and Block A



## Demolition

The Panel remained concerned about the demolition of the Victorian conservation area buildings on Tabernacle Street. In light of no further information justifying their loss, a preference for their retention remains; though it was noted that Historic England had apparently not raised any objections to this element of the proposals.

*Officer note – as detailed later in this report the demolition of the building is considered to represent ‘less than substantial harm’ to the conservation area and accordingly is weighed against the public benefits of the proposal.*

#### Future proofing

The change of use of the enabling development from a residential to a commercial building was welcomed by panel members. It was considered essential that the school retains ownership of the new commercial building so that they do not end up with a very constrained site, given the inevitable need for further expansion in 333 future.

*Officer note – the capital to be raised by the sale of the commercial building site is required at the present time to enable the proposed school works and the school consider that the more pressing requirement is to meet their current needs. The school could have the opportunity to acquire nearby buildings in the future should circumstances and availability of funding change.*

#### Central courtyard

Significant concerns persisted following the first review of the design of the courtyard. Some panel members were unconvinced that the space would work as a school playground due to the split levels and various landscape obstacles. The lack of shelter in the playground also surprised the panel. Furthermore, the landscaping strategy was considered to be discriminatory because of a lack of external level or ramped access between the two main areas of the playground; detailed sections were requested to demonstrate whether the arrangement is an appropriate solution. The idea that the proposed sports hall could be sunk completely was still felt to be the best option as it would resolve these issues, allowing the courtyard to fulfil its purpose much more successfully.

*Officer note - the applicant advises that the design and landscaping strategy for the central courtyard has been designed to suit the School’s requirements and aspirations for the space. The scheme proposes significant improvements to site wide circulation and accessibility. As noted above, the organisation of the courtyard on two distinct levels offers the opportunity to significantly improve internal accessibility within the School accommodation and improvements to courtyard accessibility would be at the expense of this internal accessibility. As also noted above, a redesign of the Sports Hall has since been undertaken to relocate the new Sports Hall lift into a more central and accessible location.*

#### Proposed commercial block

The Panel was broadly supportive of this in terms of the commercial use of the proposed building, but commented that further clarification regarding the justification of the proposed height, which is harmful to the listed buildings and conservation area, was required.

*Officer note - the applicant seeks to justify the height of the proposed block in design terms and through reference to building heights in the locality, as well as in viability terms and the requirement to maximise the capital receipt from the sale of the land – these issue is addressed later in this report.*

### Architectural treatment

The omission of green cladding to additions was welcomed, but the Panel continued to question the rationale behind the design of the new elements, including the entrance building, rear elevation of the Tabernacle and the enabling block as there was little apparent reasoning behind the choice of different treatments for the various parts of the buildings. Panel members felt that the priority should be to design new buildings that respond more to their specific situation and functional requirements as well as to the strong materiality and sense of scale of the existing buildings.

Taking each of the new buildings in turn, the Panel felt that the new entrance building could be a more contextual response to the gate house that it abuts, so that it would sit in the background of the listed building. It was suggested that the colonnade might be carried across to the new building. Panel members considered that it could be slightly taller, so that it would match the parapet height of the school building on the other side of the gate house. This would have the benefit of book-ending the gate house, increasing its prominence and signalling it as the main entrance.

*Officer note – the elevational treatment of the building has not been revised to provide a more contextual response to the adjacent gate house and a colonnade has not been provided, whilst the height of the building has not been increased. Officers do not agree with the above comments and it is considered that building as proposed is acceptable in design terms.*

### Cowper Street elevations of Block A and replacement Block B



Conversely, the Panel did not understand why the commercial block needed to be contextual to the school buildings given that it is separate, in a different use and of a totally different scale. They commented that in attempting to reconcile it stylistically with the listed school buildings, the heavier articulation that this would require would make its presence more harmful to the listed buildings and conservation area. Panel members felt that the idea of completing the urban block was logical, but finishing it with a substantially taller building would damage its coherence. The Panel also

advised that as a large new commercial building, design cues should be the provision of optimum light and ventilation. Panel members stated that if a building of this height was to be considered permissible, it would need to be of a higher quality design. They felt that the brick proposed to the commercial building would be more appropriate to the school buildings and the material choices of the new school buildings i.e. metal may be more appropriate to the commercial building.

*Officer note - a redesign of the elevations was undertaken to address the above comments and provide a more contemporary appearance. The applicant advises that brickwork is proposed as it is dominant in the conservation area and it would be complemented by more contemporary materials (such as profiled glass fibre reinforced concrete) to give the building a visually lighter appearance and provide a more contemporary appearance whilst making subtle references to the context. The revised design is considered to represent an improvement to that presented to the panel and is considered to represent a good standard of design.*

*The height of the block is considered harmful to the setting of the listed buildings and the character and appearance of the conservation area and this harm is balanced against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF. This issue is addressed in detail later in this report.*

Panel members remained concerned over the treatment of the rear elevation of the Tabernacle. The Panel welcomed revisions to the design, but felt that the proposed fenestration could be more sympathetic with a reduction in the amount of glazing, to echo the solidity of the chapel building.

*Officer note – following the above comments a re-design of the commercial block elevations was undertaken to address the panels comments that the proposed façades should be more contemporary to reflect the different use and scale (as it was suggested the previous scheme was too contextual). The applicant advises that the use of brick has been detailed and complemented by more contemporary materials (such as profiled glass reinforced concrete) to give the building a visually lighter appearance, allowing the building to appear as more contemporary whilst still making subtle references to the context - including the diminishing scale of the facade at upper levels.*

### Summary

The Panel acknowledged that this is a very challenging site and considered that proposals had moved in the right direction in some respects. However, they advised that further information would be required, which very clearly demonstrates an understanding of how the site works and how the proposals are a response to this. In particular, the school needs to be understood externally as an urban block and internally on its courtyard plan; the overall approach and design of the new elements should be determined on this basis. In order to successfully respond and develop the qualities of the listed buildings, the priority should be the creation of an uncompromised central courtyard as the focus of the site – its functionality remains a major concern. In attempting to create a sense of unity between the new additions, which are by nature disparate parts, the quality of their design is being undermined.

9.21 It is considered that some of the concerns raised by the Panel have been addressed by the revisions to the scheme since it was presented in February. These include revisions to the elevational treatment of the proposed commercial block and revisions to the subterranean sports hall, including the relocation of the lift. The concerns regarding the height of the commercial block have not been fully addressed and the resulting harm can be balanced against the public benefits of the scheme. The remaining, outstanding concerns of the panel are noted and it is considered that the proposals can be justified in design terms.

## **10. 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**

- 10.1 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.
- 10.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 10.3 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**

- 10.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy (2011), Development Management Policies (2013) and the Finsbury Local Plan (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Designations**

- 10.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Central Activities Zone
  - Listed buildings: County Court and Central Foundation Boys School (main school building - Block A)
  - City Fringe opportunity area
  - Bunhill Fields / Finsbury Square Conservation Area
  - Archaeological Priority Area

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

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



## 11. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

11.1 EIA screening is not required by this development, as the site is less than 1 hectare.

## 12. ASSESSMENT

12.1 The main issues arising from this proposal relate to:

- Land use
- Design and appearance
- Impact on heritage assets
- Accessibility
- Landscaping and Ecology
- Neighbouring amenity (including overshadowing)
- Sustainability, energy efficiency and renewable energy
- Highways and Transportation
- Archaeology
- Financial Viability
- Planning obligations and Community Infrastructure Levy.

### Land-use

#### Education Use

12.2 A joint Ministerial Statement by the Secretary of State for Communities and Local Government and the Secretary of State for Education was issued in August 2011. 'Planning for Schools Development' set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system and stated, inter alia, that:

'The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards...By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.
- Local authorities should make full use of their planning powers to support state-funded school's applications.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.'

12.3 Policy 3.18(C) of the London Plan states, inter alia, that:

'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged.'

12.4 Paragraphs 4.2.43-4.2.47 of the Council's Core Strategy address secondary education in the borough and identify that works to refurbish and rebuild Central Foundation Boys School were intended to take place under the Building Schools for the Future programme between 2010 and 2012.

12.5 Policy DM4.12 of the Council's Development Management Policies Document is concerned with Social and Strategic Infrastructure and Cultural Facilities and the subtext at paragraph 4.70 states that 'any loss of school facilities will only be acceptable where, in the Council's view, the loss would not result in any constraints on school place provision in the foreseeable future'.

12.6 Paragraph 4.71 of the Council's Development Management Policies document states that:

'Where a new educational facility is proposed (including standalone new facilities, facilities provided as part of a mixed-use development and facilities which have converted an existing building/use into educational use), they should maximise use by local communities, including through their accessible location and design, consistent with the requirements of other relevant Development Management Policies.'

- 12.7 The applicant is prepared to enter into a legal agreement to secure a minimum of 8 hours a week community use of the sports hall redevelopment of existing education facilities. This is considered to represent a benefit in planning terms which weighs in favour of the proposal.
- 12.8 The redevelopment of the educational facilities on the site for education use is consistent with the established land use on the site and the proposals are considered acceptable from a land use point of view. However, in order to redevelop the site, some re-arrangement of the facilities is required which results in the loss of land. Further analysis of the educational need and the viability constraints driving this is discussed below.

#### Office Use

- 12.9 Policy 2.10 of the London Plan is concerned with the strategic priorities of the CAZ and states, inter alia, that boroughs should:

‘enhance and promote the unique international, national and Londonwide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world’s most attractive and competitive business locations.’

- 12.10 London Plan Policy 2.13 deals with development in Opportunity Areas, which are the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential public transport accessibility. The City Fringe Opportunity Area, within which the site is located, has an indicative employment capacity of 70,000 new jobs and a minimum of 8,700 new homes over the plan period. The Mayor of London’s adopted City Fringe Opportunity Area Planning Framework (OAPF) identifies the potential for economic growth associated with the digital-creative sector in this part of London, which has become known as ‘Tech City’. Start-up businesses have played a critical role in the establishment of this cluster and continue to attract inward investment and corporate relocations to the area. The site is located within the “inner core” of the City Fringe, where demand for office space has been increasing. This is as a result of growth in digital-creative businesses but also high growth in financial and business services now competing for limited space in the area. Rents have been rising and many smaller businesses and start-ups have been displaced as a consequence of high demand and a constrained office market. The City Fringe OAPF envisages the continued expansion of employment floorspace in the inner core area to support London’s critical mass of financial and business services and the growth of the digital-creative sector in Tech City.

- 12.11 Policy 4.1 of the London Plan is concerned with Developing London’s Economy and states, inter alia, that:

‘The Mayor will work with partners to:

- a1) promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors

- d) support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity
- e) sustain the continuing regeneration of inner London and redress its persistent concentrations of deprivation.'

12.12 Policy 4.2 of the London Plan is concerned with Offices and states, inter alia, that 'the Mayor will and boroughs and other stakeholders should:

- a) support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises.
- d) seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities in the context of policies 2.7, 2.9, 2.13 and 2.15–2.17'

12.13 The Islington Core Strategy identifies the site as being located within the Bunhill and Clerkenwell Key Area and notes at paragraph 2.8.2 that 'Overall, it is estimated that the Bunhill and Clerkenwell area may need to accommodate an additional 14,000 B-use jobs and around 3,200 new homes by 2025.'

12.14 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states, inter alia, that:

'A. Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy...Creative industries and Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Accommodation for small enterprises will be particularly encouraged.'

12.15 Policy CS13 of the Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business floorspace will be encouraged in the CAZ and town centres, where access to public transport is greatest. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including a proportion of small, micro and/or affordable workspace or affordable retail space.

12.16 Paragraph 3.4.3 of the Core Strategy notes that employment in Islington is expected to increase by around 35,000 to 45,000 jobs between 2012 and 2027. Furthermore, it notes that the Islington Employment Study 2008 projected that just over 50% of these jobs will be provided within B-use floorspace. Paragraph 3.4.4 states that

'The CAZ is expected to continue to be the most attractive location for increases in B-use floorspace, accounting for around 75% of total growth. In terms of the Key Areas identified in the Spatial Strategy, Bunhill and Clerkenwell is expected to account for around 70% of the borough's new B-use floorspace'.

- 12.17 Islington Council's Annual Monitoring Report (AMR) for 2013 states that there was a net decrease of 23,466m<sup>2</sup> B use floorspace during the 2011/12 reporting period and a further decrease of 13,655m<sup>2</sup> during the 2012/13. Paragraph 6.6 of the AMR notes that 'Although the five year trend indicates an overall net increase in B1 floorspace, the net loss of B1 floorspace in two consecutive years is a concern, particularly in light of the changes to permitted development rights which now allow change of use from office to residential use.'
- 12.18 It is therefore the case that the policy framework provides strong support for commercial development and employment growth in this location. The proposal would result in the delivery of 3,744m<sup>2</sup> (GIA) new office floorspace to contribute towards meeting an identified need with corresponding economic and employment benefits. However, the proposal results in the loss of educational land which may impact on the ability of the school to meet its educational needs into the future. This is considered further in the 'Educational Need / Loss of School Land' section below.

Lack of residential use

- 12.19 London Plan policy 4.3 states that 'Within the Central Activities Zone...increases in office floorspace...should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies within this plan'.
- 12.20 Policy DM5.1 of Development Management Policies (2013) is concerned with achieving a balanced mix of uses and states, inter alia, that:

'E. Within the Central Activities Zone (CAZ), 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.

- 12.21 The subtext at paragraph 5.10 states, inter alia, that:

'Where it is not appropriate for housing to be provided on site, an equivalent financial contribution will be sought for the development of affordable housing off-site by the council. This will be determined based on the number of additional housing units that would be required on-site to achieve a genuine mixed use development...'

- 12.22 The above requirement is also reiterated within Policy BC8 of the Finsbury Local Plan.

- 12.23 The proposal does not include housing and would therefore fail to meet the requirements of Policies DM5.1 and BC8, and London Plan Policy 4.3. It can be accepted that a mixed use enabling block incorporating a residential use would result in an inefficient layout and the quality of the residential accommodation would be likely to be compromised as a result of the adjacent educational use. It can therefore be accepted that in this instance it is not appropriate to provide housing on the site. The proposal would therefore give rise to a requirement for a payment in lieu of on-site affordable housing of £603,840.00. The requirement for this payment will reduce the funding available for the School works and this matter is considered further in the Planning Obligations section of this report.



### Affordable Workspace

- 12.24 Policy BC8 of the Finsbury Local Plan requires the provision of affordable workspace within new office development which lies within designated Employment Priority Areas. Similarly, Policy DM5.4 of the Council's Development Management Policies document requires the provision of affordable workspace in designated town centres and employment growth areas.
- 12.25 The site does not fall within a designated Employment Priority Area, Employment Growth Area or a town centre and accordingly there is no LBI policy requirement for the inclusion of affordable workspace within the scheme.
- 12.26 The Mayors of London's City Fringe Opportunity Area Planning Framework (OAPF) sets out strategies intended to assist the City Fringe in fulfilling its economic potential. The site lies within the Core Growth Area identified at Figure 2.1 of the OAPF. Strategy 2: Protecting a Quantum of Workspace Needed to Facilitate Growth states, inter alia, that:
- 'The Mayor supports proposals for new B Class employment space, including securing new affordable workspace as part of major employment developments... For sites in the core growth areas the applicant should seek to incorporate a proportionate level of affordable workspace that is flexible and/or suitable for occupation by micro and small enterprises.'
- 12.27 The GLA Stage 1 response seeks the provision of affordable workspace in accordance with the above. It should be noted that the City Fringe OAPF is a supplementary planning guidance document and it is therefore intended to support the development plan, rather than act as an alternative, and in this case development plan policies do not require the provision of affordable workspace. Statements made in supplementary guidance carry less weight than those in the development plan in determining planning applications, but may be considerations. It is therefore noted that the provision of affordable workspace is encouraged but not required.
- 12.28 The applicant has modelled scenarios where affordable workspace is provided and these are considered in more detail within the Financial Viability section of this report. The applicant demonstrated that the inclusion of affordable workspace would reduce the returns received from the sale of the enabling block site and accordingly would increase the already significant funding gap. It is therefore considered that the lack of affordable workspace is acceptable and in accordance with development plan policy in this specific circumstance where the office development forms an enabling development to support enhanced educational facilities.

### Educational Need / Loss of School Land

- 12.29 The proposed commercial block is intended as an enabling development to facilitate the proposed development of the education facilities on the site. The proposal involves the loss of land and buildings in educational use which may constrain the school's ability to meet its future needs, and this should be viewed in the context of the relatively recent sale of the Bezier site. A Statement of Need which accompanies the planning application advises of a pressing need to improve the current facilities to ensure that the school can maintain and enhance the quality of education that it currently delivers. The proposed development is an evolution of investment works that have been ongoing over the past 15

years. The background to the redevelopment of the school and the condition of the current facilities is set out below.

### Bezier Scheme

12.30 Significant improvements to the school facilities were initially considered and proposed in circa 2003, but the lack of funding prohibited their delivery. The Trust therefore explored means of releasing capital from its assets to generate the necessary funds. This utilised land to the west of the School, fronting Old Street Roundabout that was to be sold for development. Planning permission was granted in March 2007 for 184 residential units, A1/A3 units at ground floor, a health club, car and cycle parking and an all-weather sports pitch within a development of two 16 and 14 storey towers and two adjoining buildings of 6 and 8 storeys on school land (application reference P052328). The development is now known as the Bezier Buildings. The report to the Council's South Planning Committee meeting of 4 April 2006 stated at paragraph 21 that:

'The scheme is an enabling development to allow the school to remain on site and enhance and develop facilities for its pupils. The school will as a result of the capital from the development invest heavily in the sustainable future of the school. Works will include a new library, IT centre, Sixth Form Centre and gym, as well as an all-weather sports pitch. The works will also include upgrading the existing listed buildings, the main outdoor yard area and enhancing access arrangements.'

12.31 The report concluded that:

'The scheme is therefore welcome in terms of its land use variety, appropriate scale of development, innovative design, contributions to sustainability and the contribution it will make in retaining and enhancing the Central Foundation School for Boys...'

12.32 The Section 106 agreement for the Bezier scheme included an obligation for the provision of a new sports all-weather pitch with community access. The other improvements noted in the committee report were not secured within the Section 106 agreement.

12.33 The School improvements which were to be funded by the Bezier scheme included (but were not limited to) the works that had been granted permission in 2006 for the Grade II Listed County Court Building on Leonard Street (application reference P061606). All of the educational facilities that were anticipated as a result of the Bezier scheme have been delivered through the release of funds generated by the scheme. The application is accompanied by a schedule detailing the delivery of facilities within the County Court Building which were identified in the Bezier committee report. The application notes that to date the Trust has invested £8.2m from the proceeds of the Bezier scheme to cover the following:

- Purchase and redevelopment of the County Court
- Remedial work to listed stairs
- New School Entrance Gates as a requirement for accommodating the Bezier scheme
- Fit out of Balcony area above the new football pitch
- Loss of income to the school from the old football pitch during the Bezier building works



- The cost of the School using offsite facilities during the construction of The Bezier.

12.34 Following completion of the County Court works, additional improvements to the remainder of the school buildings were under consideration. However, before these were delivered the Government introduced the Building Schools for the Future initiatives to facilitate delivery of schemes of this nature.

#### Building Schools for the Future

12.35 The School engaged with the Building Schools for the Future (“BSF”) programme between 2006 and 2009 as a means to deliver further improvements to the site. The application advises that extensive discussions took place but it was not possible to deliver a viable project under the BSF programme, and therefore the opportunity to secure public funding towards improvement of the School’s facilities was not realised.

#### Current Facilities

12.36 Block A requires substantial refurbishment, and Block B is a 1960’s build of poor and deteriorating quality which does not meet current needs. Block C, has been identified by the DfE as amongst the 200 most inadequate school buildings in the country.

12.37 The School has developed its high quality programmes in Music, Drama and Sport despite the inadequate facilities available on its site for these curriculum areas.

12.38 The School’s sports facilities are very limited and comprise a small astro-turf pitch and two additional small spaces that are stated to be far below the standard found in all other schools in Islington. Additional demand is met through expensive external provision that takes up valuable curriculum time in travel and does not allow for extra-curricular provision before and after school.

12.39 The School does not have a dedicated music centre and relies on a sub-standard basement area which is dark, damp and lacks practice facilities, adequate performance space and resources.

12.40 The application advises that the Science facilities throughout the School are grossly inadequate, with the result that many science lessons are taught in general teaching rooms, rather than laboratories. The existing laboratories are spread around the school on different floors and in different buildings and are in need of modernisation and refurbishment.

12.41 The Sixth Form is both successful and projected to expand. However, Sixth Form accommodation and, in particular, private study facilities are inadequate and the overall space is not fit for the School’s purposes.

12.42 There are a number of other features of the current school facilities which are deficient and which require improvement which are summarised as follows:

- Many classrooms are outdated and not conducive to a positive learning environment.
- The current layout does not allow for the establishment of coherent faculty/department areas and mitigates against collaborative working amongst faculty staff.

- Both the student entrance and the visitor entrance/reception are not fit for purpose and undermine the School's identity.
- The central courtyard, which is the only outdoor space for students, is unattractive and does not provide a suitable environment for students to relax and socialise.
- Horizontal circulation between the major school buildings is not possible which results in students having to move vertically around the site. At peak times, such as lesson change, this results in serious congestion.
- The School is planning to increase its intake by one form of entry as from September 2018, a development that will eventually lead to an increase of 150 students.

### Educational Need

- 12.43 As set out above, the School's current facilities are no longer considered fit for purpose. The application notes that the physical environment of the School detracts from the educational and social experience of its students and that the School's record of considerable success is achieved despite its facilities not because of them.
- 12.44 Redevelopment of the school is intended to achieve even greater educational outcomes for an even larger cohort of pupils. The requirement for additional and improved accommodation has arisen in part from the increase in pupil numbers as a result of the additional form of entry requested by the Council to meet the increase in students in Islington. It is also anticipated that Sixth Form numbers will increase from the current figure of 180 to an upper limit of 300 students over the next five years. The application advises that without the proposed new development the School does not have the physical capacity to accommodate the additional form of entry.
- 12.45 The application advises that a new Music Centre will allow the School to maintain and extend its Music provision through the provision of appropriate space and to assist in the recruitment of high quality specialist staff. Furthermore, the development of high quality teaching and performance spaces for Drama will allow the School to sustain and further extend the quality of its Drama provision.

### Funding

- 12.46 In order for the proposed development to be delivered the School must secure additional funding. Accordingly, there is a degree of uncertainty over the deliverability of the scheme and this should be assessed in order to inform the weight to be attached to the education benefits in the planning balance.

### Sources

- 12.47 Central Foundation Boys' School is a voluntary aided maintained school, meaning that its revenue funding comes from LB Islington. The Trust owns the land and buildings that the School occupies, and is obligated to contribute 10% of all capital expenditure to the School's buildings.
- 12.48 The application advises that the cost of the school development (excluding the commercial block) is £41.84 million. The application indicates that the proposed development has been reduced in scope to arrive at this value, for example, the sports hall has been reduced from a fully sunken 4 court sports hall to a partially sunken 3 court hall to assist with the deliverability of the scheme. Furthermore, these costs do not include full remedial

works on Block A and some further work on Block A which is anticipated arising from the development works. The School will need to secure funding for these works in due course.

- 12.49 The application notes that the School is now in a position where it must secure funding for its development project from a number of sources, with most funding coming from outside the public sector. The remaining monies from the Bezier scheme form the significant majority of the available funding but do not go far enough to deliver the required works. Subject to planning, the project has secured the following sources of funding:
- LB Islington Education Department - £2.7 million
  - Education Funding Agency - £5 million
  - Central Foundation Schools of London Trust - £20 million.
- 12.50 The total secured funding is therefore £27.7 million and there is a funding gap of £14.14 million.
- 12.51 The funding from the Council is intended to support the School in its redevelopment in order to accommodate the increased roll which has been requested by the Council to meet the needs of the growing population.
- 12.52 The EFA operate the Priority School Building Programme which has been established to deal with the renovation needs of the 'worst' school buildings in the country. The School made a successful application in April 2015 under this Programme and the EFA have established that the condition of Block C qualifies for this programme. The EFA will provide funding specifically for the costs of the renovation and refurbishment of this building only, equating to an estimated £5 million of the project cost.
- 12.53 The Central Foundation Schools of London Trust is responsible for the Boys' and Girls' schools. The application notes that it is required under the terms of its governing document to consider the needs of both Schools, both at the present time and in the future. The Trust receives funding from a number of sources, including charitable donations and investments. However, its resources are finite and it cannot do anything that undermines its ongoing responsibilities to both schools. The Trust's £20 million contribution is taken from the receipts of the Bezier scheme and its wider reserves without compromising its future responsibilities to its two schools.
- 12.54 The application states that all of the available sources of funding have been explored. Therefore, there is a need for the Trust to consider ways of releasing capital from their assets by redeveloping a portion of the site to release additional monies for the project in a bid to close the £14.14 million funding gap. It is proposed that funds generated from the enabling development scheme will be linked to the delivery of the education improvements via a Section 106 agreement. This will be achieved by restricting the occupation of the enabling scheme until a certain point in the delivery of the education project.
- 12.55 The application is accompanied by a financial viability assessment (FVA) which identifies that the enabling development scheme has the potential to deliver £6.72 million towards the funding gap and £7.42 million further funding is therefore required to deliver the scheme. The Council appointed BPS Chartered Surveyors (BPS) to undertake a review of financial viability for the scheme which is detailed later within this report. BPS have reviewed the applicant's costs and are broadly in agreement but contest a number of the

costs. Based on BPS' appraisal the remaining funding gap would be £6.74million. Either way, the remaining funding gap is significant.

- 12.56 The application indicates that, prior to planning permission being granted, it is not possible to secure or explore other sources of funding. Once a consent is secured, it may be possible to pursue these with more certainty. These may include heritage and sporting funds, charitable donations, and fundraising by the school and the Trust.
- 12.57 Improvements to the School would fall in to the category of 'School Improvements' as identified in the Council's Community Infrastructure Levy (CIL) Regulation 123 Infrastructure List. The enabling development scheme incurs a CIL liability of £441,661 (£271,791 Borough CIL and £169,869 Mayoral), as well as a £305,406 Crossrail Levy. The application advises that, post planning, a discussion will be held with the Council to explore whether the Borough CIL and any other monies collected from other schemes via CIL or Section 106 agreements can be returned to the school to deliver the increased student capacity that the Council are seeking. At the time of writing there had been no indication that significant funds would be released from CIL monies but it is noted that this would be the subject of further discussions should planning permission be granted.
- 12.58 The application advises that there is the ability for fundraising to take place with students and alumni. If the funding gap cannot be closed through other means, this is one option that will be explored, but does rely on public generosity to achieve this and, on its own, is unlikely to resolve the funding issues.
- 12.59 Private finance is not an option that is available to the School or the Trust as they have no regular available income to pay back the loan. The application states that this places increased importance on the need for maximum funds from the enabling development scheme.

#### Deliverability

- 12.60 Officers have raised concerns through the pre-application and application process that it has not been demonstrated that the proposed development is deliverable. Accordingly, the weight which can be attached to the education benefits that will arise from the proposal is undermined on the basis that there is no guarantee that the funding will be secured. This is a particular concern on the basis that the proposal is considered harmful in heritage terms, as set out later in this report, and the educational benefits must be weighed against the harm identified. Officers have maintained concerns that, if the required funding is not secured, then the educational benefits of the proposal assessed in the planning balance may not be fully realised.
- 12.61 There is at present no certainty that the above potential sources of funding will address the funding shortfall. The applicant advises that alternative sources, including funding from heritage and sporting funds, cannot be properly explored until a planning permission is in place.
- 12.62 The applicant has indicated a willingness to enter into a legal agreement including the following Head of Terms:

'Not to commence development of the office site or building prior to:

- (i) Practical completion of Blocks B and C of the Development;
- (ii) Commencement of works to the Sports Hall and Tabernacle of the Development.'

12.63 The above would offer a degree of comfort. It is the case that a substantive revision to the proposal would be the subject of a further planning application which would be assessed on its merits. It is also the case that, from a construction logistics point of view, the enabling block would be the final stage of the development as the building would occupy the access to the site required for the excavation and construction of the sports hall and Tabernacle building. It is therefore considered that, for the purposes of assessing this planning application, there is as much comfort as can reasonably be achieved that the education benefits of the scheme will be secured before the commercial enabling block is constructed.

#### Necessity to deliver the scheme at the same time

12.64 Officers have queried whether any part of the scheme could be delayed until such a time as all of the necessary funding has been secured. The applicant advises that all parts of the scheme are interrelated and therefore must all come forward at the same time. The Construction Management Plan details an indicative sequence of works to build out the proposed development. Phase 1 of the works involves the soft strip and demolition of Block B followed by the construction of the new Block B and the refurbishment of Block C. Phase 2 of the works includes the delivery of the new sports hall, extensive refurbishment of the Tabernacle and installation of the new courtyard and external landscaping. There is adequate funding in place to complete Phase 1 of the works and the funding gap must be bridged in order to proceed with Phase 2 of the works. The School must therefore complete the sale of the enabling development site part-way through the development programme in order to release funds for the Phase 2 works.

12.65 The works to Blocks B & C will deliver additional teaching capacity (in terms of classrooms) but will not deliver the improved sports, art, drama and music facilities and the site wide accessibility improvements sought by the School. The applicant advises that funders are significantly less likely to be interested in a split project (proposals spread across two separate planning applications) due to uncertainty and risk associated with it (for example, the need to secure planning permission twice). The applicant further advises that, even if funding were to be obtained for the proposals spread across two planning applications, it is likely that a risk premium will be attached to such contracts, thereby further increasing the School's costs. The applicant argues that removing the sports hall, drama theatre, creative arts facilities and landscaping from the planning application would put the whole project at risk, leaving the School, parents and students in an uncertain 'limbo' for a long period of time. It is suggested that the uncertainty would raise questions as to whether the campus is able to accommodate a School and would affect the decision of some students to enrol in the School.

12.66 It can therefore be accepted that it would be disadvantageous to deliver the scheme in two phases subject to separate funding arrangements as such an approach would introduce considerable uncertainty in relation to delivery of the sports, drama and creative arts facilities and the realisation of the associated education benefits.

#### Academisation

12.67 The Funding and Educational Need Statement which accompanied the application addresses the potential academisation of the school. It is noted that as a voluntary aided School the proposed school works would be liable for Value Added Tax (VAT), whereas academies, local authority schools and free schools are not liable for VAT on school works. Based upon the applicant's FVA, the removal of the VAT liability would reduce the funding gap by approximately £5 million to approximately £2.3 million. It is considered that there is reasonable potential that a funding gap of £2.3 million could be bridged and a shortfall of this level would represent significantly less cause for concern in terms of the deliverability of the scheme.

12.68 The Funding and Educational Need Statement sets out the series of hurdles involved in a process of academisation as follows:

- Register interest with Central Government for becoming an academy
- Obtain consent from the school's governing body
- Obtain consent from the school's foundation trust
- Statutory consultation with parents, staff and pupils
- Application made to convert to an academy
- Prepare memorandum and articles of association
- Set up an academy trust
- Draft funding agreement
- Setup academy bank accounts, transfer land ownerships, etc
- Transfer education responsibility to the academy trust
- Appoint local governing body

12.69 The Statement concludes that:

'There are a significant number of steps that need to be taken even if the School decided that it had no choice other than to become an academy.

As a consequence of all of these unknowns, academisation cannot be relied upon to reduce the funding gap, and therefore, the primary focus for additional funds should be from the enabling development scheme.'

12.70 Officers subsequently sought further clarification from the applicants in relation to academisation and the applicant advised by letter dated 31 July 2017 that there are discussions being undertaken in Central Government which would result in the liability for VAT being removed. In relation to academisation the letter also states that:

'If...other sources of funding are not forthcoming, then there may be the need to explore the issue of academisation. This has not been ruled out as an option. However, our understanding is that the Head and governing body of the School align with Council's view on this subject, and they have no desire to academise unless it is absolutely necessary to deliver the benefits proposed for the students of the school.

The School will be exploring all possible sources of funding and income, ensuring that they are maximised with academisation remaining a fall-back position of last resort. As to what these other sources of funding may be, the School is continuing

to explore all possible avenues. It is believed that a positive planning outcome will create a much stronger position to secure further funding as the funding gap will be perceived by other funders to be much easier to bridge.

The School can commit to the desire to avoid academisation unless absolutely necessary, and will be looking to work with the Council on alternative sources of funding such as CIL receipts to maximise the opportunities which are available to them.'

- 12.71 As noted by the applicant above, it is understood that the Council in its capacity as Local Education Authority is not presently supportive of academisation, and there would likely be political implications were the School to pursue this as an option. However, this is not a planning matter and is not relevant to consideration of this planning application. For the purposes of assessing this planning application the applicant has indicated that this academisation is a realistic option to bridge the funding gap in the event that all other avenues are exhausted. For the purposes of assessing this planning application it is therefore considered that the applicant has offered sufficient assurances that the funding gap can realistically be bridged and adequate safeguards to secure the School works can be provided.

### **Design and Appearance**

- 12.72 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design generally in the area.'
- 12.73 Policy 2.11 of the London Plan is concerned with the strategic functions of the CAZ and states, inter alia, that boroughs should:

'seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design to complement these designations'

- 12.74 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, that:

'Buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.'

- 12.75 London Plan Policy 7.6 states, inter alia, that:

Buildings and structures should:

- a) be of the highest architectural quality
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e) incorporate best practice in resource management and climate change mitigation and adaptation
- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g) be adaptable to different activities and land uses, particularly at ground level
- h) meet the principles of inclusive design
- i) optimise the potential of sites.

12.76 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.

National heritage legislation, policy and guidance

12.77 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application ‘the authority shall have regard to the provisions of the development plan, so far as material to the application,...and to any other material consideration.’

12.78 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that ‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

12.79 There are the following additional requirements when considering planning applications which affect the setting of a listed building or the character and appearance of a conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: ‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.

12.80 Section 72(1) of the Act states: ‘In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.



- 12.81 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 12.82 The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of 'sustainable development'. Conserving heritage assets in a manner appropriate to their significance forms one of the 12 core principles that define sustainable development. NPPF policy advises that for new development to be sustainable it needs to encompass an economic, social and environmental role, with the latter including the protection and enhancement of the built and historic environment. Paragraph 8 notes that these roles are mutually dependent and should not be taken in isolation; and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 7 of the NPPF states that the environmental role of a development includes protection and enhancement of the historic environment, while section 12 sets out how the historic environment should be conserved and enhanced.
- 12.83 The NPPF addresses the determination of planning applications affecting designated and non-designated heritage assets at paragraphs 128-135 which state, inter alia, that:
- '128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...
  - 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal...
  - 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional...
  - 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is

necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

12.84 Significance is defined in the NPPF as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

12.85 The setting of a heritage asset is defined in the NPPF as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

12.86 Paragraph 9 of the NPPG notes that

'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.'

12.87 Paragraph 17 of the NPPG provides guidance on assessing whether a proposal results in substantial harm to a heritage asset and states that:

'What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

12.88 The Guidance detailed above notes that substantial harm is a high test. Case law in this matter is of some assistance, such as Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Ltd, where substantial harm is referred to in the context of circumstances where the impact on significance is "serious such that very much, if not all, of the significance was drained away", or "an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated or very much reduced"

12.89 Paragraph 20 of the NPPG defines public benefits as:

'Anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.'

12.90 The Historic England (formerly English Heritage) guidance document Conservation Principles (2008) sets out a framework for assessing the significance of historic buildings and places. It defines significance as the 'sum of the cultural and natural heritage values of a place, often set out in a statement of significance.' It is commonly agreed that Grade I and II\* buildings are of "exceptional" and "particularly important" interest; therefore these are generally considered of greater significance.

12.91 London Plan policy 7.8 is concerned with heritage assets and states, inter alia, that 'development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.'

12.92 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states at Part F that:

'Much of the area has a rich character and is noted for its historic value. This is particularly true of Clerkenwell, which has a street pattern that dates from medieval

times and contains surviving monastic precincts. But throughout Bunhill and Clerkenwell, a number of buildings, monuments, spaces and townscape attributes contribute positively to its character. This includes some locally important street level views to St. Paul's Cathedral and other local landmarks. These historic and character-defining attributes will be protected and enhanced. In particular, improvements will be sought to the quality of views to St. Paul's Cathedral and to the public spaces from which local views originate.'

12.93 Policy CS9 of the Core Strategy is concerned with 'Protecting and Enhancing Islington's Built and Historic Environment' and states, inter alia, that:

'High quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive.

B. The historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced whether designated or not. These assets in Islington include individual buildings and monuments, parks and gardens, conservation areas, views, public spaces and archaeology.

D. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.'

12.94 Policy DM2.3 of the Council's Development Management Policies document is concerned with Heritage and states, inter alia, that:

A. Conserving and enhancing the historic environment

Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged.

B. Conservation Areas

i) The council will require that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted.

ii) The council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area. The appropriate repair and re-use of such buildings will be encouraged. The significance of a conservation area can be substantially harmed over time by the cumulative impact arising from the demolition of buildings which may individually make a limited positive contribution to the significance of a conservation area. Consequently, the loss of a building which makes a positive contribution to a conservation area will frequently constitute substantial harm to the significance of the conservation area.

### C. Listed buildings

- i) The significance of Islington's listed buildings is required to be conserved or enhanced. Appropriate repair and reuse of listed buildings will be encouraged.
- ii) The significance of a listed building can be harmed by inappropriate repair, alteration or extension. Proposals to repair, alter or extend a listed building must be justified and appropriate. Consequently, a high level of professional skill and craftsmanship will be required. Proposals to repair, alter or extend a listed building which harm its significance will not be permitted unless there is a clear and convincing justification. Substantial harm to or loss of a listed building will be strongly resisted.
- iii) New developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- iv) The best use for a listed building is usually that for which it was designed. However, where the original use of a listed building is demonstrably unviable other uses may be permitted provided they do not harm the significance of the listed building.
- v) The council will use its statutory powers to ensure that listed buildings at risk from neglect or decay are appropriately maintained and repaired.
- vi) Applications for listed building consent must be accompanied by a Heritage Statement which demonstrates a clear understanding of the significance of the affected listed building and of the impact on its significance.

12.95 Finsbury Local Plan Policy BC3 is concerned with the Old Street area within which the site falls and states, inter alia, that:

'Old Street will become a distinctive, high quality, diverse and vibrant commercial destination within central London. The environmental quality of the roundabout will be transformed through coordinated public and private investment, with complementary improvements to neighbouring residential areas, including ...Business uses, including workspaces suitable for occupation by small and micro enterprises, and supporting uses...

B. Buildings of high quality architectural design which:

- i. Relate positively to each other,
- ii. Improve the character, quality and identity of the area,
- iii. Demonstrate a scale and massing that responds to adjacent public spaces and street widths and enhances street level views of recognised and historic landmarks in the area,
- iv. Conserve and enhance heritage assets, and
- v. Respect the existing urban grain and, wherever possible, seek to repair lost urban grain'.

### Supplementary Conservation Area Guidance

12.96 Conservation Area leaflet states, inter alia, that:

‘City Road, Tabernacle Street and other side streets comprise smaller and lower buildings often with quite narrow frontages. Where redevelopment is acceptable heights should not exceed four or five storeys, with a clear parapet line. An additional setback floor may be acceptable. New buildings should be mainly brick, with punched window openings with a vertical emphasis. Curtain walling should be avoided.’

- 12.97 The Council’s design guidelines for the Bunhill Fields / Finsbury Square Conservation Area states at paragraph 22.6 that

‘A number of non-listed buildings are also critical to the existing character of the area and provide important frontages to the streets and spaces. They must be retained. Even a good standard of modern design would not compensate for the loss of these buildings, which hold the key to the turn of the century character of the conservation area.’

- 12.98 The design guidelines address Tabernacle Street, Epworth Street and other side streets at paragraphs 22.14-22.15 which state:

‘The established character of this area is commercial with a mixture of workshops, small offices and live/work units. The Council will seek to retain the established character and wholly residential schemes will be resisted.

The prevailing character of the narrow side streets either side of City Road is of late-Victorian warehouses and offices although there are also small pockets of earlier Georgian survivals such as 3 - 9 Paul Street. This character must be retained and new development where acceptable, must blend with this character in terms of scale, materials and ornament. Four or five storeys sheer from back of pavement should be maintained with a clear parapet line. Plant and roof structures should be set back to be invisible from the street. New buildings should be in brick, with punched window openings, and with a vertical emphasis. Bland flat frontages and curtain walling should be avoided. Glass to windows and entrances should be clear.’

### **Significance of heritage assets**

#### **Historic England list descriptions**

- 12.99 The Historic England list description for the main Grade II School building (Block A) states, inter alia, that the building is a ‘fine example of a mid-C19 charitable school building of considerable scale and gravitas, which combines a distinguished façade with interiors of considerable interest.’
- 12.100 The list description for the Grade II County Court building notes that it was set up by the City and Guilds of London Institute for the Advancement of Technical Education, and was the first technical college in England. The building and wider site therefore has historic significance. The building was the later converted into Shoreditch County Court.

#### **Applicant’s assessment of significance**

- 12.101 The application is accompanied by a Heritage and Townscape Assessment (HTA) which provides an assessment of the significance of the school buildings. It notes that the list descriptions identify the historic significance of Block A and the County Court building. It

further identifies that the internal configuration of the school buildings in Block A, including the circulation spaces, classrooms (and their various functions), and principal spaces such as the Assembly Hall, contribute to the historical value of the listed buildings. The list description for Block A makes reference to its distinguished façade, which demonstrates that the exterior of the building is of architectural value. Equally the façade to the County Court building, including its stone dressings, Doric portico and other architectural details, makes a positive contribution to the street scene and is of intrinsic aesthetic value. The courtyard-facing facades of these buildings are also of some architectural value.

12.102 The HTA identifies that the current Tabernacle Building contributes to the historical significance of the site due to its historical associations with the original 1752 Tabernacle, and as a historic building in its own right. The Gothic-style gables to the former chapel and Sunday School facing the street are particularly distinctive in the local townscape. The rear inward elevations facing the school courtyard have been altered and the Tabernacle at present has a largely blank brick rear façade. The 1966 extension to the school is considered to be of limited historical value, as a modern three storey building. Within the former Sunday school the main window and roof structure remains. Within the Tabernacle building there is an arch embedded within the upper floor of the building, and there are no other architectural features of note.

Tabernacle Building



12.103 The 1966 extension (Block B) to the school is identified as being of limited historical value.

12.104 The former 6<sup>th</sup> Form block on Tabernacle Street is identified as being of some historical value, but less so than the older buildings on the site. The HTA identifies that they are not

unattractive, but are less distinguished architecturally when compared to the listed buildings and Tabernacle building.

12.105 The HTA identifies that the single-storey building at the corner of Cowper Street and Tabernacle Street detracts from the appearance of the Conservation Area and is not considered to be of aesthetic value (see photograph below).



## Single storey building at corner of Cowper Street and Tabernacle Street



12.106 Historic England have provided an appraisal and an assessment of the significance of the buildings on the site as follows:

'The school is located at the north-west corner of South Shoreditch, which in this part was originally laid out towards the end of the 18th century as a residential area with small brick terraces occupied by artisans and tradesmen. These were gradually replaced in the 19th century as industrial and commercial use intensified, culminating in the late Victorian and Edwardian furniture factories, warehouses, showrooms and workshops that provide this part of Bunhill Fields/Finsbury Square (Islington) and South Shoreditch (Hackney) Conservation Areas with their predominant character. The buildings of the Central Foundation Boys' School form an important Victorian and Edwardian enclave of public and former ecclesiastical buildings set amongst commercial buildings of the same period that characterise the conservation area.

The school itself comprises two Grade II listed buildings and associated extensions, as well as the former Whitefield Tabernacle along Leonard Street, and a 1960s extension of no architectural merit along Cowper Street.

The former tabernacle and its adjacent Sunday school building were built in 1868 in a Gothic style designed by *C. G. Searle and Son* on (or near) the site of Rev. George Whitefield's original tabernacle of 1753. The tabernacle building turns the

corner to Tabernacle Street and forms an imposing end to the school complex to the east. The building is constructed in Kentish Ragstone with large windows in the Decorative style facing south and east. The Sunday School to the west...is in the same style, albeit at a much smaller scale.

Although the Tabernacle complex is not listed at present, it possesses high significance through the combination of aesthetic values for its well preserved Victorian Gothic architecture, and historical value for its connection to Whitefield's original Moorfields Tabernacle and for its role in illustrating the development of the church in this dense part of Victorian working class London.

The Tabernacle complex makes a very significant positive contribution to this part of the conservation area and the setting of the grade II listed former court building for the reasons set out above, but it is also worth noting that it contains other elements such as decorative cast iron railings that further contribute to the site and its surroundings.

The other historic building that would be affected by the proposals is the two storey, eight-bay gault brick structure fronting Tabernacle Street, an extension to the original school. This is an austere building decorated only by a moulded brick cornice and a pair of pitched gables, under which are symmetric pairs of double-height sash windows that are framed by moulded corbels in the brickwork. The building was probably added to the existing school block in the years following the 1894 Tabernacle Street fire. It is architecturally robust and in keeping with the listed school buildings and the nearby unlisted Victorian and Edwardian commercial buildings that characterise the conservation area. It occupies an important position along Tabernacle Street, and adds to the historic street frontage that survives along the west side of the street. The quality and aesthetic value of its architecture, combined with its size and key position in the townscape, mean that it makes a positive contribution to this part of the conservation area and enhances the setting of the grade II listed school building to the west.'

Former Sixth Form Block on Tabernacle Street



Assessment of significance

- 12.107 Having regard to the above, it is considered that the Grade II listed Block A, the Grade II listed County Court building and the Tabernacle building have substantial architectural and historic significance. The setting of these buildings is also considered to be of significance.
- 12.108 Historic England's assessment that the 1960s Block B is of no architectural merit can be accepted, as can the applicant's assessment that it is of limited historical significance.
- 12.109 It is considered that the applicant's assessment underplays the significance of the former sixth form block. Historic England consider that it adds to the historic street frontage whilst the quality and aesthetic value of its architecture, combined with its size and key position in the townscape, mean that it makes a positive contribution to this part of the conservation area and enhances the setting of the grade II listed school building to the west. Historic England's assessment is accepted. The Council's Design and Conservation Officer also notes that the building makes a positive contribution to the character and appearance of the conservation area.
- 12.110 The applicant's assessment that the single storey building at the corner of Cowper Street and Tabernacle Street makes a negative contribution to the character and appearance of the conservation area is accepted.

### Block B (Science Block)

- 12.111 The demolition of the existing 1960s block is considered acceptable subject to its replacement with a building which preserves or enhances the character and appearance of the Conservation Area.
- 12.112 It is proposed to erect a 4 storey block which will be comparable in height to the adjacent listed school building.
- 12.113 The Council's Design and Conservation Officer has raised concerns that the proposed plant screen will be visually prominent and will compete with the gable ends to Block C. The applicant has responded that they consider it important for the new interventions (such as plant screens) to be visibly different from the existing Victorian context and share a coherent language of modern materials which link with new facade elements. The proposed Block B plant screen is set back from the parapet line by circa 4m (while the Block C gable ends are flush with the existing facade). The perforations to the plant screen will offer some visual 'lightness' to the screen to ensure it does not appear solid and compete with the gables, whilst its folded form will also help to break down its mass. Furthermore, the height of the building will limit the visibility of any plant from the courtyard.
- 12.114 The existing defensive and inaccessible ground floor of the 1966 Block B would be replaced with a new active public frontage.

### Tabernacle Building

- 12.115 The Council's Design and Conservation Officer has raised concerns in relation to the proposed modern and largely glazed treatment of the courtyard facing elevation of the Tabernacle building. It is considered that the outward facing façades onto Tabernacle Street and Leonard Street are of the greatest heritage value as they contribute positively to the character and appearance of the Conservation Area and the setting to the listed buildings. The courtyard facing elevation is predominantly blank and can be considered of limited architectural merit whilst the application notes that it is in poor condition. The application also notes that, from a construction logistics perspective, the removal of the north elevation is desirable due to the significant excavation and ground works required for the internal reconfiguration and underpinning, along with the excavation required for the adjacent sports hall.
- 12.116 The Council's Design and Conservation Officer has commented that the roof form of the annexe building represents an alien form of development. The applicant notes that a small area of roof mounted plant is required and has been minimised as far as possible. It has been located on the annexe due to limited areas of flat roof available across the campus. The appearance of the plant screen is intended to appear as a modern intervention to clearly distinguish from the retained historic parts of the Tabernacle building.
- 12.117 The application notes that the existing Tabernacle building fabric is in poor condition and many of the windows have been boarded up either due to damage or to allow use of the spaces (for sports). The application advises of various defects including the following:
- Erosion at the base of the stone columns on Leonard and Tabernacle Street
  - Erosion of the main façade stonework including the high level cornice
  - Missing or broken stonework above the main windows (whose purpose is to route water away from the façade)

- Staining of the stonework due to pollution
- Plants growing in the stonework at high level
- Numerous types of stone are used on the primary external façades (Leonard Street and Tabernacle Street) including, Kentish Ragstone, Portland Stone, Forrest of Dean Sandstone, and Bath Stone (windows).

12.118 Restoration works are proposed to address the above defects. These will enhance the character and appearance of the conservation area and are therefore welcomed and represent a benefit of the scheme.

12.119 The application also notes that the proposed glazed design of the facade is informed by a requirement to allow daylight into the deep plan of the building in order to benefit the arts activities within the building whilst allowing activities within the Creative Arts Centre to be visible from the courtyard which will enliven the external space. This safeguards the more prominent and important facades from the need for alterations.

12.120 The Council's Design and Conservation Officer's objection to the proposed modern, glazed appearance of the courtyard elevation primarily relates to the harm to the historic character and appearance of the building. It can be accepted that there is a justification for the removal of this elevation from a construction logistics point of view. However, the objection suggests that a greater proportion of masonry could be incorporated into the replacement façade which would assist in maintaining the building's historic character. The applicant advises that the proposed glazing would allow more daylight into the building which would enhance the quality of the accommodation for performing arts, and this can be accepted. It can be acknowledged that the proposal will result in harm to the historic appearance of the building. However, the proposed replacement elevation would appear as a modern intervention of a good standard of design which is clearly distinguished from the historic building and which can be justified in design terms. In view of the blank appearance and limited architectural merit of the existing courtyard elevation it is considered that the enhancement to the appearance of the building as a result of the proposals would outweigh any harm to its historic character.

12.121 The indicative materials are of a high quality which will assist in ensuring that the proposed modern intervention to the building is successful. It is recommended that details of materials are secured by condition (condition 3).

Existing courtyard elevation of Tabernacle Building



CGI indicating proposed courtyard elevation of Tabernacle Building



Part subterranean sports hall with landscaped courtyard above

12.122 The application notes that, given the very constrained nature of the site, there are limited places where a new three court sports hall can be accommodated. The application advises that a thorough assessment of the available options has been undertaken by several design teams, including under the BSF Programme, and it has been concluded

that the most viable strategy would be to locate the sports hall to the east of the courtyard to link the excavation works with the proposed underpinning to the Tabernacle and to minimise the impact on existing basements.

12.123 The Council's Design and Conservation Officer has raised concerns that the landscaping scheme does not appear to have been designed as a school playground and therefore has not taken into account the needs of its users. The applicant has responded that, given the inner city context, the external play space will never be able to comply with Education and Skills Funding Agency space standards due to the area available. The proposed landscaping has arisen from a desire to best utilise the available space and the School's brief was to design a sophisticated 'grown up' space, akin to a University environment, which allows large numbers of students to be broken down into smaller more manageable groups. The applicant further advises that the current large monolithic playground does not work well operationally as pupils do not have enough space to run around and therefore simply replicating it would miss an opportunity to address the School's long term needs. The lower level within the courtyard would provide a zone for active play whilst a more static area for groups / individuals would be provided on the roof of the sports hall. Space for students to play sports will be accommodated within the School's indoor facilities. The alignment of the roof of the Sports Hall with the dominant raised ground floor level across the site (approximately 1.5m above the courtyard) along with the re-alignment of internal levels within the Tabernacle facilitate significant improvements to site wide accessibility within the School buildings. The applicant also advises that a fully submerged sports hall would add approximately £1 million to the cost of the scheme.

12.124 This sports hall, by reason of its subterranean location, will not result in a significant impact upon the character and appearance of the conservation area or the setting of the listed buildings. The landscaping scheme should improve the setting of the listed buildings and character and appearance of the conservation area, to the extent that it will be visible from the public realm.

Commercial building including demolition of former Sixth Form Block

12.125 As noted above, the former sixth form block to be demolished to make way for the proposed commercial enabling block is considered to make a positive contribution to the character and appearance of the conservation area. The application advises that the building is narrow, in poor condition and difficult to utilise for educational uses.

12.126 The former sixth form block is considered to make a positive contribution to the character and appearance of the conservation area and to the setting of the Grade II listed Block A. Its demolition is considered to result in less than substantial harm to the significance of the Conservation Area and the setting of the Grade II listed Block A. In accordance with paragraph 134 of the NPPF the less than substantial harm should be weighed against the public benefits of the proposal and a balancing exercise is carried out within the conclusion to this report.

12.127 The Council's Design and Conservation Officer has commented that the design team should have demonstrated attempts to retain the building or part of the building. The applicant has responded that to try and retain the facade of the unlisted building, and build above and around it (to the quantum of accommodation required to make the scheme viable), would result in a poorly proportioned facade retention with the new development significantly dwarfing the two storey existing elevation. Furthermore, the existing building

only occupies part of the site along Tabernacle Street, with gap sites at either end - leaving an incoherent and poorly defined street edge, uncharacteristic of the Conservation Area.

#### Proposed commercial building

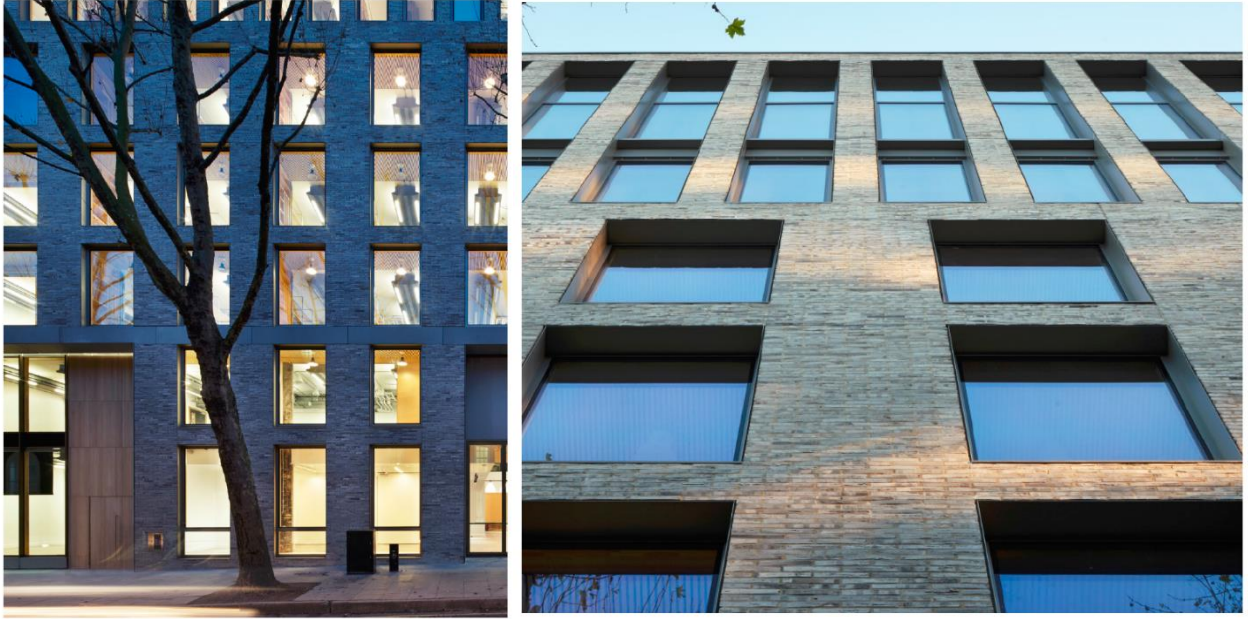
- 12.128 The proposed eight storey commercial block will occupy the site of the existing sixth form block and single storey building on the corner of Cowper Street and Tabernacle Street.
- 12.129 The proposed materials include a glass reinforced concrete (GRC) frame, structural silicone glazing (SSG) panels, glazed spandrel panels (with a mesh interlayer), cream and brown vertical brick infill panels in varying proportions on different façades. The facade design of the block is intended to be distinctive from the new school buildings to reflect the different use and scale. However, commonality in some of the materials proposed (such as the mesh interlayer panels) are intended to provide subtle visual links with the new collection of school buildings. The use of brick is intended to reflect the dominant material found in the conservation area, however its use in a more contemporary way complements the profiled GRC frame to give the building a visually 'lighter' appearance. The three horizontal components of the building mass are intended to respond to the datums of the surrounding buildings while also knitting together the different scales of the immediate context including those of the adjacent school buildings and the taller commercial buildings.
- 12.130 The architects have provided details of the recently completed Bartlett School of Architecture in support of their proposals. They advise that the building would appear simple in its appearance when read as individual façades in 2D. However, high quality materials, careful detailing and facade depth introduced through articulation of window reveals, etc. assist to break down the overall mass of the building.

#### Bartlett School of Architecture









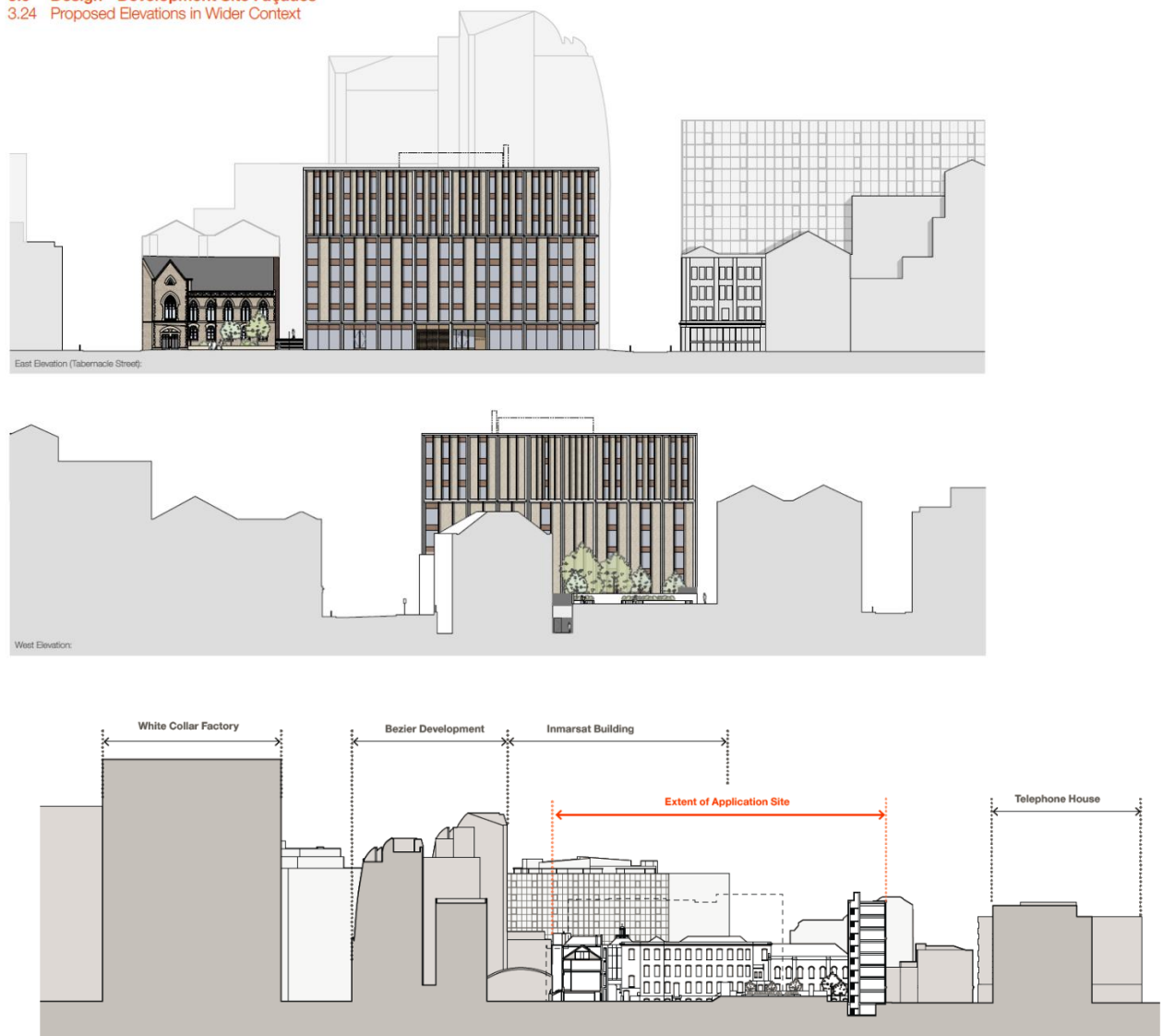
12.131 The applicant has sought to justify the height of the proposed building through reference to the wider surrounding context and this is represented visually in the map and sections below.

Map identifying building heights in the locality



## Enabling block in wider context

3.0 Design - Development Site Façades  
3.24 Proposed Elevations in Wider Context



12.132 Development on Tabernacle Street to the south of the site is predominantly characterised by four and five storey development and this is reflected in the guidance on building heights provided within the Conservation Area leaflet and guidelines detailed at paragraphs 12.96-12.97 of this report. It is also noted that Cowper Street is predominantly characterised by 3 and 4 storey development, albeit the much higher Inmarsat Building and Bezier Building are located at the end of Cowper Street towards City Road. The School buildings on the application site are generally 2-4 storeys in height.

12.133 It may be acknowledged that the development site occupies a location on Tabernacle Street where there is a transition to larger scale development. The immediate context of the development site includes Telephone House on the opposite side of Tabernacle Street which is 7 storeys high with a lower ground floor but is generally set back from Tabernacle Street and Leonard Street. It is noted that Leonard Street is typically characterised by 4-8 storey development. However, it is considered that the larger scale development around Old Street identified within the section plan above occupies a distinctly different character area to the site of the proposed enabling block and does not represent a significant justification for the height of the enabling block.

12.134 The architectural treatment of the building with datum lines which respond to neighbouring buildings assists somewhat in integrating the proposed building within its context. It is considered that the detailed architectural design of the building is of a good standard whilst high quality materials are indicated and can be secured by condition. The building would complete the urban block and in this regard would provide a townscape benefit.

12.135 The height of the proposed commercial block has been driven by a requirement to maximise the capital receipt from the sale of the development site. Whilst the design has architectural merit the block will not be set back from the frontage of the site and it is considered excessive in its height, scale and massing, and would therefore appear somewhat discordant and incongruous on the street scene. It is considered that an appropriate height for a building in this location may be 6 storeys. The CGI below illustrates what is considered to be a somewhat uncomfortable step up in building height from the lower rise Tabernacle Building.

CGI of proposed commercial block adjacent to Tabernacle Building



12.136 It is considered that overall, by reason of its height, scale and massing, the proposed building would result in harm to the character and appearance of the Conservation Area and may be considered to result in a minor degree of harm to the setting of the Grade II listed County Court and the main School building (Block A). The degree of harm is considered to be less than substantial and, in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal and a balancing exercise is carried out within the conclusion to this report.



### Tall Buildings Policy

12.137 Policy CS9 of the Core Strategy is concerned with protecting and enhancing Islington's built and historic environment and states, inter alia, that:

'Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. Parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings, this will be explored in more detail as part of the Bunhill and Clerkenwell Area Action Plan.'

12.138 Policy BC9 of the Finsbury Local Plan is concerned with tall buildings and contextual considerations for building heights and states, inter alia, that:

A. Within the area covered by this plan, tall buildings are considered to be buildings or structures that are substantially taller than their neighbours and/or which significantly change the skyline.

B. Buildings of 30 metres in height or more may be appropriate only within the areas indicated on Figure 17. These areas include sites identified in Policy BC2 (City Road Basin) and Policy BC3 (Old Street), as well as an area adjacent to the City of London boundary at Moorgate.

C. Elsewhere, building heights must respond to the local context, particularly those contextual factors indicated on Figure 17.

'D. Proposals for tall buildings must satisfy all of the criteria set out in Part 4 of English Heritage and CABI's Guidance on Tall Buildings (2007), alongside other Development Plan policies. Specifically, proposals must:

- i. Reinforce the legibility and identity of the wider area and enhance the quality of street-level and long distance views, including across borough boundaries;
- ii. Conserve and enhance designated and non-designated heritage assets and their setting;
- iii. Not create unacceptable impacts on infrastructure, including transport capacity; and adequately mitigate any transport impacts;
- iv. Exhibit an exceptional standard of architecture;
- v. Create an active and interesting street frontage appropriate to the local context;
- vi. Exhibit the highest standards of sustainable design and carbon minimisation, by incorporating green roofs and/or walls, involving services engineers from an early design stage to ensure that energy use associated with mechanical cooling and lighting is minimised, utilising sustainable materials, and controlling solar gain;
- vii. Provide public space, including, where appropriate, mid-block pedestrian routes and the extension of (and integration with) neighbouring areas of public space;
- viii. Provide private amenity and play space where residential uses are proposed as part of the development, and –;
- ix. Not have adverse environmental effects at ground level, nor overshadow neighbouring habitable rooms or formal public spaces.

- 12.139 The main part of the building is marginally below 30m in height. However, the core and lift overrun to the rear of the building will exceed 30m in height. The proposed development is therefore contrary to policies CS9 and BC9. It is noted that policy BC9 is primarily concerned with the appearance, setting and infrastructure impact of tall buildings.
- 12.140 Clarification was sought from the GLA regarding referral of the application under category 1C (The Building is more than 30m high and is outside the City of London) of the schedule to the Town and Country Planning (Mayor of London) Order 2008. GLA officers confirmed that the application was referable at Stage 1 on the basis of the height of the proposed building and the application was therefore referred to the Mayor of London. The Stage 1 response from the GLA did not make reference to the London Plan Policy 7.7 which is concerned with tall buildings, and did not identify any strategic issues relating to the height of the building.
- 12.141 It should be noted that a similar issue arose following an appeal in relation to the proposed redevelopment of Nos. 130-154 Pentonville Road and 3,4 and 5A Cynthia Street, Islington N1 9JE (appeal reference APP/V5570/A/13/2195285). The inspector commented that:
- ‘CS policy CS9 identifies that tall buildings above 30m high are generally inappropriate to Islington’s medium to low level character. Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point.’
- 12.142 In view of the limited visibility of the ‘tall’ (i.e. over 30m) part of the building it is considered that the harm arising as a result of the height of the block primarily relates to its impact on the character and appearance of the conservation area and the setting of the listed school buildings.

### **Accessibility**

- 12.143 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.
- 12.144 Development Management Policy DM2.2 requires all new developments to demonstrate inclusive design.
- 12.145 The Council’s Accessibility Officer notes that the current circulation is vertical, as horizontal circulation between buildings is not possible, and that there is a lot of pressure on existing narrow corridors and stairwells that are significantly under the recommended width. The proposed development addresses the issue of circulation, speeding up movement around the school between lessons and improving the experience of movement. Rationalising the layout and grouping of faculties also assists with circulation, ensuring the adjacencies are correct and the flow of people moving around the building is working efficiently. The Council’s Accessibility Officer advises that the commitment to address the current deficiencies relating to circulation is welcome

- 12.146 Improvements to access and accessibility between the buildings is a key driver for the project and the commitment to provide level access through the buildings wherever possible is welcomed.
- 12.147 It is noted that a new external lift will serve the lower and upper courtyard levels and the basement level for the sports hall and ancillary facilities Block A. However, the lift will also be used for goods and deliveries to the kitchen and will assist with the movement of waste around the site. The shared use of the lift should not cause disabled users disadvantage or loss of dignity. A condition is therefore recommended to require signage to the lift identifying that disabled users should be given priority over the use of the lift (Condition No. 28).
- 12.148 The replacement Block B has been designed to rationalise existing levels and the finished floor levels predominantly link with Block C with gentle 'slopes' used to overcome minor level changes. The new circulation core and through-lift is strategically located to facilitate non-stepped access to Block A. This is all welcome.
- 12.149 The significant improvements to accessibility across the school site are considered to represent a benefit in planning terms.

### **Landscaping and Ecology**

- 12.150 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.
- 12.151 The application is accompanied by a bat survey which recommends that roof materials are removed by hand and specialist advice should be sought in the event that bats or bat droppings are discovered. The Council's ecologist has raised no objections to the proposal subject to the recommendation being secured by condition.

### **Neighbouring Amenity**

- 12.152 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 12.153 Daylight and Sunlight: 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.



12.154 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).*

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

12.156 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.

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

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

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

12.159 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.

12.160 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.

12.161 It is noted that the BRE Guidelines are predicated upon a suburban development model and the 'ideal' baseline target values they set out are based upon a suburban situation i.e. the level of light that would be expected in a situation with two storey dwellings facing one another across a reasonable width road.

12.162 Paragraph 1.3.45-46 of the Mayor of London's Housing SPD states that:

'Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.'

The application is accompanied by a Daylight and Sunlight Report which provides an assessment of the impact of the proposed commercial block on 25 Cowper Street and 112-116 Tabernacle Street.

#### 25 Cowper Street

12.163 The report notes that the property currently experiences daylight and sunlight levels above and beyond what would be expected within such a dense urban environment as it sees visible sky over the single storey corner building on the northern part of the site of the proposed development.

12.164 The VSC and NSL results of the survey are detailed within the table below.

Room / Window	Room Use	Vertical Sky Component			No skyline (daylight distribution)		
		Existing VSC (%)	Proposed VSC (%)	VSC reduction (%)	Existing (%)	Proposed (%)	Reduction (%)
Basement / W2	Dining room	23.48	11.24	52.10	86.73	69.50	-19.87
Ground floor / W2	Living room	23.48	11.24	52.10	45.72	17.19	-62.40
First floor / W1	Lounge / kitchen	26.29	11.29	57.05	99.24	64.78	-34.74
First floor / W2	Lounge / kitchen	26.65	12.73	52.23			
First floor / W3	Lounge / kitchen	25.94	13.36	48.48			
Second floor / W1	Lounge / kitchen	28.49	12.21	57.15	99.57	66.10	-33.62
Second floor / W2	Lounge / kitchen	28.70	13.60	52.63			
Second floor / W3	Lounge / kitchen	28.18	14.37	48.99			
Third floor / W1	Lounge / kitchen	32.51	17.07	47.50	100	89.26	-10.74

12.165 It is noted that the rooms within the property currently benefit from good levels of daylight when assessed for VSC and that the rooms would experience reductions in VSC in excess of the BRE recommendations. The lowest retained level of VSC would be to the basement and ground floor accommodation which would retain 11.24% VSC.

12.166 The NSL assessment demonstrates that only one room would experience a substantial loss of daylight as a result of the proposed development. The Report explains that the main part of this ground floor living room is set back into the building behind a void which allows light to enter the basement. The setback means that light has to travel further into the building to light the room. The remaining rooms which would experience a reduction in daylight distribution in excess of the BRE Guidelines would retain sky visibility to over 64% of their area which can be considered reasonable in a densely built up urban environment.

12.167 The ADF assessment is detailed within the table below.

Room / Window	Room Use	Total ADF (Existing)	Total ADF (Proposed)	ADF Reduction (%)
Basement / W2	Dining room	3.70	2.35	-36.58
Ground floor / W2	Living room	1.50	0.95	-36.41
First floor / W1	Lounge / kitchen	2.72	1.65	-39.30
First floor / W2	Lounge / kitchen			
First floor / W3	Lounge / kitchen			
Second floor / W1	Lounge / kitchen	2.64	1.56	-40.87
Second floor / W2	Lounge / kitchen			
Second floor / W3	Lounge / kitchen			
Third floor / W1	Lounge / kitchen	4.62	2.95	-36.26

12.168 The Report identifies that all but one of the rooms will achieve BRE compliance under the ADF method of assessment. The room which falls below the BRE target value is the ground floor living room which is set back from the front of the building.

12.169 The results of the sunlight analysis for 25 Cowper Street are detailed within the table below.

Room / Window	Room Use	Annual APSH			Winter APSH		
		Existing	Proposed	% loss	Existing	Proposed	% loss
Basement / W2	Dining room	18	13	-27.78	0	0	N/A
Ground floor / W2	Living room	18	13	-27.78	0	0	N/A
First floor / W1	Lounge / kitchen	42	11	-73.81	14	2	-85.71
First floor / W2	Lounge / kitchen	20	15	-25.00	2	2	0.00
First floor / W3	Lounge / kitchen	41	17	-58.54	14	4	-71.43
Second floor / W1	Lounge / kitchen	40	8	-80.00	14	1	-92.86
Second floor / W2	Lounge / kitchen	22	16	-27.27	3	2	-33.33
Second floor / W3	Lounge / kitchen	43	16	-62.79	15	3	-80.00
Third floor / W1	Lounge / kitchen	69	37	-46.38	23	7	-69.57

12.170 The survey identifies that the proposed development would result in an adverse impact on sunlight to rooms within 25 Cowper Street. The Report notes that, due to the height of the existing buildings on the development site, these rooms previously experienced sunlight levels beyond what would typically be expected in a densely built up urban environment.

#### 112-116 Tabernacle Street

12.171 All of the surveyed rooms within 112-116 Tabernacle Street would fully comply with the BRE Guidelines in relation to daylight following the proposed development. In view of the orientation of the windows the BRE Guidelines do not require assessment for loss of sunlight.

12.172 It may be considered that, in view of the densely built up urban context of the site, the daylight and sunlight impacts of the proposed development would not be unduly harmful in planning terms.

12.173 Outlook / Sense of Enclosure: The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.

- 12.174 In view of the degree of separation to the nearest residential properties, and given the surrounding built up urban context, it is considered that there would be no unduly harmful impacts in terms of outlook and any increased sense of enclosure.
- 12.175 Overlooking / Privacy: Development Management Policy 2.1 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'. Any increased overlooking will occur across a public highway and the proposed development is therefore considered acceptable in terms of overlooking and privacy.
- 12.176 Construction Impacts: In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council's Code of Construction Practice. Compliance would need to be secured as part of a Section 106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. The submission of a construction management plan and a construction logistics plan would also be required (condition 20).
- 12.177 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) (condition 5).
- 12.178 Air Quality: Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM 6.1 of the Development Management Policies document requires that development should not cause significant harm to air quality, cumulatively or individually.
- 12.179 The application is accompanied by an Air Quality Assessment which recommends a number of mitigation measures to reduce potential exposure of future site users to elevated pollutant concentrations or off-set impacts associated with a development including the use of mechanical ventilation across the site.
- 12.180 The Council's Environmental Health Officer has raised no objections to the proposal in terms of emissions as a result if the proposed development. Mitigation measures will be required which are likely to include ventilation with nitrogen dioxide filtration. A condition is therefore recommended to secure measures to minimise future occupant's exposure to air pollution (condition 21). The proposal is considered acceptable in terms of air quality.
- 12.181 Noise: Development Management Policy DM6.1 states that noise sensitive developments should be separated from major sources of noise, and that noise generating uses within new developments should be sited away from noise sensitive uses.

- 12.182 The application is accompanied by a Noise Assessment Report which identifies that the ambient noise climate at ground level along the facades of the site predominantly consisted noise from construction activity and road traffic. The Report makes recommendations for Noise Rating levels to be applied in order that cumulative noise from fixed plant installations will meet the Council's requirements.
- 12.183 The Council's Environmental Health Officer has raised no objections to the proposal in terms of noise, subject to conditions securing a plant noise survey and plant noise control measures (conditions 8 and 17). The proposal is considered acceptable in terms of noise.

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

- 12.184 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). 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.
- 12.185 Core Strategy Policy CS10 requires it to be demonstrated that new development has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.

#### **BE LEAN**

##### *Energy efficiency standards*

- 12.186 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 for the new build element of the school are: walls = 0.20w/m<sup>2</sup>k, roof = 0.20w/m<sup>2</sup>k, floors = 0.20w/m<sup>2</sup>k and glazing = 1.6w/m<sup>2</sup>k (with frames 2.2w/m<sup>2</sup>k). The air permeability of the building would be 5m<sup>3</sup>/hr.m<sup>2</sup>@50pa. These values are considered good.
- 12.187 The proposed U-values for the new build commercial building are walls = 0.20w/m<sup>2</sup>k, roof = 0.15w/m<sup>2</sup>k, floors = 0.14 w/m<sup>2</sup>k and glazing = 1.2w/m<sup>2</sup>k (with frames 1.8w/m<sup>2</sup>k). These U-values are generally considered to be good. The air permeability of the commercial building would be 3m<sup>3</sup>/hr.m<sup>2</sup>@50pa which is considered appropriate.
- 12.188 The proposed U-values for the refurbishment element are: walls = 1.0w/m<sup>2</sup>k, roof = 1.0w/m<sup>2</sup>k, floors = 1.0w/m<sup>2</sup>k and glazing = 6.4w/m<sup>2</sup>k (with frames 2.4w/m<sup>2</sup>k). The air permeability of the refurbished element would be 15m<sup>3</sup>/hr.m<sup>2</sup>@50pa.

12.189 Low energy and LED luminaires are proposed for the development, and this is supported. For the enabling development, photocell dimming and automatic presence / absence detection has been proposed. These proposals are considered acceptable.

## BE CLEAN

### *District heating*

- 12.190 Policy DM7.3B requires that proposals for major developments within 500m of an existing or planned District Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.
- 12.191 The applicant has investigated connection to the Bunhill and Citigen heat networks as both of these fall within 500m of the site. In both cases, connection has been ruled out due to the low heat load on site whilst technical challenges relating to distance and physical barriers are also cited. The applicant has presented evidence which satisfactorily demonstrates that, at the current time, it is not technically feasible for the development to make connection to either network.

## SHARED HEAT NETWORK

### *Combined Heat and Power*

- 12.192 Policy DM7.3(D) requires that 'Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.' It is not proposed to connect to a shared heat network on grounds that the heat loads on site are too low for it to be technically feasible and financially prohibitive. The Council's Energy Advisor advises that further investigation of shared heat network options would not be expected at this stage.

## BE GREEN

### *Renewable energy technologies*

- 12.193 The Sustainable Design and Construction Statement indicates that two photovoltaic arrays covering an area of 300m<sup>2</sup> and 100m<sup>2</sup> would be provided on the school and office elements of the proposal which would produce an output of 40kWp and 35,000kWh/year. The Council's Energy Advisor advises that these proposals are supported. Further details of renewable energy technologies will be secured by condition should planning permission be granted (condition 15).
- 12.194 It is currently predicted that the education element of the development will achieve a rating of 'Very Good', with an expected score of 69.13%. This is very close to the 70% threshold for an 'Excellent' rating, and the pre-assessment also identifies a number of potential additional credits, which may take the score up as high as 89.45%. It is therefore recommended that the applicant pursues these opportunities for additional credits, to ensure an 'Excellent' rating is achieved.
- 12.195 A confirmed BREEAM score of 76.12% has been demonstrated for the commercial element and this offers a fair margin of comfort above the 70% threshold for 'Excellent'. The applicant may again wish to pursue the additional potential credits identified, in order to guarantee an 'Excellent' rating and push further towards the 'Outstanding' threshold.
- 12.196 The applicant has confirmed that all endeavours will be made throughout the design process to ensure that an 'Excellent' rating is achieved for all elements. This is welcomed and the applicant should further develop their approach as soon as possible. It is recommended that, should planning permission be granted, a requirement to achieve BREEAM Excellent for the entire development is secured by condition (No. 6).



- 12.197 Carbon Emissions: Policy CS10A states that the promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO<sub>2</sub> emissions associated with the building through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 12.198 Paragraph 2.0.7 of the Council's Environmental Design states that the Council's 'CO<sub>2</sub> reduction targets apply to all major developments, including refurbishments. It is accepted that some schemes, particularly refurbishment schemes, may struggle to reach the relevant target. In such instances the onus will be on the applicant to demonstrate that CO<sub>2</sub> emissions have been minimised as far as reasonably possible.'
- 12.199 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO<sub>2</sub> emissions reduction target. The final stage of the hierarchy requires developers to:
- '...offset all remaining CO<sub>2</sub> emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO<sub>2</sub> for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.
- 12.200 The new build element of the school proposal would achieve a reduction on total emissions of 40.9% compared to a 2013 baseline target, which slightly exceeds the Islington requirement of 27% and is welcomed. For the refurbished element, a total emissions reduction of 48.1% is achieved against the baseline (at the time of writing there was an outstanding query regarding the baseline used by the applicant).
- 12.201 The commercial block would achieve a reduction of 17.7% on total emissions is achieved which falls short of the Islington target.
- 12.202 The entire development would achieve a 37.2% reduction against a 2013 baseline. In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £292,475 would be required and £126,342 of this sum relates to the commercial block. As set out in the financial viability section below it is recommended that a financial contribution is not sought as it would undermine the financial viability of the proposed development.
- 12.203 Overheating and Cooling: Policy 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. 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.

12.204 The application is accompanied by an Overheating Assessment and the applicant has submitted additional information requested by the Council's Energy Conservation Officer to demonstrate maximisation of the cooling hierarchy. At the time of writing further advice was awaited from the Council's Energy Conservation Officer and any update will be provided verbally at the committee meeting.

Sustainable Urban Drainage System (SUDS):

12.205 Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate', where feasible.

12.206 The application is accompanied by a Sustainable Urban Drainage report which demonstrates that the proposed development will reduce the total hard-standing area on the site by approximately 771m<sup>2</sup>. The proposed SUDS measures include green roofs, bio-retention areas, use of soft landscaping and underground attenuation storage.

12.207 The proposed total peak surface water discharge rate for the redevelopment site is 37.9 l/s which is approximately 63% reduction in the peak runoff rate in comparison to a 1 in 100 year storm event. All the proposed surface water networks will be designed to accommodate a 1 in 100 year storm event plus 30% climate change. It is proposed to accommodate the excess surface water runoff during the critical storm event in underground storage systems for the school with a capacity of 11.3m<sup>3</sup>.

12.208 The Council's Sustainable Design Officer has reviewed the proposals and raises no objection subject to further details to be secured by condition. Thames Water raise no objections to the proposal in relation to foul or surface water drainage. It is recommended that a Sustainable Urban Drainage System is secured by condition (No. 15).

Basement Development

12.209 The proposal includes a basement sports hall. The Council adopted the Basement Development Supplementary Planning Document in January 2016. The document states that for all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.

12.210 The application is accompanied by a Basement Construction Structural Method Statement. The Statement does not raise any concerns from a structural point of view but notes that there may be unexploded ordnances and archaeological remains on the site.

12.211 The application is accompanied by a Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment which identifies that there is a high risk of unexploded ordnance on the site. Significantly the majority of the site has not been subjected to any post-WWII redevelopment. Consequently, it is highly unlikely that any UXO would have been discovered and removed. As such, pro-active risk mitigation measures are strongly recommended during any intrusive works on-site.

12.212 The archaeological implications of the proposed development are considered below.

## **Highways and Transportation**

- 12.213 The site has a PTAL score of 6a, indicating an excellent level of access to public transport.
- 12.214 In 2015 public consultation was concluded on TFL's plans to transform Old Street roundabout. TFL's proposals involve the closure of the north-western arm of the existing roundabout and the introduction of new cycle lanes and crossings throughout the junction to improve circulation and safety. The proposals include a subway at the junction with Cowper Street which would improve pedestrian access to the School site.

### **Cycle Parking**

- 12.215 Cycle parking will need to be provided on-site, in compliance with Development Management Policy DM8.4. Appendix 6 of the Development Management Policies document sets out cycle parking requirements for both residential and non-residential uses. Cycle parking facilities must be step-free and accessible in accordance with best practice guidance, and should be located at ground floor level. Provision for parking suitable for accessible bicycles, tricycles, trailers and for use by visitors should also be provided.
- 12.216 TfL raised concerns at application stage that the proposed cycle parking provision would fall below the London Plan minimum cycle parking standards. The application proposed 40 cycle parking spaces in addition to the 15-20 that currently exist. In order to be London Plan policy compliant 169 long stay and 12 short stay cycle parking spaces should be provided for the school use. TfL also advised that the applicant should provide justification for maintaining the current level of 12 car parking spaces associated with the school use (located within the car park to the Bezier Buildings) given the high PTAL of the site.
- 12.217 The applicant has subsequently confirmed that 181 cycle parking spaces can be provided within the associated car parking area resulting in the loss of up to seven car parking spaces. The associated car parking is located outside of the application site and it is therefore recommended that the cycle parking be secured by Grampian condition (No. 14). The concerns raised by TfL in relation to cycle parking and car parking have been satisfactorily addressed.
- 12.218 TfL have requested that the cycle parking should be provided in accordance with the London Cycling Design Standards (LCDS 2014) and it is recommended that this is secured by condition (No. 29).

### **Car Parking**

- 12.219 The school currently have 12 car parking spaces in the Bezier Buildings car park. It is proposed that up to seven of these car parking spaces will be used to accommodate the 181 cycle parking spaces that are required to comply with London Plan cycle parking standards. In view of the high PTAL of the site the reduction in car parking at the site is welcomed.

### **Construction Management Plan**

- 12.220 The application is accompanied by a Construction Management Plan which sets out the construction methodology, programme and general logistical requirements for the proposed development.

12.221 TfL and the Council's Highways Officer have requested that a Construction Management Plan be secured by condition, in particular given the site constraints of the area and given that that pupil safety will be of paramount importance during the construction phase. It is recommended that a more detailed Construction Management Plan and Construction Logistics Plan is secured by condition (No. 20).

#### Servicing

12.222 Deliveries of science laboratory chemicals and equipment will be received at ground level, on the western side of the new Block B. A service entry door is proposed with access off the existing Astroturf area. Kitchen delivery access will continue to occur at the secondary entrance off Cowper Street.

12.223 The proposed servicing arrangements have been reviewed by the Council's Highways Officers and are considered acceptable. TfL have not raised any concerns in relation to the proposed servicing arrangements. It is recommended that Delivery and Servicing Plans for the education and commercial uses are secured by condition (No. 19).

#### Waste

12.224 The school refuse will be collected from the Cowper Street entrance and will be temporarily stored in the entry portico of the existing Block A building ready for collection. A refuse store will be provided at basement level near to the dining hall and kitchens and will be transported by lift whilst a second refuse store will be provided within the new Block B and will accommodate Eurobins already used by the School.

12.225 The commercial block will incorporate a refuse store at ground floor level with a controlled entrance from Cowper Street.

12.226 The Council's Highways Officer has reviewed the refuse collection and servicing arrangements and finds them acceptable. Transport for London have no raised no concerns in relation to these matters.

#### Travel Plan

12.227 The application is accompanied by a School Travel Plan. It is recommended that travel plans for the education and commercial uses are secured through a Section 106 legal agreement.

#### Archaeology

12.228 The site is located within an Archaeological Priority Area and the application is accompanied by an Archaeology Desk based Assessment.

12.229 Historic England (Greater London Archaeology Advisory Service) note that the site lies in an area which has been built up since the 18th century and there is evidence of prehistoric and Roman finds in the vicinity. During the medieval and post-medieval periods the site was probably outside the built up area and may have been used for urban fringe activities such as pasturage, quarrying and rubbish disposal. A wooden Methodist meeting house was erected in 1741 then replaced by a brick building fronting on to Tabernacle Row in 1753. Map evidence suggests that the earlier meeting house lay in the south-eastern part of the plot away from its replacement so buried remains could have survived. There is no documentary evidence for burials but that is not conclusive and the possibility for such

discoveries should not be discounted. Geotechnical information indicates the presence of modern made ground, potentially several meters deep as might be expected in this area, but the central courtyard appears to have been relatively little disturbed so has potential for 18th century or earlier remains to be disturbed by the new basement.

12.230 A condition is recommended to require a two stage process of archaeological investigation. Firstly, an evaluation to clarify the nature and extent of surviving remains followed, if necessary, by a full investigation.

## **Financial Viability**

### Viability Review

12.231 The concept of viability testing is to determine the potential amount of planning obligations that can be sought before the return to the landowner and developer falls below a “competitive return”. Firstly, a Residual Land Valuation (RLV) is calculated to ascertain the amount that can be paid for the site. This is calculated from the total value of the completed proposed development minus any development costs. Secondly, a Benchmark Land Value is established (based on the EUV of the current site), which is the measure against which the RLV is compared with to determine whether the scheme is viable.

12.232 The submitted FVA was scrutinised by BPS and Council officers and a report providing a review of the FVA was issued by BPS. The following provides a summary of the conclusions of the review of the FVA. However, given the detailed and comprehensive way that the BPS report deals with financial viability it is not attempted to fully summarise the report here and a copy of the report is provided at **Appendix 4**.

- The total cost of the proposed school works is reported by the applicant’s surveyors as £41.84million – BPS’ cost consultant has reviewed the cost plan and concludes that the Applicant’s costs are reasonable but notes the following:
  - There is an addition for employer other risks of 5% amounting to £1,904,250 - this sum might be appropriate as a project contingency but should be excluded from any viability costing
  - The whole school cost includes the sum of £674,353 for tender inflation to 1Q2018 and a further sum of £988,712 for construction inflation to the mid-point of the two phases - for a viability assessment these sums should be omitted although they may be included in the estimated project cost based on the current anticipated programme.
  - The total whole school cost of £39,990,000 includes for fees, decant and in-house costs, FF&E (furniture, fixtures and other equipment), ICT (information and communications technology) and AV (audio visual) equipment plus VAT at 20% - the fees equate to 15.8% whereas a typical allowance is 12%.
- The applicant’s surveyors identify that the residual land value of the former sixth form site is £6.723million based upon an estimated rental value for the offices of £45psf for the ground floor and £60psf for the upper floors - these values appear reasonable.
- The applicant’s surveyors include a 6 month void period and a 6 month rent-free incentive and capitalise the rental income from the offices at 5.25% - these assumptions are in line with market evidence - the Net Development Value of the office space, accounting for purchasers costs, is approximately £32.37million.

- BPS' cost consultant has reviewed the cost plan for the office development and concludes that the costs are reasonable but the amount for risk should be adjusted and the allowance for inflation omitted - the construction cost for inclusion in the viability appraisal should therefore be £10,828,000.
- It should be noted that the cost plan assumes the property would be constructed to shell finish requiring the incoming tenant to fund works such as installation of raised floors and other finishes.
- The applicant's surveyors have included a cost allowance of £45psf (totalling approximately £1.43million) which is identified as a capital contribution to the tenants for fit out works - this contribution is proportionate to shell fit though to some extent the cost is dependent on the specification sought by the incoming tenant and therefore there is an element of uncertainty over this allowance without having the benefit of a pre-letting.
- 'Miscellaneous costs' totalling £957,905 have also been included within the applicant's appraisal to cover a range of development costs including adverse ground conditions, removal of contamination including asbestos, neighbourly matters and fixtures and fittings – a breakdown of how these figures have been arrived at has not been provided and the inclusion of adverse ground conditions may result in a double-counting of the cost since the substructures are measured in reasonable detail within the total substructure cost of £957,083.
- The applicant's appraisal included a developer's profit allowance of 15% on costs, equating to 12% of GDV - this relatively low rate is justified on the basis that the site will be sold once the planning risk has been removed and the developer would not need a higher margin in order to secure development funding - a higher profit margin in this context would result in a lower residual land value.
- Taking into account the above comments in respect of construction costs the appraisal has been re-run and arrives at a residual land value of £7.4million - on this basis there remains a funding gap of -£6.74m based on a total cost for school works of £41.84m.
- The additional project costs over construction costs total £1.85m and are not adequately explained - irrespective of this there would still be a substantial project deficit even if none of these costs were accepted.

#### Scenario Testing (Height of block)

- The applicant's appraisal includes scenario testing on the scheme a with one and two storey reduction in the height of the commercial block to test the impact on the identified funding gap - BPS have re-run the appraisals with adjusted inputs and identify that a 7 storey scheme would result in an increase to the funding gap to -£7.84 million whilst a 6 storey scheme would result in an increase to the funding gap of -£8.98 million

12.233 As noted above, the applicant has demonstrated that any decrease in height would increase the funding gap which would undermine the deliverability of the proposed school works. In viability terms the application may be considered to satisfactorily demonstrate that the enabling block is necessary in order to maximise the capital receipt from the sale of the development site in order to fund the proposed school works.

#### Scenario testing (affordable workspace)

12.234 There is no policy requirement to provide affordable workspace within the proposed commercial block. However, the applicant has modelled scenarios where affordable workspace is provided to demonstrate the impact on the funding for the proposed school

works. These appraisals have not been re-run by BPS. The scenarios involve the provision of affordable workspace within the two ground floor units and are detailed as follows:

1. 1 affordable workspace unit let at 50% of market rent and 1 unit let at market rent - £341,000 increase in funding gap
2. 1 affordable workspace unit let at nil rent and 1 unit let at market rent - £683,000 increase in funding gap
3. 2 affordable workspace units let at 50% of market rent - £683,000 increase in funding gap
4. 2 affordable workspace units let at nil rent - £1,366,000 increase in funding gap.

12.235 It can be accepted that the provision of affordable workspace within the proposed commercial block would also undermine the deliverability of the education benefits.

#### Carbon offset contribution

12.236 The proposed development gives rise to a requirement for a carbon offset payment of £292,475, of which £126,342 relates to the proposed commercial block. In view of the specific circumstances of the case and the substantial outstanding funding gap it is considered that education represents a higher priority than carbon reduction. Accordingly, it is recommended that, in this instance, a financial contribution to offset carbon emissions is not sought.

#### Planning Obligations and Community Infrastructure Levy

12.237 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.

12.238 The Section 106 agreement would include the following agreed Heads of Terms:

- The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required;
- Compliance with the Code of Employment and Training.
- Facilitation of 4 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £20,000 to be paid to LBI;
- Contribution of £38,763 towards employment and training for local residents;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,875 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Provision of 7 additional accessible parking bays or a contribution of £14,000 towards provision of on-street bays or other accessible transport initiatives;
- Submission of a Green Performance Plan and a post occupation Green Performance Plan;

- Future proofing for connection to a local energy network if a viable opportunity arises in the future;
- Submission 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;
- Payment of Council's fees in preparing and monitoring the S106;
- Contribution of £528,360 towards the construction of Crossrail;
- Not to commence development of the Office Site prior to:
  - (i) Practical completion of Blocks B and C of the Development;
  - (ii) Commencement of works to the Sports Hall and Tabernacle of the Development..

12.239 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.

12.240 The proposed development gives rise to a requirement for a payment in lieu of on-site affordable housing of £603,840. The proposal is presently demonstrating a significant funding shortfall. If the applicant were required to make the financial contribution it would further increase the funding gap and jeopardise the delivery of the educational benefits of the proposed development. It is therefore considered that in this case there is adequate justification for not requiring a payment in lieu of on-site affordable housing.

### **13. OVERALL ASSESSMENT, SUMMARY AND CONCLUSION**

13.1 Central Foundation Boys' School is a successful school which has an 'outstanding' OFSTED rating. Much of the existing school accommodation is no longer fit for purpose whilst some of the facilities are grossly inadequate, including one block which has been identified as amongst the 200 most inadequate school buildings in the country. The proposed development would significantly enhance the quality of education offered by the school through the provision of new and improved education facilities which will also allow expansion of student numbers in response to local need and a request made by the Local Education Authority.

13.2 The proposed school works are currently subject to a significant funding shortfall and an 8 storey office block is proposed on the school's land as an enabling development to assist in bridging this shortfall.

13.3 The application is accompanied by a financial viability assessment which may be considered to satisfactorily demonstrate that, in viability terms, the enabling block is necessary in order to maximise the capital receipt from the sale of the development site.

13.4 The proposed development is considered to result in harm in planning terms, including by reason of the following:

- Further loss of school land which will restrict its ability to expand in the future



- A required £603,840 contribution in lieu of on-site affordable housing would not be secured
- The proposed office block would conflict with the Council's tall buildings policies
- The proposal would result in the loss of a building which is considered to make a positive contribution to the character and appearance of the conservation area
- The proposal would result in harm to the character and appearance of the Conservation Area a minor degree of harm to the setting of the Grade II listed County Court and the main School building (Block A) by reason of the height, scale and massing of the proposed commercial block.

- 13.5 The further sale of the school land for commercial development would leave the school ill equipped to meet any future needs. However, it can be acknowledged that the proposed development is necessary in order for the school to meet its more pressing current needs. It is considered likely that a future need for additional school accommodation will arise. However, at such a time circumstances may have changed and funding may be available to enable the school to acquire nearby off-site accommodation. It is therefore considered that the harm in terms of a restricted ability for the school to meet its future needs is limited.
- 13.6 In view of the compelling educational need and the funding shortfall which has been demonstrated it is considered that, in this instance, the need for education provision may be considered to represent a higher priority than the provision of affordable housing. The proposed development gives rise to a requirement for a payment in lieu of on-site affordable housing of £603,840. If the applicant were required to make the financial contribution it would further increase the funding gap and jeopardise the delivery of the educational benefits. It is therefore considered that, in this case, there is some justification for not securing a payment in lieu of on-site affordable housing. Accordingly, the harm in terms of the delivery of affordable housing is considered limited.
- 13.7 The core and lift overrun to the rear of the building will exceed 30m in height. The proposed development is therefore contrary to policies CS9 and BC9. It is noted that policy BC9 is primarily concerned with the appearance, setting and infrastructure impact of tall buildings taller than that of the predominant building height. In view of the limited visibility of the 'tall' (i.e. over 30m) part of the building it is considered that the harm arising as a result of the height of the block primarily relates to its impact on the character and appearance of the conservation area and the setting of the listed school buildings rather than any harm in relation to policy CS9.
- 13.8 The former sixth form block is considered to make a positive contribution to the character and appearance of the conservation area and to the setting of the Grade II listed Block A. Its demolition is considered to result in less than substantial harm to the significance of the Conservation Area and the Grade II listed main school building (Block A).
- 13.9 It is further considered that, overall, the height, scale and massing of the proposed commercial building would result in harm to the character and appearance of the Conservation Area and a minor degree of harm to the setting of the Grade II listed County Court and the main School building (Block A).
- 13.10 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to

give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

13.11 Overall, it is considered less than substantial harm will occur to the significance of designated heritage assets, including the Bunhill Fields and Finsbury Square Conservation Area and to the Grade II listed main School building and County Court building, via the loss of the existing sixth form block and the erection of the proposed commercial block. In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal.

13.12 The proposed development would deliver significant improvements to the quality, accessibility and functionality of the existing school, including through provision of a 3 court sports hall, an improved sixth form centre and a creative arts facility. These improvements will allow the school to build upon its impressive record of success and improve the quality of education and the school environment for its pupils. The educational benefits of the proposal are considered to be compelling. The proposed development would deliver a number of other benefits including the following:

- Repair, restoration and modernisation of existing listed and curtilage listed historic buildings
- Improvements to the character and appearance of the conservation area as a result of works to the Tabernacle building and the replacement of Block B
- Provision of office floorspace and associated employment benefits in a location where there is very strong policy support for the delivery of new offices
- Landscaping improvements to the School courtyard
- Additional capacity to facilitate the acceptance of an additional form of entry as requested by the Local Education Authority and an enlarged sixth form
- 8 hours a week community use of the 3 court sports hall.

13.13 The benefits of the proposal, in particular the educational benefits, are considered to be substantial. It is considered that the benefits of the proposal will significantly outweigh the less than substantial harm to the significance of designated heritage assets and other policy shortfalls. The proposal is therefore considered acceptable.

## **Conclusion**

13.14 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

13.15 It is further recommended that listed building consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted **for the reasons summarised in paragraphs 13.1 to 13.13 of this report** and subject to the prior completion 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, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required;
2. Compliance with the Code of Employment and Training.
3. Facilitation of 4 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £20,000 to be paid to LBI;
4. Contribution of £38,763 towards employment and training for local residents;
5. Compliance with the Code of Local Procurement;
6. Compliance with the Code of Construction Practice, including a monitoring fee of £4,875 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
7. Provision of 7 additional accessible parking bays or a contribution of £14,000 towards provision of on-street bays or other accessible transport initiatives;
8. Submission of a Green Performance Plan and a post occupation Green Performance Plan;
9. Future proofing for connection to a local energy network if a viable opportunity arises in the future;
10. Submission 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 of Council's fees in preparing and monitoring the S106;
12. Contribution of £528,360 towards the construction of Crossrail;
13. Not to commence development of the Office Site prior to:
  - (i) Practical completion of Blocks B and C of the Development;
  - (ii) Commencement of works to the Sports Hall and Tabernacle of the Development.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) 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:

<b>1</b>	<p><b>Commencement (compliance)</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans list (compliance)</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>CFBS-HBA-00-00-DR-A-PL01-0010; CFBS-HBA-00-B1-DR-A-PL01-0100; CFBS-HBA-00-00-DR-A-PL01-0100; CFBS-HBA-00-01-DR-A-PL01-0100; CFBS-HBA-00-02-DR-A-PL01-0100; CFBS-HBA-00-03-DR-A-PL01-0100; CFBS-HBA-00-10-DR-A-PL01-0100; CFBS-HBA-00-00-DR-A-PL01-0200; CFBS-HBA-00-00-DR-A-PL01-0201; CFBS-HBA-00-00-DR-A-PL01-0202; CFBS-HBA-00-00-DR-A-PL01-0203; CFBS-HBA-00-00-DR-A-PL01-0204; CFBS-HBA-00-00-DR-A-PL01-0205; CFBS-HBA-00-00-DR-A-PL01-0206; CFBS-HBA-00-00-DR-A-PL01-0207; CFBS-HBA-00-00-DR-A-PL01-0208; CFBS-HBA-00-00-DR-A-PL01-0209; CFBS-HBA-00-00-DR-A-PL01-0210; CFBS-HBA-00-00-DR-A-PL01-0211; CFBS-HBA-00-00-DR-A-PL01-0212; CFBS-HBA-00-00-DR-A-PL01-0300; CFBS-HBA-00-00-DR-A-PL01-0301; CFBS-HBA-00-00-DR-A-PL01-0302; CFBS-HBA-00-00-DR-A-PL01-0303; CFBS-HBA-00-00-DR-A-PL20-0000; CFBS-HBA-00-B2-DR-A-PL20-0100; CFBS-HBA-00-B1-DR-A-PL20-0100; CFBS-HBA-00-00-DR-A-PL20-0100; CFBS-HBA-00-01-DR-A-PL20-0100; CFBS-HBA-00-02-DR-A-PL20-0100; CFBS-HBA-00-03-DR-A-PL20-0100; CFBS-HBA-00-10-DR-A-PL20-0100; CFBS-HBA-00-00-DR-A-PL20-0200; CFBS-HBA-00-00-DR-A-PL20-0201; CFBS-HBA-00-00-DR-A-PL20-0202; CFBS-HBA-00-00-DR-A-PL20-0203; CFBS-HBA-00-00-DR-A-PL20-0204; CFBS-HBA-00-00-DR-A-PL20-0205; CFBS-HBA-00-00-DR-A-PL20-0206; CFBS-HBA-00-00-DR-A-PL20-0207; CFBS-HBA-00-00-DR-A-PL20-0208; CFBS-HBA-00-00-DR-A-PL20-0209; CFBS-HBA-00-00-DR-A-PL20-0210; CFBS-HBA-00-00-DR-A-PL20-0211; CFBS-HBA-00-00-DR-A-PL20-0212; CFBS-HBA-00-00-DR-A-PL20-0213; CFBS-HBA-00-00-DR-A-PL20-0300; CFBS-HBA-00-00-DR-A-PL20-0301; CFBS-HBA-00-00-DR-A-PL20-0302; CFBS-HBA-00-00-DR-A-PL20-0303; CFBS-HBA-00-00-DR-A-PL20-0304; CFBS-HBA-00-00-DR-A-PL20-0305; CFBS-HBA-00-00-DR-A-PL20-0306; CFBS-HBA-00-00-DR-A-PL20-0307; CFBS-HBA-DS-B1-DR-A-PL20-0100; CFBS-HBA-DS-00-DR-A-PL20-0100; CFBS-HBA-DS-01-DR-A-PL20-0100; CFBS-HBA-DS-03-DR-A-PL20-0100; CFBS-HBA-DS-05-DR-A-PL20-0100; CFBS-HBA-DS-10-DR-A-PL20-0100; CFBS_(97)LP 001 Rev. 05; CFBS_(97)LP 002 Rev. 05; Design &amp; Access Statement (including Landscape Strategy); Transport Assessment; Travel Plan; Heritage and Townscape Assessment</p>

	<p>(including Statement of Significance); Daylight &amp; Sunlight Report; Energy Statement; Sustainable Design and Construction Statement (including the Green Performance Plan); Drainage Strategy and Flood Risk Assessment; Noise Statement; Air Quality Assessment; Basement construction structural method statement; Construction Management Plan; Bat Survey Report; Detailed Unexploded Ordnance (Uxo) Threat and Risk Assessment; M&amp;E Routing Report.</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><b>Materials and Samples (Compliance and Details)</b></p>
	<p>Details and samples (where appropriate) of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure or relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brickwork/cladding details;</li> <li>b) Window treatment (including glazing, sections and reveals);</li> <li>c) Doors</li> <li>d) Balustrade treatment (including sections);</li> <li>e) Green procurement plan for sourcing the proposed materials;</li> <li>f) Soffits;</li> <li>g) Ground floor canopies;</li> <li>h) Louvres;</li> <li>i) Window cleaning apparatus (samples not necessary)</li> <li>j) Any other materials to be used.</li> </ul> <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 interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Landscaping/Tree Planting (Details)</b></p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) specification to ensure successful establishment and survival of new planting.</li> <li>b) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>c) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</li> </ul>

	<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, rigid and flexible pavings, unit paving, furniture, steps</p> <p>i) any other landscaping features 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>
5	<p><b>Demolition Construction Environmental Management Plan (Details)</b></p>
	<p>CONDITION: A Demolition Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour and vibration) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE Demolition Construction Environmental Management Plan should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
6	<p><b>BREEAM (Compliance)</b></p>
	<p>CONDITION: The entire development shall achieve a BREEAM rating of no less than 'Excellent' unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
7	<p><b>Green/Brown Biodiversity Roofs (Details)</b></p>
	<p>CONDITION: Details of the biodiversity (green/brown) roofs as shown on plan HCL605-S196 shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and</p> <p>b) planted/seeded with an agreed mix of species within the first planting season</p>

	<p>following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs 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>
8	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
9	<p><b>Piling Method Statement (Details)</b></p> <p>CONDITION: 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
10	<p><b>Lighting Plan (Details)</b></p> <p>CONDITION: Full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
11	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p>

	<p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than a xxx% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a xxx% onsite total C02 reduction in comparison with total emissions from a building which complies with Building Regulation 2010. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
12	<p><b>Renewable Energy (Compliance)</b></p>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than tbc% on-site regulated CO<sub>2</sub> reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than tbc% onsite regulated CO<sub>2</sub> reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
13	<p><b>Solar Photovoltaic Panels (Details)</b></p>
	<p>CONDITION: Prior to relevant works, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including elevation plans).</li> </ul>



	<p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
14	<p><b>Cycle Parking Provision</b></p> <p>CONDITION: Development shall not commence until 169 long stay and 12 short stay cycle parking spaces (to include 7 accessible cycle parking spaces) have been provided within the Bezier Building car park in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
15	<p><b>Sustainable Urban Drainage System (Details)</b></p> <p>CONDITION: Details of measures to reduce surface water run-off from the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure. The details shall include the provision of green roofs and a surface water attenuation tank. 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>The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development. A rainwater recycling system shall be installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
16	<p><b>Archaeology</b></p> <p>CONDITION: No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. this part of the</p>

	<p>condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.</p> <p>This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The 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>
17	<p><b>Plant Noise Survey</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced and competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with Condition 8. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
18	<p><b>Future Connection</b></p> <p>CONDITION: Details of how the boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. 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 facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system</p>
19	<p><b>Delivery Servicing Plan – TfL (Details)</b></p> <p>CONDITION: Two delivery and servicing plans (DSP) for the commercial and education parts of the development detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the relevant part of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
20	<p><b>Construction Management Plan and Construction Logistics Plan (Details)</b></p> <p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted</p>

	<p>to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The reports should demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.</p> <p>The CMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
21	<p><b>Air Quality Report</b></p> <p>CONDITION: Prior to the commencement of development (excluding demolition) a site report detailing steps to minimise the development's occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of each part of the development and shall be permanently maintained thereafter.</p> <p>REASON: In order to ensure satisfactory air quality for occupants of the development.</p>
22	<p><b>Details of Appearance of Escape Stair</b></p> <p>CONDITION: Details of the design and appearance of the new escape stair to the main assembly hall in Block A should be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant works.</p> <p>REASON: In the interests of the appearance of the Grade II listed School building.</p>
23	<p><b>Community Use Plan</b></p> <p>CONDITION: Prior to first use of the sports hall a Community Use Plan setting out how the use of the sports facility by the local community would be promoted and managed shall be submitted to and approved by the Local Planning Authority.</p> <p>REASON: In order to secure a satisfactory programme of community use of the proposed sports hall.</p>
24	<p><b>Demolition by Hand</b></p> <p>CONDITION: The removal of roof slates, ridge tiles and wooden soffits, fascia's and barge boards is to be undertaken by hand, with the features lifted instead of dragged. If during development works a bat (or an accumulation of bat droppings) is discovered, work is temporarily cease whilst a bat ecologist is contacted for advice.</p> <p>REASON: To ensure that no harm occurs to bats.</p>
25	<p><b>Bird Survey</b></p> <p>CONDITION: 5 days prior to the commencement of the relevant part of the development an inspection of the buildings and roofs shall be undertaken to check for active bird's nests. Ecological advice should be sought if any live nests are identified.</p>

	REASON: In order to ensure that no harm occurs to birds.
26	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate step free external space, open space and landscaping, and level access to amenity facilities.</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>
27	<b>Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes and/or bricks shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the exact number, location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
28	<b>Disabled Priority Signage</b>
	<p>CONDITION: The proposed courtyard lift shall feature clear signage indicating that disabled and wheelchair users shall have priority over other users.</p> <p>REASON: In order that disabled and wheelchair users of the lifts are not disadvantaged during any periods of intensive use of the lift.</p>
29	<b>London Cycle Design Standards</b>
	<p>CONDITION: The cycle parking shall accord with TfL's London Cycle Design Standards (2014) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure cycle parking is easily accessible on site and to promote sustainable modes of transport.</p>

### List of Informatives

1	<b>Planning Obligations Agreement</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. In this</p>

	<p>case, the council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of the new element of a building above its foundations, excluding demolition.</p> <p>The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-Commencement Conditions:  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Thames Water (Surface Water Drainage)</b></p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
5	<p><b>Thames Water (Mains Water Pressure)</b></p> <p>A Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	<p><b>Fire Sprinklers</b></p> <p>The London Fire and Emergency Planning Authority strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier .</p>

7	<b>Thames Water (Groundwater Discharges)</b>
	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 <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a> .
8	<b>Thames Water (Water Main)</b>
	There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
9	<b>Thames Water (Water Main)</b>
	There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
10	<b>CIL Informative</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a></p>

## RECOMMENDATION C

That listed building consent be granted.

## RECOMMENDATION D

That the grant of listed building consent be subject to **conditions** to secure the following:

1	<p><b>Commencement (compliance)</b></p> <p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list (compliance)</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>CFBS-HBA-00-00-DR-A-PL01-0010; CFBS-HBA-00-B1-DR-A-PL01-0100; CFBS-HBA-00-00-DR-A-PL01-0100; CFBS-HBA-00-01-DR-A-PL01-0100; CFBS-HBA-00-02-DR-A-PL01-0100; CFBS-HBA-00-03-DR-A-PL01-0100; CFBS-HBA-00-10-DR-A-PL01-0100; CFBS-HBA-00-00-DR-A-PL01-0200; CFBS-HBA-00-00-DR-A-PL01-0201; CFBS-HBA-00-00-DR-A-PL01-0202; CFBS-HBA-00-00-DR-A-PL01-0203; CFBS-HBA-00-00-DR-A-PL01-0204; CFBS-HBA-00-00-DR-A-PL01-0205; CFBS-HBA-00-00-DR-A-PL01-0206; CFBS-HBA-00-00-DR-A-PL01-0207; CFBS-HBA-00-00-DR-A-PL01-0208; CFBS-HBA-00-00-DR-A-PL01-0209; CFBS-HBA-00-00-DR-A-PL01-0210; CFBS-HBA-00-00-DR-A-PL01-0211; CFBS-HBA-00-00-DR-A-PL01-0212; CFBS-HBA-00-00-DR-A-PL01-0300; CFBS-HBA-00-00-DR-A-PL01-0301; CFBS-HBA-00-00-DR-A-PL01-0302; CFBS-HBA-00-00-DR-A-PL01-0303; CFBS-HBA-00-00-DR-A-PL20-0000; CFBS-HBA-00-B2-DR-A-PL20-0100; CFBS-HBA-00-B1-DR-A-PL20-0100; CFBS-HBA-00-00-DR-A-PL20-0100; CFBS-HBA-00-01-DR-A-PL20-0100; CFBS-HBA-00-02-DR-A-PL20-0100; CFBS-HBA-00-03-DR-A-PL20-0100; CFBS-HBA-00-10-DR-A-PL20-0100; CFBS-HBA-00-00-DR-A-PL20-0200; CFBS-HBA-00-00-DR-A-PL20-0201; CFBS-HBA-00-00-DR-A-PL20-0202; CFBS-HBA-00-00-DR-A-PL20-0203; CFBS-HBA-00-00-DR-A-PL20-0204; CFBS-HBA-00-00-DR-A-PL20-0205; CFBS-HBA-00-00-DR-A-PL20-0206; CFBS-HBA-00-00-DR-A-PL20-0207; CFBS-HBA-00-00-DR-A-PL20-0208; CFBS-HBA-00-00-DR-A-PL20-0209; CFBS-HBA-00-00-DR-A-PL20-0210; CFBS-HBA-00-00-DR-A-PL20-0211; CFBS-HBA-00-00-DR-A-PL20-0212; CFBS-HBA-00-00-DR-A-PL20-0213; CFBS-HBA-00-00-DR-A-PL20-0300; CFBS-HBA-00-00-DR-A-PL20-0301; CFBS-HBA-00-00-DR-A-PL20-0302; CFBS-HBA-00-00-DR-A-PL20-0303; CFBS-HBA-00-00-DR-A-PL20-0304; CFBS-HBA-00-00-DR-A-PL20-0305; CFBS-HBA-00-00-DR-A-PL20-0306; CFBS-HBA-00-00-DR-A-PL20-0307; CFBS-HBA-DS-B1-DR-A-PL20-0100; CFBS-HBA-DS-00-DR-A-PL20-0100; CFBS-HBA-DS-01-DR-A-PL20-0100; CFBS-HBA-DS-03-DR-A-PL20-0100; CFBS-HBA-DS-05-DR-A-PL20-0100; CFBS-HBA-DS-10-DR-A-PL20-0100; CFBS_(97)LP 001 Rev. 05; CFBS_(97)LP 002 Rev. 05; Design &amp; Access Statement (including Landscape Strategy); Transport Assessment; Travel Plan; Heritage and Townscape Assessment (including Statement of Significance); Daylight &amp; Sunlight Report; Energy Statement; Sustainable Design and Construction Statement (including the Green Performance Plan); Drainage Strategy and Flood Risk Assessment; Noise Statement; Air Quality Assessment; Basement construction structural method statement; Construction Management Plan; Bat Survey Report; Detailed Unexploded Ordnance (Uxo) Threat and Risk Assessment; M&amp;E Routing Report.</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><b>Details to match listed buildings</b></p> <p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage assets.</p>
4	<p><b>Window Schedule</b></p> <p>CONDITION: A window schedule detailing the significance and condition of the existing windows and a justification for any proposed works of repair or replacement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage assets.</p>



## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

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

Policy 3.2 Improving health and addressing health inequalities

Policy 3.18 Education Facilities

Policy 3.19 Sports Facilities

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.12 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 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

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

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

### **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 7.7 Location and Design of Tall and Large Buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.12 Implementing the London View Management Framework

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

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

Policy CS13 (Employment Spaces)  
Policy CS17 (Sports and Recreation Provision)

Strategic Policies

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

Infrastructure and Implementation

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

**C) Development Management Policies June 2013**

Design and Heritage

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM2.4 Protected Views

Energy and Environmental Standards

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

Employment

DM5.1 New Business Floorspace

Transport

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

Health and open space

DM6.1 Healthy development  
DM6.4 Sport and recreation  
DM6.5 Landscaping, trees and biodiversity  
DM6.6 Flood Prevention

Infrastructure

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

**D) Finsbury Local Plan June 2013**

BC3 Old Street  
Role Within London's Central Activities Zone

BC8 Achieving a balanced mix of uses  
BC9 Tall buildings and contextual considerations for building heights

Delivery and Monitoring

BC10 Implementation

**3. Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Bunhill and Clerkenwell Key Area
- Archaeological Priority Area
- Central Activities Zone (CAZ)
- City Fringe opportunity area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Conservation Area Design Guidelines
- Environmental Design SPD (October 2012)
- Inclusive Design in Islington SPD (February 2014)
- Inclusive Landscape Design SPD (January 2010)
- Planning Obligations (Section 106) SPD (December 2016)
- Streetbook SPD (October 2012)
- Urban Design Guide SPD (December 2006)
- Development Viability SPD (January 2016)
- Basements SPD (January 2016)

London Plan

- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Shaping Neighbourhoods – Character and Context SPG (June 2014)
- Central Activities Zone SPG (March 2016)
- London Planning Statement SPG (May 2014)
- Sustainable Design and Construction SPG (April 2014)
- Planning for Equality and Diversity in London SPG (October 2007)
- The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG (April 2013)
- City Fringe Growth Area SPG (December 2015).

**APPENDIX 3: DESIGN REVIEW PANEL RESPONSE LETTER  
DATED 7<sup>TH</sup> OCTOBER 2016**

**CONFIDENTIAL**

ATT: Jade Wong  
Montagu Evans LLP  
5 Bolton Street  
London W1J 8BA

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](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: DRP/114

Date: 14 February 2017

Dear Jade Wong

**ISLINGTON DESIGN REVIEW PANEL**

**RE: Central Foundation Boys School, Cowper Street, London, EC2A 4SH  
(pre-application ref. Q2016/2217/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 25 January 2017 for a second review of the above scheme. The proposed scheme under consideration is for demolition of existing Block B and erection of new 4 storey science block, part subterranean sports hall in central courtyard and partial redevelopment of existing Tabernacle Building to provide new creative arts block; demolition of existing ancillary building and erection of an 8 storey commercial block (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (chair), Thomas Lefevre, Richard Lavington, Cordula Zeidler, Patrick Lynch and Simon Foxell on 25 January 2017 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a second review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel welcomed seeing the scheme for a second review, with some of the changes addressing the issues raised in the first review. However, panel members continued to raise concerns over the proposed circulation strategy and landscape design, and the design of both the new entrance block and commercial block. The Panel made the following observations:

**Circulation**

The Panel appreciated the challenge that the complexity and varying levels of the existing buildings presents, though reiterated the need to see circulation plans and detailed drawings, particularly sections, showing the existing and proposed arrangements, as previously requested. Panel members were very supportive of the overall access improvements proposed as part of the works, but some concerns remained over the access arrangements in some locations on the school site, particularly the courtyard.

### Demolition

The Panel remained concerned about the demolition of the Victorian conservation area buildings on Tabernacle Street. In light of no further information justifying their loss, a preference for their retention remains; though it was noted that Historic England had apparently not raised any objections to this element of the proposals.

### Future proofing

The change of use of the enabling development from a residential to a commercial building was welcomed by panel members. It was considered essential that the school retains ownership of the new commercial building so that they do not end up with a very constrained site, given the inevitable need for further expansion in future.

### Central courtyard

Significant concerns persisted following the first review of the design of the courtyard. Some panel members were unconvinced that the space would work as a school playground due to the split levels and various landscape obstacles. The lack of shelter in the playground also surprised the panel. Furthermore, the landscaping strategy was considered to be discriminatory because of a lack of external level or ramped access between the two main areas of the playground; detailed sections were requested to demonstrate whether the arrangement is an appropriate solution. The idea that the proposed sports hall could be sunk completely was still felt to be the best option as it would resolve these issues, allowing the courtyard to fulfil its purpose much more successfully.

### Proposed commercial block

The Panel was broadly supportive of this in terms of the commercial use of the proposed building, but commented that further clarification regarding the justification of the proposed height, which is harmful to the listed buildings and conservation area, was required.

### Architectural treatment

The omission of green cladding to additions was welcomed, but the Panel continued to question the rationale behind the design of the new elements, including the entrance building, rear elevation of the Tabernacle and the enabling block as there was little apparent reasoning behind the choice of different treatments for the various parts of the buildings. Panel members felt that the priority should be to design new buildings that respond more to their specific situation and functional requirements as well as to the strong materiality and sense of scale of the existing buildings.

Taking each of the new buildings in turn, the Panel felt that the new entrance building could be a more contextual response to the gate house that it abuts, so that it would sit in the background of the listed building. It was suggested that the colonnade might be carried across to the new building. Panel members considered that it could be slightly taller, so that it would match the parapet height of the school building on the other side of the gate house. This would have the benefit of book-ending the gate house, increasing its prominence and signalling it as the main entrance.

Conversely, the Panel did not understand why the commercial block needed to be contextual to the school buildings given that it is separate, in a different use and of a totally different scale. They commented that in attempting to reconcile it stylistically with the listed school buildings, the heavier articulation that this would require would make its presence more harmful to the listed buildings and conservation area. Panel members felt that the idea of completing the urban block was logical, but finishing it with a substantially taller building would damage its coherence. The Panel also advised that as a large new commercial building,

design cues should be the provision of optimum light and ventilation. Panel members stated that if a building of this height was to be considered permissible, it would need to be of a higher quality design. They felt that the brick proposed to the commercial building would be more appropriate to the school buildings and the material choices of the new school buildings i.e. metal may be more appropriate to the commercial building.

Panel members remained concerned over the treatment of the rear elevation of the Tabernacle. The Panel welcomed revisions to the design, but felt that the proposed fenestration could be more sympathetic with a reduction in the amount of glazing, to echo the solidity of the chapel building.

### **Summary**

The Panel acknowledged that this is a very challenging site and considered that proposals had moved in the right direction in some respects. However, they advised that further information would be required, which very clearly demonstrates an understanding of how the site works and how the proposals are a response to this. In particular, the school needs to be understood externally as an urban block and internally on its courtyard plan; the overall approach and design of the new elements should be determined on this basis. In order to successfully respond and develop the qualities of the listed buildings, the priority should be the creation of an uncompromised central courtyard as the focus of the site – its functionality remains a major concern. In attempting to create a sense of unity between the new additions, which are by nature disparate parts, the quality of their design is being undermined.

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 – BPS INDEPENDENT VIABILITY REVIEW (date)**

**Central Foundation Boys' School**  
**Cowper Street EC2A 4SH**  
Independent Viability Review

Prepared on behalf of London Borough of Islington

1<sup>st</sup> June 2017



82 South Street, Dorking, RH4 2HD  
[www.bps-surveyors.co.uk](http://www.bps-surveyors.co.uk)

Planning Reference: P2017/1046/FUL

## 1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors have been instructed by London Borough of Islington ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by DS2 on behalf of Central Foundation Boys' School ("CFBS") ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 The proposals are for *"Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works."*
- 1.3 We have received a copy of the FVA prepared by DS2 dated March 2017 which identifies that consent is needed for the delivery of a new-build office building on the site of the existing sixth form centre as a means of generating value. This value is required to contribute towards the funding of the proposed school works which have an estimated cost of £41.84m. After allowing for current identified sources of funding excluding the value of the land with consent for the office building there remains an apparent shortfall in funding the overall project of £14.14m. The FVA prepared by DS2 focuses on the viability of the office part of the development only, referred to in their report as "the Development".
- 1.4 DS2 state that, subject to the necessary approvals, the site of the existing sixth form centre will be sold by CFBS to a commercial developer. The land receipt generated from the sale of the Site will contribute towards the cost of the proposed works and is therefore considered an "enabling development".
- 1.5 DS2 have viability tested a number of development scenarios which reflect different heights of the office building including variations in height from ground floor plus seven stories to ground floor plus five stories and conclude that a reduced height scheme would jeopardise the Applicant's funding strategy. DS2 further conclude that the inclusion of affordable work space within the building reduces the land receipt generated from the site and that to maximise the land receipt the development should comprise a ground plus seven storey office with the space being let at full market rent.
- 1.6 We have assessed the cost and value inputs within the financial appraisal in order to determine whether these conclusions are justified. We have also reviewed the cost plan for the school development to determine whether the costs, and therefore the funding gap, are justified.

## 2.0 CONCLUSIONS AND RECOMMENDATIONS

2.1 We have reviewed the Financial Viability Appraisal received from DS2, dated March 2017. The report indicates that, in order to facilitate an increased student roll and ensure the buildings are fit for purpose, the Applicant intends to undertake a series of redevelopment and improvement works to the CFBS.

2.2 The total cost of these works is reported by DS2 as £41.84million. Our Cost Consultant, Neil Powling, has reviewed the cost plan provided by Gardiner and Theobald dated 23.2.17 for the school works. He concludes that the Applicant's costs are reasonable but notes the following:

*There is an addition for Employer other risks of 5% amounting to £1,904,250. This sum might be appropriate as a project contingency but should be excluded from any viability costing.*

*The whole school cost includes the sum of £674,353 for tender inflation to 1Q2018 and a further sum of £988,712 for construction inflation to the mid-point of the two phases. For a viability assessment these sums should be omitted although may be included in the estimated project cost based on the current anticipated programme.*

*The total whole school cost of £39,990,000 includes for fees, decant and in-house costs, FF&E, ICT and AV equipment plus VAT at 20%. The fees equate to 15.8% - a typical allowance is 12%. A further sum of £587,726 for other below the line fees is identified. The Viability Report para 2.11 refers to the cost of the proposed works as £41.84M. We have not identified the difference between this figure and the cost shown in our analysis of £39.99M.*

2.3 The Applicant has a number of funding sources in place for the whole project including from the Council (£2.7million); the Education Funding Agency (£5million); and the Central Foundation School of London Trust (£20million). At present and based on a total cost of £41.84m there remains a funding gap of -£14.14million.

2.4 To help address this funding deficit, the Applicant has proposed the delivery of an office development comprising a ground plus seven storey building on the site of the former sixth form centre. Assuming planning permission is secured the Applicant intends to sell this site to a developer and use the entire sale proceeds for the delivery of the school development works.

2.5 Based on DS2's appraisal, the residual land value of the former sixth form site is £6.723million, which reduces the funding gap to -£7.417million.

2.6 The proposed office building provides approximately 2,963 square metres (31,893 square feet) net office floor area of which 100% is proposed to be let at full market rent. DS2 provide analysis of local market transactions to arrive at an estimated rental value for the offices of £45psf for the ground floor and £60psf for the upper floors. We have carried out our own research to confirm that these values appear reasonable.

2.7 DS2 include a 6 month void period and a 6 month rent-free incentive and capitalise the rental income from the offices at 5.25%. We find these assumptions to be in line with market evidence. The Net Development Value of the office space, accounting for purchasers costs is approximately £32.37million.

- 2.8 Our Cost Consultant, Neil Powling, reviewed a separate cost plan for the office development only, from Theobald and Gardiner dated 23.2.17. He concludes the following:
- Our benchmarking shows the costs to be reasonable, but the amount for risk (para 3.7) should adjusted and the allowance for inflation (para 3.11) omitted. We therefore consider the construction cost for inclusion in the viability appraisal should be £10,828,000.*
- 2.9 It should be noted that the cost plan assumes the property would be constructed to shell finish. This would require the incoming tenant to fund works such as installation of raised floors and other finishes.
- 2.10 DS2 have included a cost allowance of £45psf (totalling approximately £1.43million) which is identified as a capital contribution to the tenants for fit out works. We are satisfied that fit-out has not been included in the build costs for the development. We have also considered that this contribution is proportionate to shell fit though to some extent the cost is dependent on the specification sought by the incoming tenant and therefore there is an element of uncertainty over this allowance without having the benefit of a pre-letting.
- 2.11 "Miscellaneous costs" totalling £957,905 have also been included within the appraisal to cover a range of development costs including adverse ground conditions, removal of contamination including asbestos, neighbourly matters and fixtures and fittings. We have not been provided with a breakdown of how this figure has been arrived at. Our Cost Consultant notes that the inclusion of adverse ground conditions may result in a double-counting of the cost since the substructures are measured in reasonable detail within the total substructure cost of £957,083. Abnormal substructure costs have been accounted for within the cost benchmarking exercise Neil has undertaken. A breakdown of the Miscellaneous costs would be useful to confirm that there is no double-counting of costs.
- 2.12 DS2 have included a developer's profit allowance of 15% on costs, equating to 12% of GDV. They justify this relatively low rate suggesting that the site will be sold once the planning risk has been removed. Consequently the developer would not need a higher margin in order to secure development funding. A higher profit margin in this context would result in a lower residual land value.
- 2.13 Taking into account Neil Powling's comments in respect of construction costs, we have re-run DS2's appraisal to arrive at a residual land value of £7.4million. On this basis we identify that there remains a funding gap of -£6.74m based on a total cost for school works of £41.84m.
- 2.14 The additional project costs over construction costs total £1.85m and are not adequately explained. Irrespective of this there would still be a substantial project deficit even if none of these costs was accepted.
- 2.15 We are concerned that such a significant funding gap remains unresolved. The FVA does not address how this deficit in funding would be met and the implications for delivery of all or part of the project if it were not met. If additional resources are available to bridge the remaining deficit then it must be ascertained whether these resources could be stretched further to reduce the pressure on the scale of the proposed development.

- 2.16 Alternatively if no additional resources are available to bridge the gap then elements of the project are unlikely to be built, this might equally reduce pressure on the scale of the office building.
- 2.17 It is important that further examination of the means of bridging this gap be considered as this consideration is highly relevant to the scale of the proposed office development for the reasons identified above.

#### Scenario Testing

- 2.18 Within their report, DS2 include scenario testing on the scheme with one and two storeys less to test the impact of a reduction in height on the identified funding gap. They conclude that any reduction in height serves to increase the identified funding gap and reduces the prospects of delivering the proposed refurbishment and redevelopment works.
- 2.19 We have prepared analyses of the two scenarios based on the appraisals provided by DS2, using construction costs based on the rate per square foot as advised by our Cost Consultant in the core Ground + 7 storeys scenario. In preparing the appraisals for these scenarios we have made some adjustments to the inputs which are based on floor area, and the resulting figures have not been verified. This includes the inputs for CIL payments, miscellaneous development costs and void payments.
- 2.20 The Gross Development Value in the Ground + 6 storeys scenario is £30.13million which is unchanged from the Applicant's estimate. We have adjusted build costs in line with the rate identified by our Cost Consultant (£266.55psf) for the Ground + 7 storeys scenario. The resulting residual land value is £6.30million. This reduces the identified funding gap of -£14.14million to -£7.84million.
- 2.21 The Gross Development Value in the Ground + 5 storeys scenario is £25.25million which is unchanged from the Applicant's estimate. Again, we have adjusted build costs in line with the rate identified by our Cost Consultant. The resulting residual land value is £5.16million. On this basis the funding gap is reduced to -£8.98million.
- 2.22 As identified in 2.13 above, the proposed Ground + 7 storeys scheme has the most significant impact on reducing the funding gap to -£6.74million.

### 3.0 PLANNING POLICY CONTEXT

- 3.1 We have had reference to national planning policy including the National Planning Policy Framework. We have also had regard to the London Plan including the Further Alterations to the London Plan March 2015 and Housing Standards Minor Alterations to the London Plan March 2016.
- 3.2 The site is located within the Bunhill and Clerkenwell area as defined in Islington's adopted Local Plan. The site is just on the edge of a marked mixed-use development area.
- 3.3 The development site falls within the Bunhill Fields/ Finsbury Square Conservation Area. Within the wider site there are two Grade II listed buildings: Block A on Cowper Street and Shoreditch County Court on Leonard Street. The site is also within an Archaeological Conservation Area.
- 3.4 The existing sixth form centre is not an allocated development site within Finsbury Local Plan Area Action Plan for Bunhill & Clerkenwell.
- 3.5 The Finsbury Local Plan excludes the school site from the Employment Priority area however it does locate the site within the City Fringe Opportunity Area. Policy BC8 (J) would apply which states the following:
- i. *The provision and retention of uses that complement and support the creation of sustainable communities (including community facilities and open space) will be prioritised, alongside housing.*
  - ii. *Micro and small workspaces / retail spaces that do not impact on the amenity or character of adjacent residential areas will be encouraged.*
  - iii. *Ground floor frontages must reinforce the character of the street, with active frontages provided on major and key streets / routes. Where dwellings are provided at ground floor, the design of the building must provide a good standard of privacy and amenity for occupants.*
- 3.6 Policy CS13 (A) of Islington's Local Plan states that new business floor space should be flexible to meet future business needs and a range of unit types and sizes is required, including those suitable for SMEs. (C) of the same policy requires that development provide jobs and training opportunities/support by providing on-site construction/training opportunities and *"either a proportion of small, micro and/or affordable workspace or affordable retail space, or contributions towards these, from major non-residential developments where the majority of floorspace is not in public education, community or social infrastructure uses."*
- 3.7 The applicant's Planning Statement assembled by Montagu Evans provides the following extract:
- "As the Site is located outside Employment Priority Areas, there is no requirement for affordable workspaces on the ground floor. This position has been confirmed with planning officers during the pre-application process."*
- However Policy DM5.1 (E) provides that *"Within the Central Activities Zone (CAZ) 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."*
- 3.8 The application of this policy would impact the proposed schemes viability.

- 3.9 The proposed office development is intended to be classed as enabling development.
- 3.10 Enabling development is usually considered in the context of listed buildings whereby, as stated in the NPPF, "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."
- 3.11 In the context of this scheme we understand that the Council have identified that there is an established educational need and we assume that that the proposed school facilities are, in their entirety, considered necessary to be both delivered, and delivered on this specific site.
- 3.12 In respect of scheme viability it is necessary to consider
- a) Whether the current funding gap is justified and whether the opportunities to source other forms of finance have been fully explored
  - b) Whether the scale of the proposed development represents the minimum necessary and
  - c) Whether the development would serve to adequately secure the redevelopment of the school site and enable the expansion of the school pupil roll.
- 3.13 DS2 state in their FVA that "the CFBS will only therefore be incentivised to sell the site for redevelopment if the funding gap is minimised as much as reasonably possible. The wider the funding gap, the less the prospect that the CFBS will release the site for redevelopment. This will have direct implications for the delivery of the school works".



#### 4.0 PROPOSED DEVELOPMENT

- 4.1 The FVA is concerned only with the development of the part of the site to be sold to part-fund the wider works, described in the planning application as:

*Demolition of the existing sixth form block on Tabernacle Street and redevelopment of Class B1 office development and associated works*

- 4.2 The planning statement identifies the current sixth form centre as being “very compromised by the irregular footprint, and the area to the north is mothballed due to damp and the building’s deteriorating condition. The external fabric of the former sixth form building is also in poor condition with cracks visible on the external façade”.
- 4.3 The proposed development comprises an eight storey building with basement which will provide 31,893 sq ft (NIA) of Office (B1) floor space arranged as follows:

Floor	Use	NIA (sq ft)	GIA (sq ft)
Roof			97
7	B1	4,133	4,822
6	B1	4,133	4,822
5	B1	4,133	4,822
4	B1	4,166	4,855
3	B1	4,166	4,855
2	B1	4,155	4,844
1	B1	4,155	4,844
Ground	B1	1,426	4,844
	B1	1,426	
Basement	Plant		1,819
	Total	31,893	40,624

- 4.4 The ground floor of the building will be split into two separate units with their own entrances from Tabernacle Street. The first to seventh floors are intended to have large flexible floorplates. Access to the upper floors will be via a dedicated ground floor reception with a single stairwell and two lifts.
- 4.5 Also at ground floor level is space for bin storage, bike store for 38 bikes and shared shower facilities.
- 4.6 There is no parking associated with the proposed development.

## 5.0 OFFICE VALUES

5.1 In arriving at a value for the proposed office building, DS2 include a number of local transaction evidence which we have reviewed and summarise as follows:

5.2 Office lettings:

- **White Collar Factory, EC1Y** located immediately adjacent Old Street Station, a mix of refurbished and new office space with a 17 storey tower. Recent lettings at £63.50psf and £67.50psf
- **Old Street Yard, EC1Y** part of the White Collar Factory 'campus' refurbished office space arranged around a courtyard. Recent letting of £62.50psf
- **The Bower, 207-211 Old Street EC1V** located immediately north west of Old Street roundabout made up of refurbished office space and a new build tower, with on-site facilities. Recent lettings between £52.50-£67.50psf, varied due to outlook with The Tower providing office space up to 17<sup>th</sup> floor
- **Linen Court, 10 East Road N1 6AD** located north of Old Street station providing offices from ground to tenth floor, completed in 2011. Recent letting of tenth floor office space at £63psf
- **1 Oliver's Yard EC1Y** south of the site fronting City Road, a 1960s office building, refurbished in 2003 with office accommodation over ground to ninth floors arranged around a courtyard. Recent lettings £48-51psf
- **65-67 Leonard Street EC2A** a former Victorian warehouse conversion reportedly finished to a good standard but in need of refurbishment, recent letting was at £48.50psf

5.3 Based on the above evidence DS2 have adopted a rental value of £60psf for the office floor space over the first to seventh floor of the proposed development. They have assigned a value of £45psf for the ground floor retail space.

5.4 DS2 have assumed that a developer may be required to offer a capital contribution, in addition to a rent-free allowance, towards fit out costs.

5.5 Investment sales:

- **Mark Square House EC2A** purpose built detached office building providing 61,660 sq ft of office space over basement to fourth floor, located in Shoreditch. Property let for a term expiring 24<sup>th</sup> December 2017 at £1,495,000 per annum. Sold November 2016 at £38million reflecting a yield of 3.78%
- **Rivington House, 82 Great Eastern Street EC2A** a former Victorian clothing factory renovated in 2014. Freehold purchased in March 2015 for £15.2million reflecting a yield of 4.75% reportedly rack rented and let to a strong covenant
- **24 Chiswell Street EC1Y** renovated 2010 basement to ninth floor property includes 6,842 sq ft of retail space and 76,465 sq ft of office space. Multi-let to 10 tenants generating an annual income of £2.85m. Long leasehold interest purchased March 2015 in excess of £45m - at £45m this reflects yield of 6%
- **Noble House, EC2A** 1980s office building providing 13,926 sq ft of office space over ground and four upper floors. Long leasehold interest was purchased in April 2016 for £8.7million reflecting a capital value of £625psf. The property was sold with vacant possession in a reportedly dated condition.

- **79-81 Paul Street, EC2A 4NQ** a former warehouse building providing 8,779 sq ft of office accommodation renovated in May 2016, reportedly to a high standard. Sold February 2015 at £7.23million reflecting £822 psf capital value
- 5.6 DS2 consider an investment yield of 5.25% appropriate for the proposed office space which equates to £1,015psf or £32,372,252 based on the proposed rental value.
- 5.7 DS2's assumptions in regard to the office values are summarised as follows:
- 31,398 sq ft of net office space
  - £60psf on typical floor and £45psf on ground floor office
  - Capital contribution equivalent to £45psf c. £1.4m for tenant incentives, rent-free period of 6 months, assuming average term of 5 years
  - Average letting void of up to 6 months post practical completion
  - Yield of 5.25%
  - Capital Value of £1,015psf after purchasers costs
- 5.8 We have conducted our own research to test if these assumptions are reasonable.
- 5.9 In addition to the information provided by DS2 we have identified the following relevant lettings transactions:

Address	Description	Floor area sq ft	Letting agreed	Rent per annum	Price per sq ft
72-74 Paul Street EC2A	First floor corner office within a converted Victorian warehouse	917	17/03/2017 5 year lease	£44,475	£48.50psf Plus £2.50psf service charge £8.61psf rates
31-35 Pitfield Street N1	First floorsecond hand three storey office building with separate café on ground floor	3,100	01/02/2017 4 year lease	£89,497	£28.87psf Plus £1.51psf service charge £2.65psf rates
Churchill House 142-146 Old Street EC1V	Fifth (top) floor of attractive office building refurbished in 2014	3,600	23/01/2017 8 year lease	£216,000	£60psf Service charge and rates unknown
66 Leonard Street EC2A	Second floor of Grade II*listed former school building	1,568	11/12/2016 5 year lease 3 months rent free	£101,920	£65psf Plus £4.87psf service charge £7.65psf rates
16-26 Banner Street EC1Y	Ground and lower ground floor, self contained, newly refurbished	1,666	08/12/2016 5 year lease	£54,028	£32.43psf Plus £14.25psf rates
50-52 Paul Street EC2A	Newly refurbished office space over first to fifth floor	29,997	01/11/2016 10 year lease	£1,979,802	£66psf Service charge and rates unknown

<b>47 Paul Street EC2A</b>	Second-hand but modern office space	3,006	04/03/2016 5 year lease	£125,801	<b>£41.85psf</b> Plus £0.42psf service charge
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- 5.10 The properties listed above are all located within the immediate area of the subject site. Rental values appear to range between approximately £30psf up to £66psf. Lettings at the lower end of the range are generally for second-hand office space and the highest value space appears to be refurbished or new space, in attractive buildings or more prominent locations.
- 5.11 Based on the above, the rates of £45psf and £60psf on the ground floor and upper floors respectively appear reasonable. Although not located in a particularly prominent location we have assumed that the office building will be an attractive design and finished to a high standard.
- 5.12 We do not have information relating to tenant incentives for most of the above transactions however we comment that a rent-free period of 6 months is in line with our expectations.
- 5.13 In respect letting assumptions it is unclear whether DS2 assume the building will be multi-let or let to a single tenant. We consider a piecemeal fit out via contributions to be impractical due to impact on tenants through phased fit out. Therefore either the developer fits out or the property is let to a single tenant.
- 5.14 If let to a single tenant we would expect the reception to be rentalised at 50% of office rents which would add £5-10,000 per annum to the overall rental value of the property.
- 5.15 Similarly a letting to a single tenancy would be considered a more secure investment as this would imply a more substantial tenant and therefore a stronger covenant and would attract a keener investment yield.
- 5.16 It is accepted that at this stage either letting route could be considered a possibility and would not be known at the point the school sells the site to a developer.
- 5.17 We have undertaken some research into investment yields for offices within the area surrounding the property and have not been able to locate any more transactions to add to the details presented by DS2 above. Latest research published by Knight Frank in April 2017 shows yields for prime City offices falling between 4.25%-4.5%. Given the location of the property which lacks visibility compared with some buildings on the Old Street roundabout, we consider a yield of 5%-5.25% would be appropriate.
- 5.18 Having considered the above, we are of the view that a value of £32,000,000 for the proposed development is broadly reasonable.
- 5.19 In their appraisal, DS2 have included a cost of £45psf on the net office space which equates to a total of approximately £1.43million and is considered a capital contribution to tenants for fit out. This is reportedly based on evidence of tenants' investive offered in a recent local transaction. We have not been able to verify this however we appreciate that detailed information on tenants incentives can be difficult to come by as it is often confidential, and we note that works would be required to the property to enable it to be fitted out and let and this allowance in

that context is in an appropriate order of quantum though this would depend on the specification sought by an incoming tenant.

- 5.20 We have confirmed with our Cost Consultant that the fit-out has not been included in the Construction Costs in the appraisal. We consider that this contribution is proportionate to shell fit though to some extent the cost is dependent on the specification sought by the incoming tenant and therefore there is an element of uncertainty over this allowance without having the benefit of a pre-letting.

## 6.0 BUILD COSTS

6.1 DS2 have provided a copy of the applicant's cost plan which sets out a headline construction cost of £11,600,000 inclusive of prelims (15%), overheads & profit (6%) and contingency (5%). This equates to approximately £285psf on the development's GIA.

6.2 Our Cost Consultant, Neil Powling, has reviewed the Cost Plan provided by Gardiner & Theobald dated 23.2.17. Neil's full report can be found at Appendix 1 and is summarised as follows:

*The cost plan includes an allowance of 15% for preliminaries to the Development site. We consider 15% reasonable.*

*The allowance for risk for the Development site is 4% for Design Development and a further 5% for Construction Risks (a total 9%). We consider a total risk allowance of 5% for new build work to be appropriate. The 4% should be omitted from the viability calculation.*

*There is a further addition for Employer other risks of 5% amounting to £1,904,250. This sum might be appropriate as a project contingency but should be excluded from any viability costing.*

*The Development site has an addition of £337,000 adjustment for inflation to both an expected start on site date and to the mid-point for inflation during the construction period. We assess viability on a current cost/ current value basis. In our view for viability purposes this sum should be omitted.*

*Refer to our attached file "Commercial Development Site Elemental analysis and BCIS benchmarking". Our benchmarking shows the costs to be reasonable, but the amount for risk (para 3.7) should adjusted and the allowance for inflation (para 3.11) omitted. We therefore consider the construction cost for inclusion in the viability appraisal should be £10,828,000.*

6.3 The following fees have also been included in the appraisal:

- Professional fees at 12% of construction costs
- Commercial marketing at £2.50 psf on commercial area
- Commercial sales agent fee at 1% of commercial GDV
- Commercial sales legal fee at 0.5% of commercial GDV
- Letting agent fee at 10% of first year's annual income
- Letting legal fee at 5% of first year's annual income

6.4 We consider these to be in line with the market norms.

6.5 Planning obligations have also been accounted for within the appraisal at levels reportedly advised by Montagu Evans and are as follows:

- Borough CIL £271,791
- Mayoral CIL £169,869
- Crossrail Levy £305,406

6.6 We have not tested these figures which DS2 advise are subject to change.

- 6.7 Finance has been assumed at 7% and the appraisal assumes that the development is 100% debt financed.
- 6.8 "Miscellaneous costs" totalling £957,905 have been included within the appraisal to cover a range of development costs including adverse ground conditions, removal of contamination including asbestos, neighbourly matters and fixtures and fittings. We have not been provided with a breakdown of how this figure has been arrived at. Our Cost Consultant notes that the inclusion of adverse ground conditions may result in a double-counting of the cost since the substructures are measured in reasonable detail within the total substructure cost of £957,083. Abnormal substructure costs have been accounted for within the cost benchmarking exercise Neil has undertaken. A breakdown of the Miscellaneous costs should be provided to confirm that there is no double counting of costs.
- 6.9 Void costs have also been included within the appraisal at £13.50psf business rates and £8.50 service charges, figures which are based on DS2 research. This allowance reflects the liabilities arising from the practical completion to the tenant taking occupation that would accrue to the landlord.
- 6.10 Developer's profit has been adopted at 15% of total project costs on the basis that DS2 have appraised the scheme assuming the benefit of planning permission. DS2 suggest that if the planning risk remained they would expect to see a 20% profit on cost return. The 15% profit on cost equates to approximately 12% of GDV.
- 6.11 DS2 is realistic in our view in identifying the lower risks associated with a site benefitting from consent and in making a consequent adjustment to profit expectations.
- 6.12 Our Cost Consultant has also reviewed the Cost Plan relating to the whole school development and comments as follows:

*The cost plan includes an allowance of 19.5% for preliminaries to the whole school cost. We consider given the location, nature of the works and the phasing 19.5% may be appropriate but should be supported by further detail to justify the higher cost.*

*The whole school cost includes the sum of £674,353 for tender inflation to 1Q2018 and a further sum of £988,712 for construction inflation to the mid-point of the two phases. For a viability assessment these sums should be omitted although may be included in the estimated project cost based on the current anticipated programme.*

*The total whole school cost of £39,990,000 includes for fees, decant and in-house costs, FF&E, ICT and AV equipment plus VAT at 20%. The fees equate to 15.8% - a typical allowance is 12%. A further sum of £587,726 for other below the line fees is identified. The Viability Report para 2.11 refers to the cost of the proposed works as £41.84M. We have not identified the difference between this figure and the cost shown in our analysis of £39.99M.*

*Refer to our file "School Costs Elemental analysis and BCIS benchmarking". These show an adjusted benchmark for Block B of £3,411/m<sup>2</sup> that compares to the Applicant's £3,298/m<sup>2</sup>; Block C of £1,576/m<sup>2</sup> that compares to the Applicant's £1,721/m<sup>2</sup>; Tabernacle of £3,255/m<sup>2</sup> that compares to the Applicant's £3,500/m<sup>2</sup>; Sports Hall including Block A of £3,867/m<sup>2</sup> that compares to the Applicant's*

*£3,235/m<sup>2</sup>. We have not benchmarked the works to County Court. The combined amount of these differences shows a difference of £707,712 - adjusted benchmark more than the Applicant. We therefore consider the Applicant's costs to be reasonable but note the comments in 3.9, 3.12 and 3.13.*

- 6.13 It should be clarified what additions have been made to the total costs of £39.99m to arrive at the £41.84m figure.



## 7.0 FUNDING ARRANGEMENT

- 7.1 The planning statement prepared by Montagu Evans states that “The school has a pressing need to deliver new education facilities on their existing historic site. The existing facilities are no longer fit for purpose”. It is reported that the school has been asked by the local education authority to undertake the redevelopment in order to increase its roll by 150 students starting from September 2018.
- 7.2 DS2 advise that the Applicant will fund the proposed works via several funding sources, including from the Council (£2.7million); the Education Funding Agency (£5million); and the Central Foundation School of London Trust (£20million).
- 7.3 Given the estimated cost of works at £41.84million the limited available funding results in a funding gap of -£14.14million.
- 7.4 Montagu Evans has prepared a Funding and Educational Need Statement, which was submitted with the planning application. The Statement includes the following remarks in relation to finding sources:
- “All of the available sources of funding have been explored. Therefore, there is a need for the Trust to consider ways of releasing capital from their assets by redeveloping a portion of the site to release additional monies for the project in a bid to close the £14.14 million funding gap.”
- 7.5 DS2 have tested a number of scenarios of various height reductions and note that any reduction in height serves to increase the funding gap. Further, they test the impact of the inclusion of affordable workspace which also serves to increase the funding gap.
- 7.6 With a maximum height of ground floor plus seven stories, with 100% of the space let at market rent (ie. the most valuable scenario), DS2 note the finding gap remains at £7.417m.
- 7.7 With our revisions we identify that there remains a funding gap of £6.74m based on a total cost for school works of £41.84m.
- 7.8 The Educational Need and Funding Statement indicates that “to facilitate delivery of the scheme, the Foundation has agreed that the net receipts from this sale will be made available to the School to assist in funding the new development. This will be secured via a Section 106 Agreement. It is anticipated that this can be achieved by restricting occupation of the enabling scheme until a certain point in the delivery of the School project.”
- 7.9 We are concerned that such a significant funding gap remains. The FVA does not address how this deficit in funding would be met and the implications if it were not met. If additional resources are available to bridge the remaining deficit then it must be ascertained whether these resources could be stretched further to reduce the pressure on the scale of the proposed development.
- 7.10 If the deficit cannot be bridged by other means it is important to understand where any planned reduction in delivering school buildings is likely to be made and whether this affects already committed funding. The sports hall, for example, is estimated to cost in the region of £5.67million.
- 7.11 If there is potential to reduce the scale or number of components of the school redevelopment it should be ascertained whether these compromises have potential

to reduce the pressure on the scale of the proposed development in the first instance.

- 7.12 Within the Educational Need and Funding Statement, Montagu Evans attempt to address the issue of how the remainder of the funding gap may be closed. They suggest that the school would be in stronger position to seek additional funds once the proposed development receives planning consent. The following funding sources have been investigated:
- **LB Islington CIL** Montagu Evans indicate that a meeting will be sought post planning to discuss whether the Borough CIL from this project, or monies collected from S106 from other projects, can be returned to the school
  - **Fundraising and Charitable Donations** from students and alumni is suggested as one option but it is acknowledged that this source alone is unlikely to resolve the funding issues
  - **Private Finance** this option is ruled out because neither the school nor trust has a regular income to be able to pay back a loan.
- 7.13 One final option considered is the Academisation of the school which Montagu Evans suggest would serve to reduce the funding gap by removing VAT of 20% of the cost to the school development. The impact of this, they suggest, is a reduction of £5.05million in the build costs, resulting in a reduced funding gap of £2.37million.
- 7.14 On balance, Montagu Evans indicate that academisation cannot be relied upon to reduce the funding gap and that the main focus for additional funds is from the enabling development scheme.

BPS Chartered Surveyors

1<sup>st</sup> June 2017

## Appendix 1: Build Cost Report

### Project: Central Foundation Boys' School

#### 1 SUMMARY

- 1.1 The cost plan includes an allowance of 15% for preliminaries to the Development site and 19.5% to the whole school cost. **We consider 15% reasonable and given the location, nature of the works and the phasing 19.5% may be appropriate but should be supported by further detail to justify the higher cost.**
- 1.2 The allowance for risk for the Development site is 4% for Design Development and a further 5% for Construction Risks (a total 9%). We consider a total risk allowance of 5% for new build work to be appropriate. The 4% should be omitted from the viability calculation.
- 1.3 There is a further addition for Employer other risks of 5% amounting to £1,904,250. This sum might be appropriate as a project contingency but should be excluded from any viability costing.
- 1.4 The Development site has an addition of £337,000 adjustment for inflation to both an expected start on site date and to the mid-point for inflation during the construction period. We assess viability on a current cost/ current value basis. In our view for viability purposes this sum should be omitted.
- 1.5 The whole school cost includes the sum of £674,353 for tender inflation to 1Q2018 and a further sum of £988,712 for construction inflation to the mid-point of the two phases. For a viability assessment these sums should be omitted although may be included in the estimated project cost based on the current anticipated programme.
- 1.6 The total whole school cost of £39,990,000 includes for fees, decant and in-house costs, FF&E, ICT and AV equipment plus VAT at 20%. The fees equate to 15.8% - a typical allowance is 12%. A further sum of £587,726 for other below the line fees is identified. The Viability Report para 2.11 refers to the cost of the proposed works as £41.84M. We have not identified the difference between this figure and the cost shown in our analysis of £39.99M.
- 1.7 Refer to our attached file "Commercial Development Site Elemental analysis and BCIS benchmarking". Our benchmarking shows the costs to be reasonable, but the amount for risk (para 3.7) should adjusted and the allowance for inflation (para 3.11) omitted. We therefore consider the construction cost for inclusion in the viability appraisal should be £10,828,000.
- 1.8 Refer to our file "School Costs Elemental analysis and BCIS benchmarking". These show an adjusted benchmark for Block B of £3,411/m<sup>2</sup> that compares to the Applicant's £3,298/m<sup>2</sup>; Block C of £1,576/m<sup>2</sup> that compares to the Applicant's £1,721/m<sup>2</sup>; Tabernacle of £3,255/m<sup>2</sup> that compares to the Applicant's £3,500/m<sup>2</sup>; Sports Hall including Block A of £3,867/m<sup>2</sup> that compares to the Applicant's £3,235/m<sup>2</sup>. We have not benchmarked the works to County Court. The combined amount of these differences shows a difference of £707,712 - adjusted benchmark more than the Applicant. We therefore consider the Applicant's costs to be reasonable but note the comments in 3.9, 3.12 and 3.13.

## 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's 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. A key characteristic of benchmarking is to measure performance against external data. Whilst a company may prefer to use their own internal database, the danger is that it measures the company's own projects against others of its projects with no external test. Any inherent discrepancies will not be identified without some independent scrutiny.
- 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 occasionally upper quartile for benchmarking. The outcome of the benchmarking is little affected, as BCIS levels are used as a starting point to assess the level of cost and specification enhancement in the scheme on an element by element basis. 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 available on an overall £ per sqm and for new build work on an elemental £ per sqm basis. Rehabilitation/conversion data is available an overall £ per sqm and on a group element basis ie. substructure, superstructure, finishings, fittings and services - but is not available on an elemental basis. 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 ideally keep the estimates for different categories separate to assist more accurate benchmarking. However if the Applicant's cost plan does not distinguish different

categories we may calculate a blended BCIS average rate for benchmarking based on the different constituent areas of the overall GIA.

- 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 BCIS 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 from the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Nor do average prices per sqm or 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.
- 2.10 We undertake this adjusted benchmarking by determining the appropriate location adjusted BCIS average rate as a starting point for the adjustment of abnormal and enhanced costs. We review the elemental analysis of the cost plan on an element by element basis and compare the Applicants total to the BCIS element total. If there is a difference, and the information is available, we review the more detailed build-up of information considering the specification and rates to determine if the additional cost appears justified. If it is, then the calculation may be the difference between the cost plan elemental £/m<sup>2</sup> and the equivalent BCIS rate. We may also make a partial adjustment if in our opinion this is appropriate. The BCIS elemental rates are inclusive of OHP but exclude preliminaries. If the Applicant's costings add preliminaries and OHP at the end of the estimate (as most typically do) we add these to the adjustment amounts to provide a comparable figure to the Applicant's cost estimate. The results of the elemental analysis and BCIS benchmarking are generally issued as a PDF but upon request can be provided as an Excel spreadsheet.

### 3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Financial Viability Assessment - dated March 2017 issued by DS2 including appendices 1 to 12 and in particular Appendix 5 the High Level Construction Cost Estimate Rev 3 issued by Gardiner & Theobald dated 23.2.17 - base date of cost 4Q2016.
- 3.2 In addition the Cost Estimate Stage 3a Rev E for the school costs issued by Gardiner & Theobald dated 23.2.17 - base date of cost 4Q2016 has been provided and analysed in detail by BPS.

- 3.3 We have also downloaded a number of files from the planning web site.
- 3.4 The cost plan is on a current day basis base 4Q2016. Our benchmarking uses current BCIS data which is on a current tender firm price basis. The BCIS all-in Tender Price Index (TPI) for 4Q2016 is 286 and for 2Q2017 289 - both figures are forecasts.
- 3.5 The cost plan includes an allowance of 15% for preliminaries to the Development site and 19.5% to the whole school cost. **We consider 15% reasonable and given the location, nature of the works and the phasing 19.5% may be appropriate but should be supported by further detail to justify the higher cost.**
- 3.6 The allowance for overheads and profit (OHP) is 6% which we consider reasonable.
- 3.7 The allowance for risk for the Development site is 4% for Design Development and a further 5% for Construction Risks (a total 9%). We consider a total risk allowance of 5% for new build work to be appropriate. The 4% should be omitted from the viability calculation.
- 3.8 The allowance for risk for the whole School Cost is 2.5% for Design Development and a further 5% for Construction Risks (a total 7.5%). We consider a risk allowance of 5% for new build work and 10% for works to existing buildings. We therefore consider these risk allowances to be reasonable.
- 3.9 There is a further addition for Employer other risks of 5% amounting to £1,904,250. This sum might be appropriate as a project contingency but should be excluded from any viability costing.
- 3.10 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Islington of 123 that has been applied in our benchmarking calculations.
- 3.11 The Development site has an addition of £337,000 adjustment for inflation to both an expected start on site date and to the mid-point for inflation during the construction period. We assess viability on a current cost/ current value basis. In our view for viability purposes this sum should be omitted.
- 3.12 The whole school cost includes the sum of £674,353 for tender inflation to 1Q2018 and a further sum of £988,712 for construction inflation to the mid-point of the two phases. For a viability assessment these sums should be omitted although may be included in the estimated project cost based on the current anticipated programme.
- 3.13 The total whole school cost of £39,990,000 includes for fees, decant and in-house costs, FF&E, ICT and AV equipment plus VAT at 20%. The fees equate to 15.8% - a typical allowance is 12%. A further sum of £587,726 for other below the line fees is identified. The Viability Report para 2.11 refers to the cost of the proposed works as £41.84M. We have not identified the difference between this figure and the cost shown in our analysis of £39.99M.
- 3.14 Refer to our attached file "Commercial Development Site Elemental analysis and BCIS benchmarking". Our benchmarking shows the costs to be reasonable, but the amount for risk (para 3.7) should adjusted and the allowance for inflation (para

3.11) omitted. We therefore consider the construction cost for inclusion in the viability appraisal should be £10,828,000.

- 3.15 Refer to our file "School Costs Elemental analysis and BCIS benchmarking". These show an adjusted benchmark for Block B of £3,411/m<sup>2</sup> that compares to the Applicant's £3,298/m<sup>2</sup>; Block C of £1,576/m<sup>2</sup> that compares to the Applicant's £1,721/m<sup>2</sup>; Tabernacle of £3,255/m<sup>2</sup> that compares to the Applicant's £3,500/m<sup>2</sup>; Sports Hall including Block A of £3,867/m<sup>2</sup> that compares to the Applicant's £3,235/m<sup>2</sup>. We have not benchmarked the works to County Court. The combined amount of these differences shows a difference of £707,712 - adjusted benchmark more than the Applicant. We therefore consider the Applicant's costs to be reasonable but note the comments in 3.9, 3.12 and 3.13.

BPS Chartered Surveyors

Date: 4<sup>th</sup> May 2017

**Central Foundatiion Boys School, Cowper St, EC2A 4SH**  
**BCIS downloaded 4th May 2017**

Development - commercial (offices) Gd + 7 = 8 storey building - assume a/c (shell & core MEPH @ £495/m<sup>2</sup>)  
 Sports Hall 1992m<sup>2</sup> - 500-2000m<sup>2</sup>

Islington LF	123
Estimate 23.2.17 but base 4Q2016 TPI 4Q2016	286
Current TPI 2Q2017	289

<b>Avg prices def</b>		<b>LF100</b>	<b>LF123</b>	<b>sample</b>
Offices generally mean	} new build	1,576	1,938	143
Offices a/c generally mean		1,683	2,070	41
Offices a/c 6+ storey mean		2,020	<b>2,485</b>	7
Offices shell only		560	689	1
Sports Hall generally mean		1,452	1,786	78
Sports Hall 500-2000m <sup>2</sup> mean		1,435	1,765	63
Specialised teaching block - Secondary Schools mean		1,786	2,197	86
6th form specialised teaching blocks		1,894	2,330	16
6th form mixed facilities		1,771	2,178	6
Rehab/convert secondary school mean		834	<b>1,026</b>	12
Rehab/ convert Specialised teaching block - Secondary Schools mean		762	937	9

<b>Avg prices max 5yrs</b>				
Offices generally mean	} new build	1,856	2,283	10
Offices a/c generally mean		1,775	2,183	5
Offices a/c 3-5 storey mean		1,988	2,445	1
Sports Hall generally mean		1,735	2,134	5
Sports Hall 500-2000m <sup>2</sup> mean		1,735	<b>2,134</b>	5
Specialised teaching block - Secondary Schools mean		2,231	<b>2,744</b>	9
6th form specialised teaching blocks		1,676	2,061	5
6th form mixed facilities		1,679	<b>2,065</b>	3
Rehab/convert secondary school mean		504	620	3
Rehab/ convert Specialised teaching block - Secondary Schools mean		626	770	5

113



Central Foundation Boys School, Cowper St, EC2A 4SH

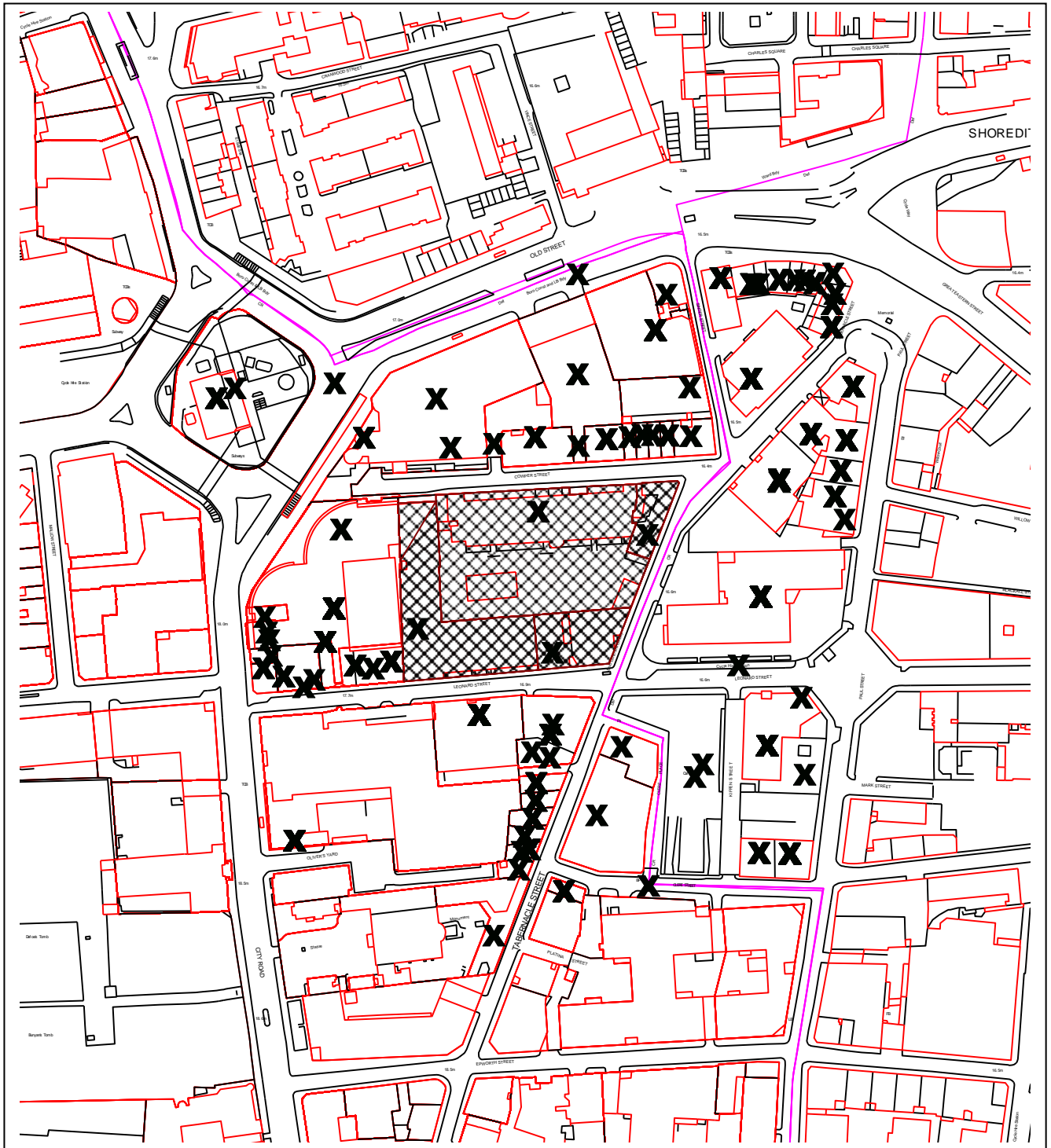
High Level Construction Cost Estimate Rev 3 Shell & Core only - Gardiner & Theobald- 23.2.17

Commercial Development Site Elemental analysis & BCIS benchmarking

	GIA m <sup>2</sup>	£	£/m <sup>2</sup>	New bid offices		From ANO	Net
				LF100	LF123	Cat A	Shell only
				£/m <sup>2</sup>	£/m <sup>2</sup>	LF123	LF123
Enabling inc demolition		474,109	124				
<b>1 Substructure</b>		<b>957,083</b>	<b>251</b>	<b>181</b>	<b>223</b>		<b>223</b>
2A Frame		285,824	75	127	156		156
2B Upper Floors		643,529	169	56	69		69
2C Roof		315,478	83	133	164		164
2D Stairs		120,000	31	33	41		41
2E External Walls		2,467,550	647	223	274		274
2F Windows & External Doors				79	97		97
2G Internal Walls & Partitions		101,720	27	76	93		93
2H Internal Doors		127,050	33	52	64		64
<b>2 Superstructure</b>		<b>4,061,152</b>	<b>1,066</b>	<b>779</b>	<b>958</b>		<b>958</b>
3A Wall Finishes		176,130	46	42	52	5	47
3B Floor Finishes		144,970	38	74	91	47	44
3C Ceiling Finishes		49,960	13	42	52	40	12
<b>3 Internal Finishes</b>		<b>371,060</b>	<b>97</b>	<b>158</b>	<b>194</b>		<b>103</b>
<b>4 Fittings</b>		<b>132,480</b>	<b>35</b>	<b>23</b>	<b>28</b>	<b>8</b>	<b>21</b>
5A Sanitary Appliances				18	22		22
5B Services Equipment (kitchen, laundry)				21	26		26
5C Disposal Installations				20	25		25
5D Water Installations - MEP		1,886,445	495	32	39	4	35
5E Heat Source				38	47		47
5F Space Heating & Air Treatment					0		0
5G Ventilating Systems				79	97	81	16
5H Electrical Installations (power, lighting, emergency lighting, standby generator, UPS)				193	237	63	175
5I Fuel Installations				3	4		4
5J Lift Installations		190,000	50	25	31		31
5K Protective Installations (fire fighting, dry & wet risers, sprinklers, lightning protection)				9	11	11	0
5L Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems, leak detection, induction loop)				58	71		71
5M Special Installations - (window cleaning, BMS, medical gas) - PVs		30,000	8	25	31	13	17
5N BWIC with Services				18	22	10	12
5O Management of commissioning of services				8	10	5	5
<b>5 Services</b>		<b>2,106,445</b>	<b>553</b>	<b>547</b>	<b>673</b>		<b>486</b>
6A Site Works		30,000	8				
6B Drainage							
6C External Services		326,695	86				
6D Minor Building Works							
<b>6 External Works</b>		<b>356,695</b>	<b>94</b>				
<b>SUB TOTAL</b>		<b>8,459,024</b>	<b>2,220</b>	<b>1,688</b>	<b>2,076</b>	<b>285</b>	<b>1,791</b>
15.0% <b>7 Preliminaries</b>		<b>1,269,000</b>	<b>333</b>				<b>269</b>
6.0% <b>Overheads &amp; Profit</b>		<b>584,000</b>	<b>153</b>				<b>inc</b>
<b>SUB TOTAL</b>		<b>10,312,024</b>	<b>2,706</b>				<b>2,059</b>
4.0% Design Development risks		412,000	108				
5.0% Construction risks		516,000	135				
Employer change risks							
Rounding		-24	0				
<b>SUB TOTAL</b>		<b>11,240,000</b>	<b>2,949</b>				
3.0% Fixed price start Jul20, complete Apr22 mid point May21		337,000	88				
<b>TOTAL</b>		<b>11,577,000</b>	<b>3,038</b>				
say		<b>11,600,000</b>	<b>3,044</b>				
Benchmarking offices with fit out a/c 6+ storey def						2,485	
Add for max 5 years (BCIS data not available)						113	
						2,598	
Omit Cat A fit out						285	
Net shell only						2,312	
Add demolitions		124					
Add external works		94					
Add additional cost of substructure		29					
Add additional cost of external walls & curtain walling (wdws)		276					
		523					
Add prelims 15%		78					
Add OHP 6%		36					
Total adjusted benchmark before additions for risk						637	
						2,949	



# Islington SE GIS Print Template



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P2017/1046/FUL

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Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
Islington Town Hall  
Upper Street  
LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>	<b>B3</b>
<b>Date:</b> 07 September 2017	<b>NON-EXEMPT</b>	

Application number	P2016/1344/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	None on application site. Adjacent/affected: Christ Church (to the west of the site across Highbury Grove, Grade II) Vicarage, 157 Highbury Grove (to the west of the site across Highbury Grove, Grade II) Balloon-making workshop at 56a Highbury Grove (adjacent the site to the north, Grade II)
Conservation area	Within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area.
Development Plan Context	No site allocations. Adjacent to Melody Lane Employment Growth Area.
Licensing Implications	None.
Site Address	Land to the rear of 2 Melody Lane, London, N5 2BQ
Proposal	Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and new 3 storey (plus basement levels) 1,419sqm self-storage building (Use Class B8), with landscaping, access and associated works.

Case Officer	Jan Slominski
Applicant	Mr David Partridge
Agent	Julian Cowie Architects

**1. RECOMMENDATION**

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

- 1. subject to the conditions set out in Appendix 1; and
- 2. conditional on 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**



*Fig 2.1 Site Plan. Application site outlined in red.*

**3. SUMMARY**

3.1 The application site is a backland site within Melody Lane, a small private road accessed via Highbury Grove. Historically, Melody Lane was in use for industrial uses but its character has changed over time with the introduction of residential mews style developments. There is a brick factory style building on the site which is currently in use as a 1-2 storey self-storage warehouse (Use Class B8). The proposal would redevelop the site to provide a new 3 storey self-storage warehouse with basement accommodation in order to re-provide the existing use.

3.2 There would also be a row of 7 terraced houses, which would be parallel to, and similar in design and scale to the existing adjacent row of mews style houses.

- 3.3 The proposed development complies with the Council's land use policies and is acceptable in principle.
- 3.4 The proposal would be sensibly laid out, would continue the existing backland pattern of development and general scale, and would be visually subordinate to the frontage buildings on Highbury Grove to maintain the mews-style character of Melody Lane. The proposed accommodation would be fit for purpose, and the residential units would offer a high standard of residential amenity. The impacts on neighbour amenity would be limited to reduced outlook at upper bedroom windows at 9 of the existing residential neighbours, but it is noted that those units are dual aspect and will still provide an acceptable standard of accommodation following the development. The proposal would provide a financial contribution to off-site affordable housing of £350,000, and would comply with the Council's policies on transport, inclusive design and sustainability. The proposal would also comply with the development plan in other respects and is considered a sustainable form of development.
- 3.5 Approval is recommended subject to conditions and a Section 106 agreement to secure the necessary mitigation.

#### **4. SITE AND SURROUNDINGS**

- 4.1 The application site is on the southern side of Melody Lane, which is a narrow unadopted lane accessed from Highbury Grove.
- 4.2 The existing building on the site is a 1,412sqm self-storage warehouse with an ancillary stationery distribution business (Use Class B8: Storage and Distribution). There is also an attached vacant air raid shelter which forms the south and east boundaries.
- 4.3 To the east and south of the site are the rear gardens of properties fronting Aberdeen Park. To the north, is a Grade II Statutory Listed former balloon-making workshop, used as a taxi repair centre (Use Class B2). To the west are fourteen 3-storey modern terraced houses arranged as a mews style development in two rows around a parking courtyard, and designed by the same architect as the proposed development (Julian Cowie Architects). The rear garden boundary wall of nos 6-22 (evens) is also the site boundary.
- 4.4 Melody Lane is not an adopted highway and the application site area extends to include Melody Lane and the access from the site to Highbury Grove. Melody Lane provides the only vehicle and pedestrian access to the neighbouring properties to the west and north of the application site. Highbury Grove is a Classified Road, and Islington Council is the Highways Authority. Highbury Grove is well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).
- 4.5 The western end of Melody Lane is within the Highbury Fields Conservation Area, which extends beyond Highbury Fields to include properties along the eastern side of Highbury Grove (as well as the western part of Melody Lane). The site is not within a Conservation Area and does not contain any listed buildings, but the building to the north at 56a Highbury Grove is a Grade II listed former balloon-making (airships) workshop.

- 4.6 The site is mostly covered by the road itself, and the warehouse building. There are no trees on the site, however there are a number of trees within the surrounding residential gardens which are close to the site boundary and are offered protection by virtue of their inclusion in the Aberdeen Park Conservation Area.
- 4.7 The site is not within a Site of Importance for Nature Conservation (SINC) and the nearest public open space is Highbury Fields, to the west of Highbury Grove.

## 5. PHOTOS OF SITE AND SURROUNDINGS



Fig 5.1 Aerial view

## 6. PROPOSAL

### Original Submission

- 6.1 As originally submitted, the planning application was described as:
- 6.2 *“Demolition of existing buildings. Construction of 9 residential dwellings (Use Class C3) 3 storeys in height and replacement self-storage building (Use Class B8) including basement levels, with associated landscaping and access/parking.”*
- 6.3 The proposal would have provided a self-storage warehouse building, and 9 residential units arranged as 2 flats and 7 terraced houses.
- 6.4 Following the initial public consultation, feedback was provided to the developer outlining the Council’s concerns, summarised as follows:
- The proposal is close to a significant tree (adjacent to the southern boundary) which would have been unacceptably harmed.
  - There would be no suitable manoeuvring area for servicing/delivery vehicles



- The proposed flats would not provide accessible (visitable) accommodation
- There would be unacceptable impacts on privacy to the neighbours at 6-22(even) Melody Lane.
- Insufficient information was provided to demonstrate compliance with the Council's policies on basement design and sustainable design.

## 6.5 Revisions

6.6 Following feedback from the Case Officer, the applicant entered into a "Planning Performance Agreement" with the Council. This allowed the applicant to provide revised plans and extend the determination period for the application. The agreement between the Council and the Applicant relates only to process and timescales, and the Council is free to make its own decision as to whether the application should be approved or refused.

6.7 The previously proposed 2 flats were removed from the scheme, and the houses were reduced in size, allowing more space around the buildings and increasing separation distances. As amended there would be a clear root protection zone around the adjacent tree, and a manoeuvring area for vehicles to be able to turn around within the site. The front elevations of the houses were adjusted to include additional high level glazing in the form of vertical slit windows on the front (west) elevation, obscured glazed up to 1.8m above floor level. The west elevation wall of the existing factory (which also forms the rear garden wall for 6-22 (evens) Melody Lane) would be retained and a new timber screen is proposed adjacent to the wall to maintain privacy at first floor level. The proposed houses were reduced in depth and the distance from the mews houses on Melody Lane was increased by 0.7m. The supporting documents were updated and reissued, and a further consultation period took place to invite comments on the revised scheme.

## Proposal (as amended)

6.8 The application seeks full planning permission for the demolition of the existing self-storage building on the site, and the construction of a replacement self-storage building (Use Class B8) and 7 residential dwellings (Use Class C3) with associated landscaping and access/parking.

6.9 The proposed self-storage warehouse (Use Class B8) would directly replace the existing self-storage building (following its demolition), for occupation by the existing business on the site. The new building would have 2 basement levels and three floors above ground, and accommodate 1,419sqm of floor space for storage use (an increase of 7sqm of business floorspace).

6.10 The proposed housing would be arranged as a row of terraced houses facing west/east, parallel to the adjacent modern terraces (also designed by Julian Cowie Architects). The front entrances would be on the western elevations and rear gardens to the east. The houses would be three storeys tall under flat roofs, with open plan kitchen/dining/living rooms at ground level, with 4 bedrooms, 3 bathrooms and a study/dressing room on the upper floors.

6.11 The following images show the existing and proposed site plan, and drawings of the proposed development.

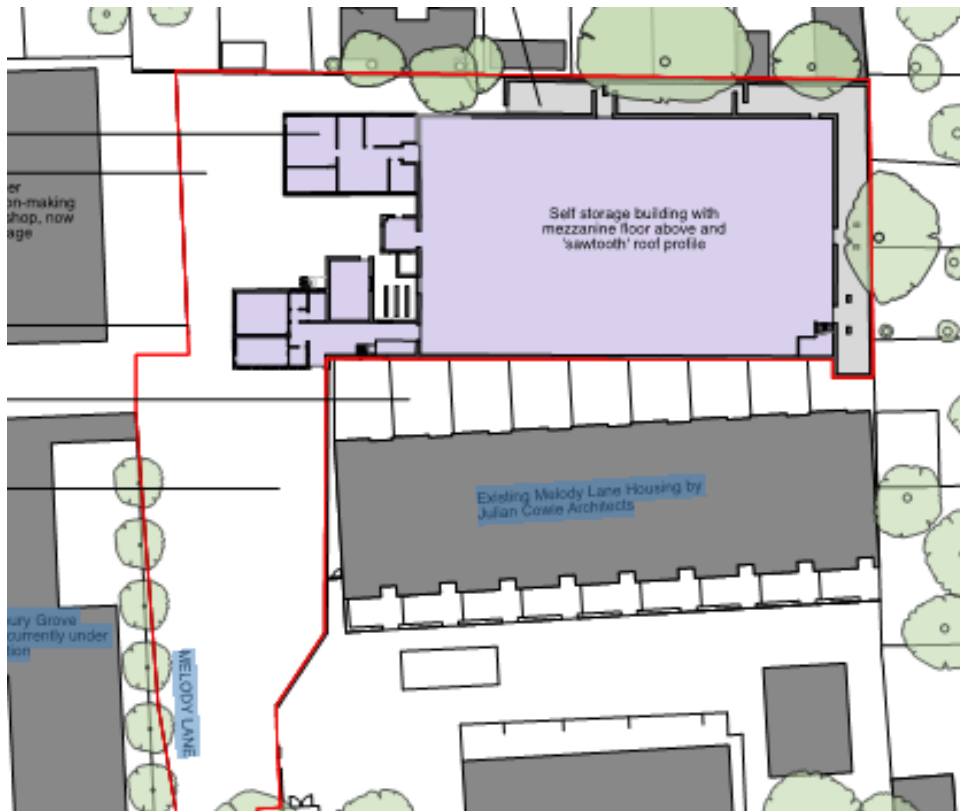


Fig 6.1 Existing Site Plan

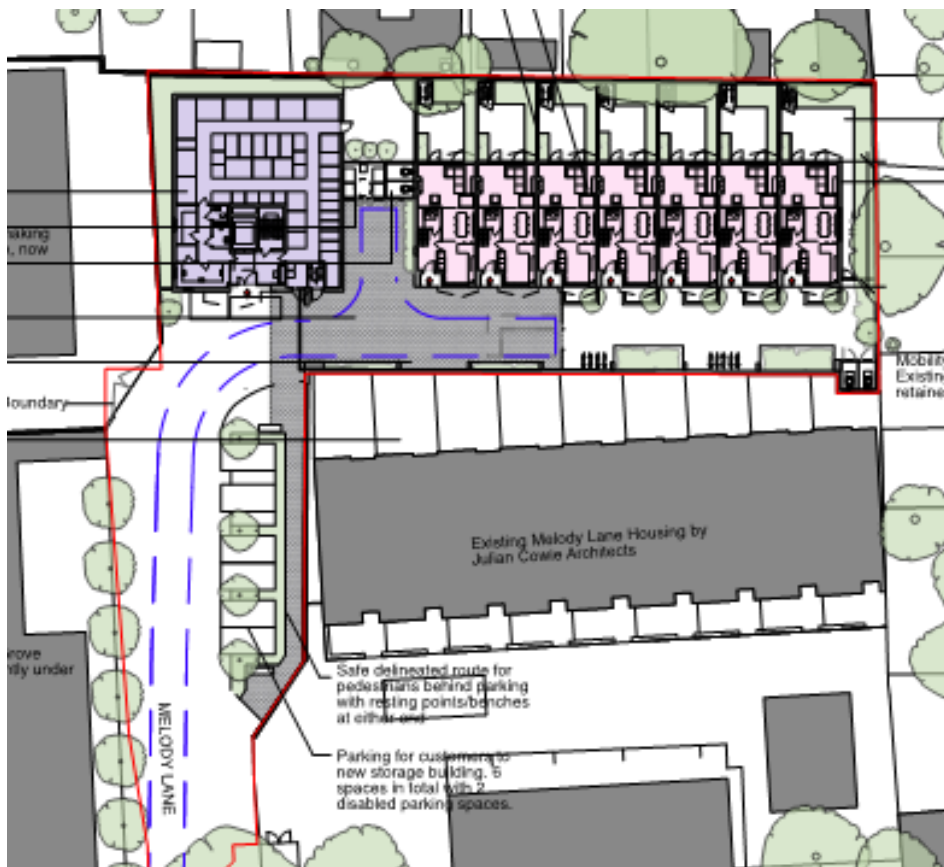


Fig 6.2 Proposed Site Plan

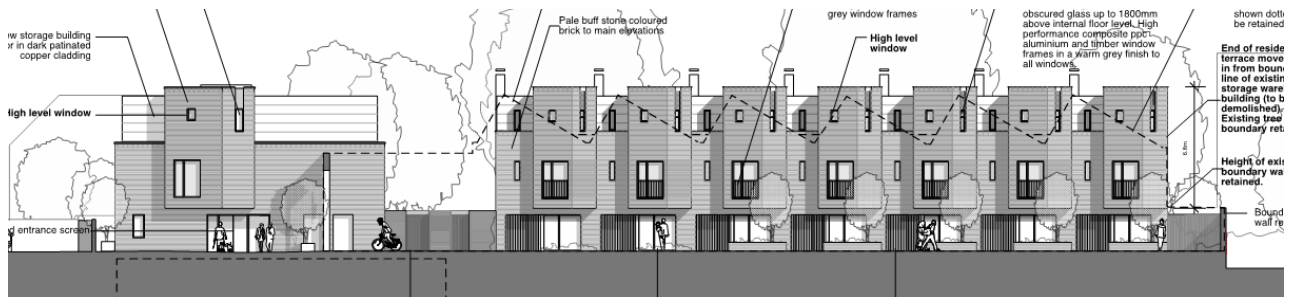


Fig 6.3 Proposed West (Front) Elevation



Fig 6.4 Proposed East (Rear) Elevation, visible from the rear gardens at Aberdeen Park

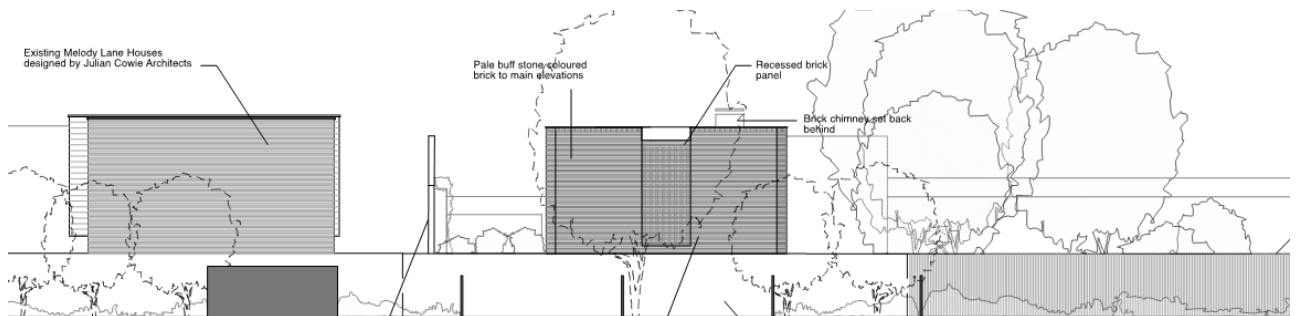


Fig 6.5 Proposed South Elevation, visible from the rear gardens at Aberdeen Park

6.12 The proposed houses would have projecting bays over the first and second floors, which, along with the ground floors, would be faced with pale buff brick. There would be setback elements at second floor to reduce the perceived bulk; these would be clad in dark brown weathered copper so as to appear visually recessive. The design of the houses would be similar to the existing modern terraces on Melody Lane, although they would be built in brick rather than white render to avoid staining and watermarks caused by poor maintenance.

- 6.13 Although the existing warehouse building would be demolished, the western elevation wall would be retained as the boundary treatment to the west of the site (see fig 6.6). This would retain the distinctive saw tooth profile, and would act as a physical barrier to reduce over-looking between the new dwellings and existing dwellings to the west of the site.



Fig 6.6: Close up of proposed West Elevation (Residential Units). The dotted line indicates the line of the retained sawtooth boundary wall (in front of the units) to maintain privacy for the existing houses (opposite).

- 6.14 Refuse, recycling and cycle storage facilities are proposed in the space between the commercial building and new housing. Hard and soft landscaping is proposed to the front of the dwellings and 6 parking bays (including 2 suitable for wheel chair users) are proposed at the entrance to the site near Melody Lane for use by the business. The residential units would be parking permit-free. There would also be a new gate feature at the entrance to the housing development, cycle and bin storage, and mobility scooter storage. The part of Melody Lane within the applicant's ownership would be re-landscaped, including separated pedestrian and vehicle access, soft landscaping and benches.

## 7. RELEVANT HISTORY

- 7.1 The site itself has no planning history of relevance; however, there are planning permissions on adjoining and adjacent sites which are of relevance to the current scheme. The following history is considered most relevant to the application site. Officers have also reviewed further local planning history; none which is particularly relevant to the current proposal.

### Melody Lane

- 7.2 3 Melody Lane (which adjoins the application site to the north): P110160 permission dated 24/01/2014 granted for a single storey outbuilding for use as a new spray booth building for the taxi workshop, between the listed building and the northern boundary of 2 Melody Lane.

### Highbury Grove

- 7.3 60 Highbury Grove P051441- Permission dated 08/08/2005 for the 'Change of use from B1 offices to six self-contained flats (one 3 bedroom, three 2 bedroom flats and two studio flats)'.
- 7.4 58 Highbury Grove P121884 - Approved 28/04/2014. Conversion of the existing 263sqm floorspace in B1(a) (office) use class within the front coach house to form two no. two bed flats and the demolition of the existing buildings at the rear of the site and construction of six no. three bedroom / three storey townhouses and a three storey building comprising 683sqm floorspace in B1(a) (office) and B1(c) (Light industrial) use classes, two off-street car parking spaces (wheelchair users), loading bays, hardstanding and landscaping.
- 7.5 58A Highbury Grove P050410 – Permission dated 11/05/2005 for the 'Demolition of existing buildings and erection of nine 3-storey terraced houses and two 2-storey mews houses with associated parking and landscaping.
- 7.6 58A Highbury Grove P051375 – Permission dated 25/01/2006 for the Erection of four 3-storey terraced houses and one 3-storey detached house. This permission supplemented the earlier permission for 11 houses under P050410.
- 7.7 The development approved at 58A Highbury Grove is adjacent to the entrance to Melody Lane and has been constructed.

#### Pre application advice

- 7.8 A formal request for pre-application advice was submitted to the Council in July 2015, for a two-storey B1 office building and nine three-storey mews dwellings.
- 7.9 The advice provided by the Council in response to the pre-application proposals was that in order for the site to be redeveloped, any development proposal would need to re-provide appropriate business floor space. Following re-provision, the site is considered a sustainable location for residential development subject to appropriate design, consideration of neighbour amenity impacts, and compliance with other planning policies.
- 7.10 In terms of scale, the Council advised the proposed three-storey townhouses would appear no larger than the contemporary housing development to the west and its massing would be contextual, but there should be proper distinction between public areas and private amenity spaces.

## **8. CONSULTATION**

### First Consultation

- 8.1 Letters were sent to occupants of 191 adjoining and nearby properties on 31/08/2016 and 13/09/2016. Site notices and a press notice were published on 01/09/2016, clarifying that the proposed development may affect the character and appearance of a conservation area and the setting of a listed building (as required by sections 67 and 73 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended)).

### Second Consultation

- 8.2 Following the revisions to the scheme, letters were again sent to occupants of 191 adjoining and nearby properties on 21/04/2017, and site and press notices were

published on 27/04/2017. The public consultation period ended on 18/05/2017; however, it is the Council's practice to continue to consider representations made up until the date of a decision. The revisions to the proposal are not considered to introduce additional impacts on the adjacent Grade II listed former balloon workshop (other than those which were previously consulted on).

#### Public Consultation Responses relevant to Planning

- 8.3 Consultation responses from both the first and second consultation exercises have been considered. At the time of writing, objections were received from 17 neighbouring addresses (some of which also stated that they represent a further 4 addresses), including various illustrative images. The issues raised are summarised as follows (*with officer comments in brackets*):
- 8.4 Design: The buildings are too tall; at 3 storeys they would not be visually subordinate to the existing mews style houses; would be inappropriate in relation to the existing character; and would be harmful to the setting of the listed building and adjoining conservation area. (*Considered in the "Design" section, paragraph 10.61 onwards. The buildings would be similar in height and design to the adjacent mews development which is also backland development, and subordinate in scale to the street facing buildings.*)
- 8.5 Neighbour Amenity: Loss of light; increased sense of enclosure (loss of outlook); and loss of privacy to neighbours (*Considered in the "Neighbour Amenity" section, paragraph 10.88 onwards*)
- 8.6 Inaccurate Plans: The drawings do not show the retained wall and the elevations are not to scale. (*Revised drawings were submitted and checked for accuracy prior to the second consultation period.*)
- 8.7 Fire Safety: The lane doesn't meet fire appliance requirements. (*London Fire Brigade responded to the application raising no objection*).
- 8.8 Future Development: The proposal may prejudice future development at the Grade II listed balloon making factory (currently a taxi repair workshop). (*The proposed storage building would be set away from the boundary, with no side elevation habitable room windows, and would not impact on adjacent development potential*)
- 8.9 Highways and Safety: There would be additional service vehicles for the houses, and use of the lane for the new houses would cause pedestrian safety issues. (*The proposed B8 floorspace is re-provision of the existing unit and the traffic impacts are unchanged. The houses are car-free, and the revised scheme includes pedestrian segregation. The transport and highways impacts are considered in the "Highways and Transportation" section, paragraph 10.148 onwards*)
- 8.10 Business Use: The proposal fails to provide the existing 2,003sqm GIA of business floorspace, and the floorspace is unsuitable for B1 uses. (*The existing use is storage and distribution, and the proposal would re-provide the existing useable B8 floorspace. See "Land Use" section, paragraph 10.2 onwards.*)
- 8.11 Refuse: There is insufficient space for refuse collection vehicles (*The Council's refuse collection officer has considered the proposal and raised no objection*).

- 8.12 Standard of accommodation: The proposed dwellings will not have sufficient daylight or private amenity space. *(See “mix and quality of residential accommodation” section, paragraph 10.30 onwards. The proposed dwellings are considered to offer acceptable accommodation, with private rear gardens and Highbury Fields a short distance away).*
- 8.13 Construction (including basement) impacts: The submitted statement is inadequate, there will be excessive traffic, and construction work should not take place after 4pm or at weekends. *(Construction impacts are not a valid reason to refuse planning permission, but condition 24 is recommended requiring a full Construction and Environmental Management Plan (CEMP) and compliance with the submitted basement impact report in order to minimise impacts. A balance needs to be struck between minimising neighbour impacts during construction, and prolonging the duration of those impacts. The Council’s standard hours of work are also required by condition 24 which allow construction Monday to Friday 09.00-18.00, and Saturday from 9.00-13.00 with no working on Saturdays or Bank Holidays).*
- 8.14 Crime: Melody Lane is “hunting ground” for drug dealers and crime, and the construction programme would worsen this. *(A CEMP is required by condition 24, no objection was raised by the Crime Prevention Officer, and condition 8 requires Secured by Design certification.)*
- 8.15 Trees: The mature trees adjacent to the site should be protected. *(See “Biodiversity, Landscaping and Trees” section, paragraph 10.134 onwards. The development was amended to avoid harm to the adjacent trees.)*
- 8.16 Views: Loss of public views of the adjoining houses *(The site is not within a protected viewing corridor.)*
- 8.17 Light Pollution *(See “Security and External Lighting” paragraphs 10.140 onwards).*
- 8.18 Additional Public Comments (falling outside the planning system)
- 8.19 Pre-determination: One consultation response commented that by providing pre-application advice, the Council committed to grant consent prior to the submission of the application *(The pre-application advice given is without prejudice, and is summarised in paragraphs 7.8-7.10. Pre-application advice is given without prejudice, without the benefit of public consultation, and is in no way binding on the Council).*
- 8.20 58 Highbury Grove: The recent development at Highbury Grove is considered overdevelopment *(The application does not relate to 58 Highbury Grove).*
- 8.21 Values: The proposed development would affect the values of the adjacent houses *(This is neither evidenced, nor a valid reason to refuse a planning application).*
- 8.22 Surveys of the neighbours’ properties and a financial bond should be provided to neighbours in the event of damage. *(An informative will be added to the decision notice requiring the applicant that the planning permission does not supersede other requirements and that the requirements of the Party Wall Act need to be complied with).*
- External Consultees
- 8.23 Metropolitan Police: No objection, the proposed dwellings should achieve Secured by Design certification. *(To be secured by condition 8).*

- 8.24 Thames Water: No objection. *(An informative is recommended highlighting the need for further approvals from Thames Water in relation to piling and repositioning of the foul drain underneath the proposed warehouse).*
- 8.25 London Fire Brigade: No objection. Discussion with the Fire Brigade clarified that the minimum entrance gate width should ideally be 3.1m, although a Fire Engine can use a narrower gate (typical vehicle width is 2.3m). The scheme should comply with Part B5 of the Building Regulations, and if it does not then mitigation is needed (such as sprinkler systems which allow time to run an extended hose to the site). *(An informative is recommended, advising the applicant that a fire strategy should be developed in consultation with the emergency services and including compliance with part B5 of the Building Regulations.)*

#### Internal Consultees

- 8.26 Planning Policy: The proposal is considered sufficient re-provision of employment floorspace, and would not introduce incompatible land uses. The proposed housing is supported, and a financial contribution (small sites) to the Council's affordable housing new build programme of £50,000 per unit is required. The residential unit sizes do not present any policy issues with non-compliance. The six car parking spaces should be for the B8 storage users, along with the standards obligation that the residents of the new dwellings should not be eligible for parking permits as per Policy DM8.5A.
- 8.27 Refuse and recycling: No objections.
- 8.28 Environmental Health (Acoustics): The originally submitted noise report was of poor quality. Following revisions to the scheme, an updated noise report was submitted and no objection is raised. The impacts of the development would be sufficiently minimised by imposing a condition controlling the hours of operation of the self-storage use *(condition 10)*.
- 8.29 Environmental Health (Pollution): The site has had previously polluting uses, and the development would introduce residential uses and potential pollution linkage (by disturbing the ground). *(Condition 25 is recommended to ensure sufficient investigation and remedial works).*
- 8.30 Environmental Health (Construction impacts): With the proposed demolition and construction in a relatively quiet area with residential units in close proximity there is the potential for disruption. *A condition is recommended requiring a detailed Construction and Environmental Management Plan to identify and mitigate impacts including noise and vibration, and air quality (including dust, smoke and odour).*
- 8.31 Lead Local Floor Risk Officer: No objection.
- 8.32 Inclusive Design: Initially raised concerns about the safety of the shared surface, travel distance from taxis on Highbury Grove, mobility scooter charging, design of the maisonette units, layouts of houses, and layout of the self-storage unit. Following revisions to the scheme (removal of maisonettes, redesign of external areas to add benches and separate pedestrian access, provision of mobility scooter storage, and alterations to internal layouts), a second response was provided welcoming the revisions,



raising no objection, and suggesting further detailed design points. (*Condition 9 is recommended to secure appropriate inclusive design measures*).

- 8.33 Design and Conservation: The proposed self-storage building is not considered to cause harm to the setting or significance of the Grade II listed Balloon Making Workshop. The residential units are set further away from the listed building and as such have even less impact than the self-storage building. The Grade II listed Christ Church and 157 Highbury Grove are far enough away from the site that the proposed development will not impact their setting. In terms of the impact on the neighbouring conservation areas, from both the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area you will see the new development, at least in part. The scale of the development is not considered to have a harmful impact on either conservation area or its setting. The proposed height, scale and massing are appropriate and the design makes reference to both of the existing mews developments on Melody Lane (one of which was designed by the same Architect). The use of high quality materials is key to the success of the development, and the proposed materials are sympathetic to the character and appearance of both conservation areas. The samples submitted with the application are considered acceptable in principle, however the material for the windows and metalwork should be anodised, rather than powder coated to give a better, high quality finish and the mortar to the brickwork must be recessed. Otherwise, all materials proposed are considered appropriate in this location and within the surrounding context of the backland site. Initial suggestions were made regarding detailed design (upper floor windows and high level “slits” to avoid a top heavy appearance) and following these amendments, the scheme is considered acceptable, subject to appropriate detailed design and materials. (*Condition 3 is recommended to secure appropriate materials in line with the Design and Conservation officers’ comments*).
- 8.34 Nature Conservation Manager: No objection.
- 8.35 Highways: No objection. The road will not be adopted as a public road, so in order to ensure that it will remain safe and workable as a private road a safety audit is required. Stage 1 and 2 audits should be completed prior to construction, and stage 3 following the landscaping works. There should be no construction vehicle waiting or reversing onto Highbury Park (*A stage 1 and 2 safety audit were submitted raising no additional concerns. Condition 19: requires a stage 3 Safety Audit; and 24 a Construction and Environmental Management Plan. A s.106 obligation also requires compliance with the Code of Construction Practice and monitoring*).
- 8.36 Housing: No objection.
- 8.37 Sustainability: No objection was raised to the proposed basement, subject to compliance with the Basement Development SPD. The proposed attenuation tank is acceptable, however opportunities to better integrate SUDS features should be taken (increased soft landscaping, permeable paving, bio-retention planters etc.) (*The scheme was since upgraded with permeable paving to address these comments, and condition 6 requires details of further passive on-site SUDS measures*).
- 8.38 Energy: The proposal would achieve a 51% reduction in regulated CO2 emissions against Building Regulations 2013, exceeding with the London Plan target of 40%; and a

37% reduction in unregulated and regulated CO2 emissions against Building Regulations 2013 exceeding the Council's target of 27% (where no DEN connection is possible). A CO2 offset contribution of £25,347 is required. The proposal would not connect to a DEN but there should be future exploration of heat network connections. *(The CO2 offset contribution is to be secured by a s.106 obligation, the measures set out in the energy statement are to be secured by condition 16, condition 17 requires safeguarding of heat network connection for the residential units, and a s.106 obligation is recommended requiring investigation into DEN connection at the time of first replacement or installation of future heat or power plant for the warehouse unit.)*

## **9. RELEVANT POLICIES AND LEGISLATION**

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

### National Guidance

9.2 The National Planning Policy Framework (NPPF) 2012 is a material consideration which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. Since March 2014 planning practice guidance for England has been published online.

### Development Plan

9.3 The Development Plan is comprised of the London Plan 2016 (amended), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The relevant Development Plan policies are listed in Appendix 2.

### Designations

9.4 The site is not subject to any specific Development Plan designations.

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

9.5 The relevant SPGs and/or SPDs are listed in Appendix 2.

### Environmental Impact Assessment (EIA)

9.6 No request for an Environmental Impact Assessment (EIA) scoping opinion was submitted, however the site is significantly less than 1 hectare in size and it is not in a sensitive area as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). As such the proposal is not considered to fall within the development categories of Schedule 1 or 2 of the EIA Regulations and an EIA is not considered necessary.

## **10. ASSESSMENT**

10.1 The main issues for consideration are:

- Land-Use
- Design and Conservation
- Neighbouring Amenity

- Accessibility
- Landscaping and Trees
- Sustainability, Energy Efficiency and Renewable Energy
- Highways and transportation

## **Land Use**

### Business Use

- 10.2 The existing building on the site is currently in use as a self-storage warehouse, with an ancillary distribution business. The existing use falls within Use Class B8 (Storage and Distribution).
- 10.3 The site is not located within a designated Employment Growth Area (EGA). It is noted that the northern boundary of the site abuts an EGA, which incorporates the Balloon-making workshop at 56a Highbury Grove and Ladbroke House, as well as other large floor plate employment uses at the Frogmore Industrial Estate.
- 10.4 Policy DM5.2 states that proposals that would result in a loss or reduction of business floorspace will be refused. Business uses are defined as those in B-Class uses (including storage and distribution).
- 10.5 At present there is 1,412sqm of B8 operational business floorspace on the site. While this would be demolished, the scheme proposes to deliver 1,419sqm of replacement business floorspace (a net gain of 7sqm).
- 10.6 The proposed re-provision of B8 floorspace on the site is acceptable in principle, subject to other development plan policies.
- 10.7 Consultation responses from directly adjoining neighbours queried whether the proposal would provide sufficient floorspace, and whether additional business floorspace should be provided on the site. Officers have measured the existing and proposed plans and visited the site, and the measurements are correct.
- 10.8 There is a vacant former air raid shelter attached to the warehouse building, which is not in business use and was not included in the floorspace measurements. The shelter has thick blastproof walls and narrow (0.6m wide) dog-legged access corridors. This area is damp and poorly maintained, and although the state of repair is not a material consideration (as it could be refurbished), officers are satisfied that this space has not been in use and that there is no reasonable prospect of use for business uses due to its accessibility constraints.
- 10.9 All other floorspace (including the first floor mezzanine, toilets, etc.) is included in the floorspace measurements provided by the new building.
- 10.10 Policy DM5.1 requires proposals for new business floorspace to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses. Warehousing uses will be supported where off-street loading and adequate goods lifts are provided, and satisfactory access and servicing can be achieved to the site.

- 10.11 The access arrangements would be unchanged, there would be 6 operational parking spaces and a vehicle turning area, and there would be an internal goods lift.
- 10.12 The following photos show how the internal spaces are currently laid out, generally as rows of small storage units. Detailed internal layout plans have been provided for the proposed storage building, which show a similar arrangement of small storage units to the existing situation. The proposed plans show that the new building could be used as open warehouse space, or in a similar arrangement to the existing use.



*Fig 10.2 Internal Photos*

- 10.13 Neighbour consultation responses also stated that the proposed storage building would not adequately re-provide business floorspace on the site, because the existing building could potentially be used for offices and the proposed unit would not be able to be used as offices as a substantial proportion of floorspace would have no natural light or outlook.
- 10.14 The existing building does not benefit from a large proportion of glazing on the external walls, (and where windows exist they are generally at high level) although it has a part glazed roof which offers some natural light to the corridors between units. Part of the internal area of the storage warehouse has a mezzanine floor which results in substantial areas (at mezzanine level and below) having no access to natural light. During the site visit, the case officer also observed that there is no outlook for customers or workers at the existing building.
- 10.15 The proposed new building would locate some of the storage space below ground in basement storage areas. There would be a lightwell which would ensure that some

natural light is provided to the circulation spaces on each floor. The nature of the use (self-storage) is such that natural light and outlook are not inherently required in order for the storage business to function successfully, and the proposal would be fit for purpose.

- 10.16 The proposed north, south and east elevations include a series of large, recessed brick panels which have been designed to be removable if required, without impact on the principal structure of the building. Any changes to the building's use or design would require planning permission, but the building's design incorporates the flexibility to accommodate additional windows and increase the internal day lighting levels for alternative uses.
- 10.17 While it is accepted that the lower basement space would not benefit from excellent levels of natural light or external outlook, it is considered suitable floorspace to re-provide the existing business use and floorspace, and the proposal would comply with Policy DM5.1.
- 10.18 Policy DM5.4 states that within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. The site is not within an Employment Growth Area or a Town Centre, thus the requirement for affordable workspace does not apply, although it is noted that B8 floorspace is inherently more affordable than the equivalent B1(a) floorspace.
- 10.19 The proposed business floorspace would be suitable for storage and distribution uses, and would be supported by the Council's policies.

#### Residential Units

- 10.20 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.
- 10.21 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seek to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity. The plan does however state that it is not always appropriate to apply table 3.2 mechanically, and any development proposal would also need to take into account the site's specific local context, design characteristics and transport capacity.
- 10.22 It is therefore the case that there is a policy presumption in favour of the delivery of new housing, and the scheme would deliver 7 new terraced houses which would contribute towards the Borough's housing requirements. The site is adjacent to existing residential units and would be considered a sustainable location for new dwellings.
- 10.23 Part F of Policy CS12 identifies that high levels of external noise and vibration may make residential development unacceptable unless appropriate mitigating measures can be provided to the required standard. There is potential for the relationship between

residential and warehouse uses to cause undue harm to neighbour amenity and/or harm the ability of business to function unhindered by environmental health complaints. The existing warehouse is approximately 4.7m from the nearest residential windows, and the new warehouse would be at least 6.2m away from the side elevation of the nearest new house.

- 10.24 Subject to a condition to limit noise from fixed plant at the warehouse (condition 11), no objection is raised in principle to the introduction of an appropriate proportion residential uses on part of the site.

#### Affordable Housing

- 10.25 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to ensure a balanced mix of tenures in all parts of London including that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS 12 (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% intermediate housing'

- 10.26 Policy CS12 requires all sites capable of delivering 10 or more units to provide affordable housing on-site. The proposed development would provide 7 residential units (reduced from the originally proposed 9 units following feedback from the previous case officer). In light of the requirement to provide equivalent employment floorspace on-site, it is not considered that the proposal could provide 10 or more residential units. A financial contribution towards provision of off-site affordable housing is required instead.

- 10.27 The Council's Planning Obligations SPD clarifies that the required financial contribution is £50,000 per unit for sites delivering less than 10 residential units, and the London Plan SPG Affordable Housing (August 2017) supports the Council's policies in this respect. Accordingly, the applicant has undertaken to enter into a s.106 agreement securing a financial contribution towards the Council's new-build affordable housing programme of £350,000.

#### Delivery and Infrastructure

- 10.28 Policy CS18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. The proposed development

would be subject to s.106 obligations to ensure that appropriate education and training opportunities arise from the development process, which would require a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

### Land Use Summary

- 10.29 The proposed development would comply with the overarching land use policy, would deliver adequate B8 (storage and distribution) floorspace to re-provide the existing floorspace in accordance with the relevant planning policies, and would provide new housing which is appropriate in this location. The proposed mix of land uses is acceptable in principle, subject to compliance with the other development plan policies.

### **Mix and Quality of Residential Accommodation**

#### Unit Mix

- 10.30 The NPPF acknowledges the importance of high quality and inclusive design for all development, and requires boroughs to deliver a wide choice of quality homes. The London Plan recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. London Plan Policy 3.5 states that new dwellings should take account factors relating to the "home as a place of retreat," and that housing developments should be of the highest quality both internally and in relation to their context.
- 10.31 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures. Part E requires a range of unit sizes within each housing proposal to meet the needs in the borough. Policy DM3.1 parts A. and B state that all sites should provide a good mix of housing sizes.
- 10.32 The suggested mix of units set out in the DM Policies documents prioritises 2 bedroom units (75%), with the rest as 3-bedroom (15%) or 1-bedroom (10%) units. The proposal would not comply with this mix, and instead there would be seven 4-bedroom units. The Council's policy and housing officers both responded to the consultation raising no objection.
- 10.33 The site is in a quiet mews away from a busy main road, and with good access to local facilities (for example, Highbury Fields), and on such sites the provision of larger family sized units is generally considered appropriate. It is considered that the proposed larger units are acceptable.

#### Standard of accommodation

- 10.34 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.35 London Plan Policy 3.5 states that securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities, and that new dwellings should take account of factors relating to arrival at buildings, and the place of retreat offered by homes. Policies DM3.4 and 3.5 require new developments to

provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.

- 10.36 The relevant standards for internal layouts and room sizes are provided by:
- The London Plan (2016) MALP Policy 3.5 and Table 3.3
  - London Plan SPG: Housing (2016)
  - The Department for Communities and Local Government's Nationally Described Space Standard (March 2015)
  - DM Policy 3.4
- 10.37 Policy DM3.4 requires new units to have adequate sizes and layouts, good ceiling heights, sufficient storage space, and functional, useable space.
- 10.38 All of the proposed residential units would comply with the sizes detailed within Policy 3.4 and the above standards. The proposed houses would be arranged with dual aspect living/dining/kitchen rooms at ground floor (which could be divided into separate rooms) with direct garden access; and 4 large rooms on the upper floors which can be flexibly used as bedrooms or reception rooms. This would deliver a high standard of accommodation internally.
- 10.39 London Plan Policy 3.5 requires the design of new housing developments to enhance the quality of local places and take account of factors relating to arrival at the building. Policy 7.3 states that design should encourage appropriate human activity creating a reduced risk of crime and Islington Policy DM3.4 requires logical, legible and level entrances, visible from the public realm and clearly identified.
- 10.40 The external courtyard space would be clearly legible, and would follow the pattern of development already present in Melody Lane, with the houses arranged parallel to the existing mews houses. The external space would be attractive and well overlooked. A landscaping plan is required by condition 6 to ensure that high quality landscaping and materials are used.
- 10.41 Policy DM3.4 states that all new housing developments are required to provide accommodation of adequate size and layout with consideration of aspect, outlook, noise, ventilation, privacy and light; functional and useable play, amenity and garden space; sufficient space for storage and utility purposes; built to accessible standards.
- 10.42 Policy DM3.4 part D requires dual aspect accommodation, unless exceptional circumstances can be demonstrated. All of the proposed units would be dual aspect, with cross-ventilation.
- 10.43 A noise assessment was submitted with the application which demonstrates that the noise levels at the proposed dwellings would be acceptable and would result in acceptable living accommodation. Condition 11 is recommended to limit plant noise levels from the warehouse use (see also "Neighbour Amenity" section of this report).
- 10.44 At ground level, the rooms would be dual aspect (and the rear elevations would be substantially glazed with good access to daylight) with a double height void and rooflights



providing daylight from the lightwell above. To the rear (east) elevations, the proposed development would have habitable rooms at ground, first and second floor level with generous amounts of glazing and an open outlook. At first and second floor there would be west facing bedrooms. The first floor bedrooms would have large windows, and would benefit from similar levels of daylight to the existing mews houses at Melody Lane (which were observed at the case officer's site visit to offer acceptable living environments). The second floor windows would however have small west facing slit windows to avoid overlooking, and north facing windows (facing external walls).

- 10.45 A sunlight and daylight assessment was submitted with the application to demonstrate that these second floor rooms would offer acceptable quality accommodation.
- 10.46 The assessment considered interior daylighting recommendations set out in Building Research Establishment (BRE) guidelines for internal daylight based on three main criteria for interior daylighting.
- 10.47 The Average Daylight Factor (ADF) test is applied to habitable rooms and is the ratio of the internal light level to the light level outside. The recommendation is an average Daylight Factor of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary lighting is provided. In addition to the average ADF, there are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. All tested second floor west facing bedrooms meet or surpass the BRE Average Daylight Factor targets.
- 10.48 The second test considers the relationship between room depth, and window height (to avoid overly deep rooms with poorly distributed daylight. This is based on a mathematical equation, and again all tested windows pass the test.
- 10.49 The third test is the "no sky line" test. The BRE guide does not give fixed numerical pass/fail criteria for the No Sky Line test, only that a significant part of the working plane should have good access to daylight. The sunlight and daylight assessment concludes that this is acceptable, but it is a very basic test with no pass/fail criteria so officers consider that the results should be disregarded.
- 10.50 The sunlight and daylight assessment also considered interior sunlight levels, although this only tested the amount of sunlight received by the small west facing windows rather than the amount of sunlight received by the rooms. The BRE guidance states that sunlight levels are acceptable where the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March (i.e. winter). All bedrooms have 2 windows which pass the sunlight test.
- 10.51 Policy DM3.4 requires new houses to include good provision for amenity and garden space, and paragraph 3.61 of the DM Policies suggests that for family housing gardens of at least 30sqm should be provided. Paragraph 6.27 further clarifies that private open spaces, such as gardens, are important for physical and mental health, air quality, drainage, cooling, biodiversity and ecological connectivity.
- 10.52 The proposed houses would have gardens which would vary from 35.9 to 87.5sqm, which would comply with the requirements for outdoor amenity space.

- 10.53 The London Plan SPG Play and Informal Recreation sets out standards for playspace, which is particularly relevant as the proposed residential units would have 4 bedrooms each. The SPG formula estimates a child yield (for 7no. 4-bedroom houses) as 4 children under 5 years old, 2 children between 5 and 11 years old, and 1 child aged 12+. For developments where the child yield is less than 10, there is no requirement for formal playspace but a financial contribution may be made to off-site provision within appropriate walking distances. Playspace falls under the definition of “community infrastructure” and is within the scope of Islington’s Community Infrastructure Levy (CIL). The requirement for a financial contribution is included within the (non-negotiable) CIL payment on commencement.
- 10.54 The notional requirement for playspace is 77sqm (or an average of 11sqm per unit). Given that each unit would have access to a private garden in excess of 35sqm, and that Highbury Fields is nearby offering a different type of outdoor playspace, the proposal is considered acceptable in this respect.
- 10.55 The proposed development would provide appropriate residential unit sizes and layouts, and acceptable living environments for its future occupants.

### **Accessibility**

- 10.56 London Plan Policy 7.2 states that development should 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.
- 10.57 Islington Policy DM2.2 requires all new developments to demonstrate inclusive design, including that all developments should demonstrate that they provide for ease of and versatility in use, deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. All development needs to be assessed to ensure genuinely inclusive design from the outset and for the lifetime of the development.
- 10.58 The proposal would essentially remove all of the inherent accessibility barriers with the existing building, and the new buildings would be built to modern accessibility standards. The proposed storage building would have step free access to all floors, and a wheelchair accessible WC. There would be 2 on-site wheelchair accessible parking spaces which are intended for business use (although condition 20 is recommended to clarify that the accessible parking bays can be used by any blue badge holders). There would also be a segregated pedestrian path into the residential part of the site to avoid safety issues arising from clashes with servicing vehicles. Vehicles will be able to enter the site, turn around and leave in forward gear, but to improve accessibility to vehicles stopped on Highbury Grove (such as taxis and buses), benches are proposed within the external landscaping area to reduce the walking distance to Highbury Grove for less-able pedestrians. Mobility scooter parking and charging points are proposed, and the residential units would all be adaptable at ground and first floor for wheelchair users (with allocated space for platform lifts).

- 10.59 The Deregulation Bill 2015 introduced a new National Standard for Housing Design within Part M of the Building Regulations, 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 wheelchair accessible housing standard). The higher 2 of these standards can only imposed subject to planning conditions and policy justification; this is set out within the Minor Alterations to the London Plan (2016) Policy 3.8 (Housing Choice) which requires that 90% of new housing be built to Category 2 and 10% to Category 3 based on up to date evidence of need. As there would be less than 10 units and all of the proposed units are over multiple storeys (partly due to the constraints preventing a larger block of single-level flats being acceptable) no wheelchair accessible dwellings are proposed. Instead, all units are designed to comply with Category 2 (visitable) with ground floor accessible WCs, and designed to be adaptable at ground and first floor level to Category 3 standards with knock-out spaces designed into the floor structure for future platform lifts, and floor drains allowing wheelchair accessible wetroom conversion. The proposal is considered acceptable by the Council's Inclusive design officer.
- 10.60 Subject to a condition to secure the relevant accessible design measures (condition 9), the proposal would comply with the Council's high standards of accessible and inclusive design and would be acceptable in this respect.

### **Design**

- 10.61 The NPPF Core Planning Principles (Paragraph 17) include that planning should always seek to secure high quality design, and paragraph 56 states that good design is a key aspect of sustainable development and indivisible from good planning.
- 10.62 London Plan Policies 7.4, 7.5, 7.6, 7.7 and 7.11 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality and to be of proportions, composition, scale and design which enhances and appropriately defines the public realm. Buildings should not cause unacceptable harm to surrounding amenity and should make the public realm comprehensible at a human scale, particularly at ground level.
- 10.63 These policies are supported locally by Islington Policies CS8 and CS9 which encourage traditional street patterns and sympathetic building designs, and Policy DM2.1 which requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.64 The existing warehouse building is a solid brick structure, with a number of poorly designed extensions which diminish its appearance from the public realm. The external elevations of the original building are generally unrelieved, and the most interesting element of its design is the sawtooth roof design. This is a traditional design which allows even north facing daylight into the building whilst preventing sunlight (to avoid glare or

variation in lighting throughout the day). The building is not in a Conservation Area, and is not subject to any heritage constraints.

10.65 Height, Scale and Massing

10.66 Policy DM 2.1 requires new development to efficiently use the site and improve the quality, clarity and sense of space between buildings. There should be enhanced legibility and clear distinction between public and private spaces. Developments should also respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, and locally distinctive patterns of development.

10.67 Melody lane has changed in character over the past 20 years, with 2 mews developments; one comprising 2 rows of houses directly to the west of the site, and one along Melody Lane itself. Mews houses have become part of the established character of the lane.

10.68 Paragraph 5.41 of the Islington Urban Design Guide (2017) states that historical development pattern of the borough has resulted in backland sites accommodating low-rise industrial or other non-residential premises. Backland sites are those behind existing buildings, often with no street frontage. Regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street and usually within predominantly residential areas.

10.69 Melody Lane is not an adopted road, and is approximately 2.9m wide at its entrance to Highbury Grove. The site is part of a group of sites accessed via Melody Lane, with no highway frontage, which are considered to be “backland” sites.

10.70 The Urban Design Guide states that backland development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.

10.71 The Urban Design Guide also recognises that backland or mews-style developments also present particular challenges to the designer insofar as access to them generally fractures the street frontage/building line, and that sufficient space is required to provide the new dwellings with a good level of residential amenity (without undermining that of neighbouring properties) and to uphold community safety.

10.72 The proposed buildings would be 9.2m tall at parapet height. The adjacent row of terraced houses on Melody Lane are 9.1m high, but due to a slight slope in the land the parapet height of the new houses would be 0.6m lower than the adjacent houses. There would be two separate buildings; one detached three storey (plus 2 basement storey) warehouse building, and a row of 7 terraced houses aligned along an access driveway/courtyard.

10.73 In terms of access and layout, the proposed development would not result in new access to Highbury Grove, but would continue the established use of Melody Lane. The row of buildings on the site would be parallel to the adjacent mews houses, and would continue the established character rather than introducing larger or overly dominant buildings. The new units would be smaller in scale than the buildings fronting the surrounding streets

(Aberdeen Park and Highbury Grove) in terms of their width, overall sizes, and plot sizes. The existing mews houses were considered visually subordinate to the surrounding frontage development, and by continuing a similar design language the proposed development would continue this existing visual subordination and reinforce the existing character.

- 10.74 It is noted that the site is accessed from Highbury Grove, and whilst there are lower buildings on the surrounding streets, the proposed 3 storey buildings would be substantially lower than the 4-5 storey buildings on Highbury Grove.
- 10.75 The proposed scale, height and massing is considered contextual and is supported by the Council's design officers.

#### Detailed Design and Materials

- 10.76 The design of the proposed buildings would be simple and consistent, employing similar design language to the existing adjacent mews, and similar materials (light buff brick and metal fenestration) to the more recent mews development at the entrance to Melody Lane. The buildings would have flat elevations with projecting bays at first and second floor levels, and flat roofs behind brick parapets. The design of the new buildings would tie together aspects of the existing urban environment and would avoid introducing cluttered or incongruous architecture into the mews.
- 10.77 The proposed houses would have open plan layouts, with the majority of fenestration on the rear (east) elevations to avoid loss of privacy to neighbours, but there would be ground floor kitchen/dining/living room windows on the front elevations, and the warehouse building would have its entrance and office window on the same elevation to maintain passive surveillance and overlooking.
- 10.78 The proposed development would retain the existing west elevation factory wall as its boundary treatment. A structural statement was submitted demonstrating how this would be reinforced structurally, using steel columns and piled foundations. There would be a timber slatted screen attached to this wall which would be 535mm higher than the base of the sawtooth profile to maintain privacy at first floor level (see "neighbour amenity" section for further explanation). This is an existing wall and although unexceptional it is characterful and no objection is raised to the retention of this boundary treatment. The south and east boundary walls would be maintained or rebuilt, and there would be a new wall constructed to the north of the houses with a large opening for vehicular access. This would give the impression of an enclosed courtyard setting and would differentiate visually between the "public" entrance to the business unit, and the semi-private courtyard for the residential units. The design of this space and its boundary treatments would retain some of the site's industrial character and would be acceptable subject to approval of details and good landscaping design (required by conditions 3, 6 and 7).
- 10.79 A materials sample board was provided, showing buff stone coloured brickwork, copper cladding to the upper floor, and metal window frames. These were considered by the Council's design officer who has stated that the material for the windows should be anodised aluminium (rather than power coated) and that the brickwork mortar should be recessed. Subject to securing further detail of acceptable materials and detailing (condition 3), the detailed design of the proposed buildings is considered acceptable.

### Heritage impacts

- 10.80 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process. The NPPF places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets, and affords great weight to the asset's conservation. The NPPF defines a "heritage asset" as: "A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
- 10.81 The site is not within a conservation area, nor is it subject to any heritage assets.
- 10.82 There is however a Grade II listed former balloon making factory directly to the north of the site, which is currently in use as a taxi repair workshop. The balloon making factory building has a utilitarian and industrial appearance, and has been altered over time (including replacement lintels, part render, several new openings and a large works entrance). The building has an unusual semi-circular roof, with a glazed lantern running almost full length. The building was built for the Spencer brothers who were pioneering aeronauts of the late C19 and were noted for their work in perfecting the design of the parachute and balloon. In 1900 Stanley Spencer constructed one of the first hydrogen-filled balloons, or airships. The building is listed for its historic value and association, rather than just for its design.
- 10.83 The Balloon Making Workshop has its own setting (a forecourt) separating it from the application site, and it has planning permission for an external spray booth within the forecourt (which has not been constructed). The west (front) elevations of the proposed development would be set back from the west elevation of the existing building, such that it would not substantially alter the enclosure or openness of the listed building. The proposed development is not considered to affect the setting of the Balloon Making Workshop at 56 Highbury Grove.
- 10.84 The proposal is within the vicinity of two further listed buildings, the Grade II listed Christ Church on Highbury Grove, and the vicarage at 157 Highbury Grove. Both these buildings are to the west of the site on the other side of Highbury Grove, and would be unaffected by the proposal.
- 10.85 The proposal is also within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area. As it is a backland proposal and is (as above) considered visually subordinate to the surrounding highways, it would not be harmful to the setting of either Conservation Area.
- 10.86 The proposal would not result in any harm to the character or setting of any other nearby heritage assets.

### Design Summary

The proposed development is considered to be well designed, subservient to the surrounding frontage buildings (in particular on Highbury Grove), and in keeping with the scale and external layout of the other buildings on Melody Lane. There would be no harm to the adjacent Grade II listed balloon making workshop building or any other heritage assets. The responses received from the Council's design officer were

generally positive and limited to detailed design matters which are to be secured by condition 3.

10.87 The proposal is considered to be acceptable in terms of its design.

### **Neighbour Amenity**

10.88 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1.

10.89 The proposed new buildings would be approximately 0.5m taller (excluding the proposed roof level PV panels) than the highest part of the existing warehouse building, although they would have flat roofs which means the silhouette of the proposed buildings would appear larger than the existing sawtooth profiled warehouse. The proposed buildings would also have a smaller footprint than the existing buildings and would be set 7.9m further away from the rear boundary of the nearest residential neighbours; 6-22 (even) Melody Lane to the west.

10.90 There are also adjacent houses on Aberdeen Park to the east and south of the site, although these have large gardens resulting in generous separation distances.

10.91 To the north is the former balloon making workshop, in use for taxi repairs. Access to sunlight and daylight is considered beneficial for business uses although it is normal for this to be supplemented by artificial lighting so there are no particular standards for retained sunlight and daylight levels to these uses.

10.92 Planning considerations of impacts on neighbour amenity are usually limited to residential (or similar) uses.

10.93 A sunlight and daylight assessment was submitted with the application. This considers the impacts of the proposed development on all adjacent residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. Impacts on the following neighbouring properties were assessed:

- 124-142 (even) Aberdeen Park (including gardens);
- Escuan Lodge, Aberdeen Park;
- 3-15 (odd) Aberdeen Park;
- 6-22 (even) Melody Lane (including gardens);
- The two closest new Mews Houses at 58 Highbury Grove (Address unknown).

### Daylight to existing buildings

10.94 With regard to daylight, the BRE guidance states that if the new development subtends an angle of more than 25° to the horizontal (taken perpendicular to the centre of the affected window), of a window to an existing building, then the diffuse daylighting of the rooms in that building may be adversely affected. The impact on neighbouring windows would be noticeable if either:

- the VSC [vertical sky component] measured at the centre of an existing main window is

less than 27%, and less than 0.8 times its former value; (the VSC test);

- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value (the daylight distribution test).

10.95 The daylight tests were applied to the above mentioned residential properties near to the site. All habitable room windows pass the Vertical Sky Component test and all rooms pass the Daylight Distribution test. The proposed development therefore satisfies the BRE daylight requirements, and there would be no noticeable impact on the daylight experienced by the neighbouring residential properties.

10.96 Three of the windows at the adjacent mews to the west (the rear ground floor patio doors at 6, 8 and 10 Melody Lane) would experience negligible improvements to their daylight, and this was queried by one of the neighbour consultation responses. This is not an unusual conclusion, and occurs because the demolition of the warehouse building would remove its roof and therefore the amount of sky (i.e. the vertical sky component) to these windows will marginally increase. In practice, these improvements would be too minor to be noticeable.

10.97 There would be no noticeable impact on the daylight experienced by the neighbouring residential properties.

#### Sunlight to existing buildings

10.98 With regard to sunlight, the BRE Guidelines state that neighbouring habitable rooms should be assessed if there is the potential for loss of sunlight, and main living rooms are considered more sensitive than kitchens and bedrooms. Loss of sunlight may be noticeable where:

- The new development is situated within 90° of due south of the (existing) window; and
- The new development is within 25° to the horizontal (taken perpendicular to the window), measured from the centre of the window.

10.99 For windows which are likely to be affected, there would be no real noticeable loss of sunlight where in a typical year the centre point of the assessed window receives:

- More than 1 quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March (i.e. winter); or
- less than 0.8 of its former hours during either period

10.100 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 APSH.

10.101 The sunlight tests were applied to the above mentioned residential properties. All windows which face within 90 degrees of due south were initially tested for direct sunlight. The east facing windows at 6-22 Melody Lane face slightly north east and are not within 90° of due south, so are not required to be tested by the BRE guidance. However to ensure that the impacts were thoroughly tested and to give the Council sufficient



information to make a fully informed assessment, this information was requested and an appendix was provided testing these windows.

- 10.102 All tested main habitable room windows pass both the total APSH test and the WPSH test.
- 10.103 There would be no noticeable impact on the sunlight experienced by the neighbouring residential properties.

#### Sunlight to existing surrounding gardens

- 10.104 The Council's application of planning policy tends to focus on habitable rooms, accepting that in built up urban areas good levels of sunlight to gardens is not always possible. The submitted assessment did however assess the impact on gardens, using the BRE test to determine what percentage of each amenity area would receive at least 2 hours of sunlight, on 2 separate dates of any year.
- 10.105 The overshadowing test considered the adjacent gardens at 124-142 (even) Aberdeen Park, and 6-22 (even) Melody Lane (including gardens). The other neighbouring gardens are north facing, and will therefore experience no loss of sunlight as a result of the proposed development.
- 10.106 The results of the overshadowing test show that sunlight availability to the tested gardens after the development will be no less than 0.98 times the former value. This complies with the BRE standard (retention of at least 0.8 times the former value). The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

#### Sunlight and daylight summary

- 10.107 All the impacts on the daylight and sunlight of the surrounding residential properties are fully BRE compliant for both daylight and sunlight, which means that the impacts of the development on neighbouring daylight and sunlight are unlikely to be noticeable.
- 10.108 The proposal would have no unacceptable impact on sunlight and daylight to surrounding properties.

#### Privacy, enclosure and overlooking

- 10.109 Policy DM2.1 identifies a minimum distance of 18 metres between windows to protect privacy for residential developments and existing residential properties. Standard 28 of the London Plan SPG Housing (2016) requires proposals to demonstrate that habitable rooms would have adequate levels of privacy in relation to neighbouring properties.
- 10.110 The closest residential properties are 6-22 Melody Lane, which are to the west of the site.
- 10.111 At ground and first floor, there would be no window-to-window overlooking because the existing west elevation wall would be retained, with an attached timber screen which together would prevent any overlooking.
- 10.112 This screen would be 535mm higher than the lowest part of the sawtooth wall profile to maintain privacy.
- 10.113 The following plans show details of the retained wall and screening to maintain privacy at ground and first floor.

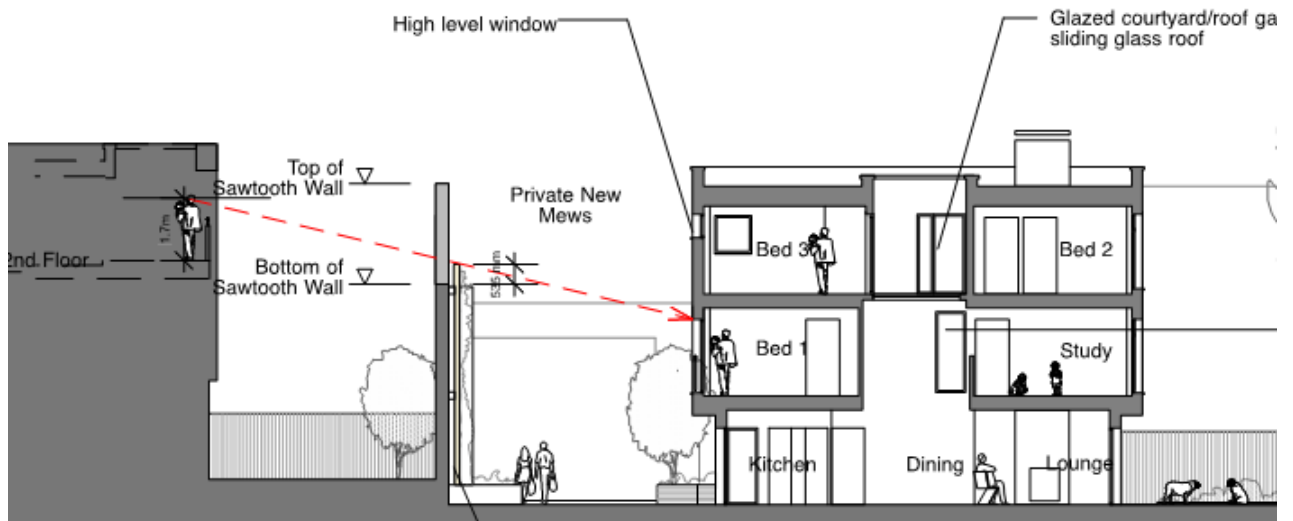


Fig 10.4 Proposed Section drawing showing the retained wall and additional timber screen between the existing and proposed houses, and potential views from the balconies at 6-22 Melody Lane.

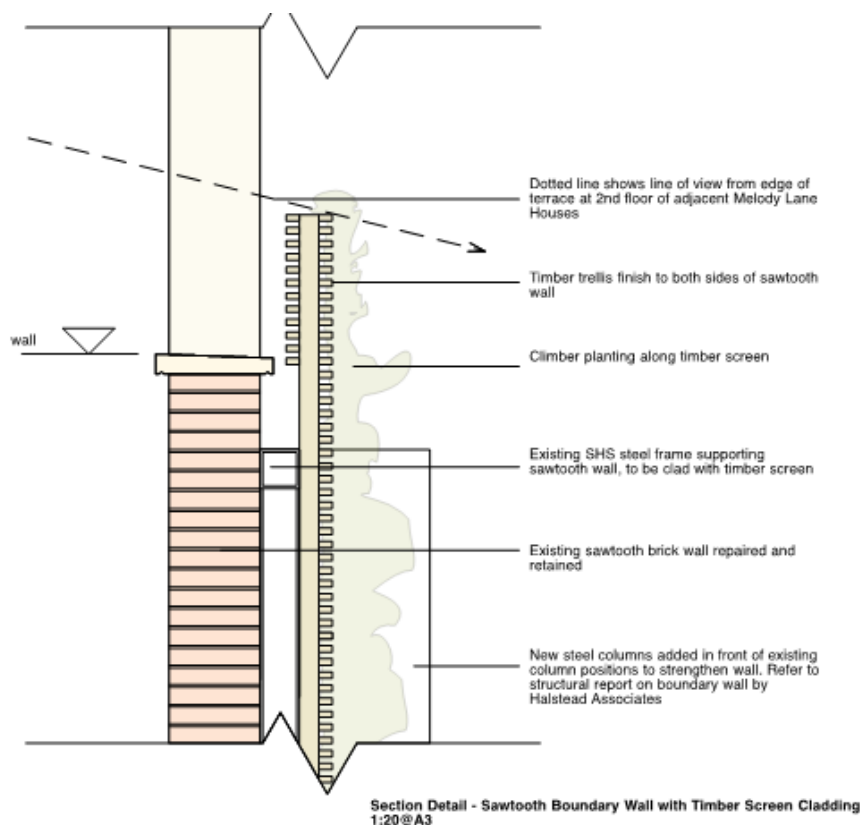


Fig 10.5 Section through the proposed sawtooth wall and timber screen.

10.114 At second floor level there would be bedrooms on the west elevation of the proposed houses, which would have north facing windows, and windows facing into an internal courtyard; these windows would not face any neighbours. There would also be west elevation windows which would look towards the rear elevation of 6-22 Melody Lane. The houses at 6-22 Melody Lane have second floor obscured bathroom windows, and

bedrooms with patio doors onto 2.8m deep inset balconies which face the application site. The second floor bedroom window-to-window separation distances would vary from approximately 14.5m (11.7m externally plus the 2.8m deep balconies) to 16.4m (13.6m plus the 2.8m deep balconies). These distances are less than the recommended 18m separation distances to maintain privacy.

- 10.115 The relevant windows at the proposed dwellings would serve bedrooms with 2 other windows, and are primarily aesthetic to avoid overly blank facades. Condition 27 is recommended to secure these and the adjacent bathroom windows as obscured glazed windows with 150mm opening restrictors to avoid overlooking.
- 10.116 The second floors of the proposed dwellings include partial setbacks (to reflect the massing of the adjacent mews houses). These are shown on the plans as flat roofs with no access, however condition 12 is also recommended to prevent any use of flat roofs as roof terraces, in order to avoid any future potential loss of privacy.
- 10.117 All other surrounding residential windows facing the site are more than 18m away, and would not suffer from unacceptable loss of privacy as a result of the development.
- 10.118 The proposed buildings would be sufficiently far from the surrounding residential units on Aberdeen Park to avoid resulting in an undue sense of enclosure (or loss of outlook).
- 10.119 The proposed buildings would however only be 14.5-16.4m away from the neighbouring dwellings at 6-22 Melody Lane. The case officer visited 10 and 18 Melody Lane to be able to assess the impacts of the proposal on the outlook available to these units.
- 10.120 These neighbouring houses have open plan living/dining/kitchen rooms at ground floor, opening out onto rear patio areas. From a 1.7m eye level, the proposed development will not be visible from these patio areas or from the ground floor accommodation, and the main living rooms would be essentially unaffected in this respect.
- 10.121 At the first and second floor levels of 6-22 (evens) Melody Lane, there are east facing bedrooms with windows facing the site. These windows have limited outlook, with views of the existing warehouse's sawtooth wall, but also with some sky visibility and longer views. The proposed houses would be set back approximately 7.7m from the face of the boundary wall (11.7-13.6m away from the first floor windows), and the top floor of the houses would be visible from the rear bedroom windows at both first and second floor levels. Due to the proximity of the boundary wall and the existing inset balconies, the outlook from these bedrooms is already limited. The proposal would reduce this by obstructing longer views from the affected windows through the saw-tooth wall profile, resulting in significant loss of outlook to the first and second floor east facing habitable rooms at 6-22 (even) Melody Lane.
- 10.122 The loss of outlook to the rear elevation bedroom windows at each of the 4 bedroom houses at 6-22 Melody Lane would be significant. There would be no other significant impacts on the outlook available to neighbours.
- 10.123 The harm to neighbour amenity caused by this loss of outlook needs to be considered cumulatively with the other amenity impacts, as the quality of the living accommodation does not depend on one factor alone. The proposed development would result in maintained levels of privacy, daylight and sunlight, and would not affect the main living

spaces or the front elevation bedrooms at 6-22 Melody Lane. Although the outlook from the rear elevation bedrooms at 9 neighbouring properties would result in a significant impact on these rooms, this impact is limited to 2 out of 4 bedrooms in each property (and the properties also have other bedrooms which would be unaffected).

- 10.124 Although it is recognised that there would be some resultant harm to neighbour amenity, this impact in itself would not result in unacceptably diminished living standards at 6-22 (even) Melody Lane, and those houses would still provide a good standard of accommodation for their occupants.

#### Noise and Disturbance

- 10.125 A noise report was submitted with the application to examine the impact of sound from the existing operations of the business and the likely noise impact on the surrounding area to the application site from the development. This report went on to consider the likely impacts from the proposed new Self-Storage building, deliveries, collections, and loading activities. It was carried out with reference to the British Standards and World Health organisation guidelines, and was based on a noise survey carried out in three locations (to the north, east and west of the existing warehouse). The report also considered cumulative impacts, including those from the adjacent Taxi servicing garage to the north. The report suggests mitigation measures, which are limited to the design of the building fabric and do not require any additional external mitigation.
- 10.126 The proposed development would move the business operations further away from the neighbouring dwellings, by pushing the self-storage building to the north east corner of the site. There would be an access driveway adjacent to the rear gardens of 6, 8 and 10 Melody Lane, although the levels of activity generated by the additional 7 houses are unlikely to be excessive, and no greater than those at the existing houses.
- 10.127 The principle followed in the submitted noise assessment was a “no observed effect level” which is conventionally taken to mean that noise may be heard, but does not cause any change in behaviour or attitude, can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.
- 10.128 The proposed development would not result in excessive noise or substantial changes to the existing business activity levels, and would not be harmful to neighbour amenity in this respect.
- 10.129 In order to allow sufficient control of excessive noise arising from any future industrial or noisy businesses uses, and to allow enforcement action against noisy behaviour, condition 11 is recommended setting external noise limits for the fixed plant at the warehouse measured at the nearest sensitive receptors (residential windows).
- 10.130 The current opening hours of the warehouse building are 09:00-17:00 Monday, Tuesday and Friday; 09:00-20:00 Wednesday and Thursday; Sunday 09:30-13:00. A condition is recommended limiting these hours to 08.30-20.00 Monday to Saturday, with no opening on Sundays and Bank Holidays. These hours are reflective of the fact that the opening hours are currently not subject to planning controls (and residents are used to a 20.00 closing time), but also require quiet periods on Sundays and Bank Holidays in recognition that the character of Melody Lane is becoming more residential (partly as a result of the proposal).

10.131 Officers consider that subject to the recommended condition the proposal will allow the business use to operate effectively without unacceptable impacts in terms of noise and activity.

Neighbour amenity summary

10.132 When considering the impacts of the development on adjacent residential neighbours, the decision on the planning application needs to be made cognisant of the impacts on the outlook available to the rear elevation bedroom windows at the 4-bedroom terraced houses at 6-22 Melody Lane (even). Officers consider that this loss of outlook would not give rise to diminished living conditions at those properties, and that they would still provide their occupants with a good standard of accommodation.

10.133 Subject to the conditions set out in this report, it is considered that the proposed development would not overall result in unacceptable harm to neighbouring residential amenity. The proposal is thus considered acceptable in accordance with London Plan Policies 7.6, 7.14 and 7.15, and Development Management Policy DM2.1.

**Biodiversity, Landscaping and Trees**

10.134 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington 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.

10.135 There are no trees on the site, but there are trees on the surrounding sites. The application would not obstruct the root protection zones of these trees, and would not result in the removal of any trees (following the amendments to the scheme).

10.136 Subject to the tree protection measures which are to be secured by condition 5, there would be no harm to trees.

10.137 A landscaping plan has been provided, with limited detail. This shows an appropriate outline design incorporating the proposed trees, but does not include detail on planting mixes, gradients, drainage, or materials. Subject to a condition (no.6) requiring further approval of details with regard to the landscaping, the area of landscaping would be acceptable.

10.138 An extended phase 1 habitat survey, and a plan showing proposed bird and bat boxes were also provided. No protected species were noted as a result of the survey and it concluded that although the development would have a negligible impact on biodiversity, opportunities exist for positive biodiversity enhancement. The assessment recommends controlled external lighting (to be secured by condition 13) and the installation of external bird and bat boxes (to be secured by condition 14).

10.139 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations. All roofs should be biodiversity based extensive substrate roofs with a

minimum substrate depth of 80-150mm. The proposed development includes biodiverse green roofs, which are to be secured by condition 15.

### **Security and External Lighting**

- 10.140 Policy DM2.1 requires developments to be designed to be safe and to demonstrate safety in design; including access, materials and site management. Policy DM2.2 requires developments to deliver safe, legible and logical environments.
- 10.141 A consultation response was received from the Metropolitan Police raising no objections. The external courtyard area would have good levels of passive surveillance, and there would not be dark alleyways or hidden spaces. The proposal would not result in additional opportunities for crime. A condition (8) is recommended to secure compliance with the Secured by Design standards for the residential units.
- 10.142 Paragraph 125 of the NPPF requires developments to limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation. Paragraph 7.19 (Policy 7.5) of the London Plan (MALP) 2016 states that the lighting of the public realm also needs careful consideration to ensure places and spaces are appropriately lit, and there is an appropriate balance between issues of safety and security, and reducing light pollution. Poorly designed lighting has the potential to add to the existing light pollution levels in London, to cause harm to neighbour amenity, and to disturb dark corridors for wildlife.
- 10.143 No details of external lighting were submitted with the application. A condition (no.13) is recommended requiring details of any external lighting to be approved by the Council, to avoid excessive light pollution and ensure a well-designed and safe environment in accordance with the above policies.

### **Health and Air quality**

- 10.144 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.145 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An air quality assessment was submitted, including an Air Quality Neutral Assessment which concludes that as the pollutant emissions (nitrogen oxides) from the proposed plant would be lower than the GLA's Sustainable Design and Construction SPG benchmarks, no further mitigation is required regarding the ongoing emissions arising from the building's use.
- 10.146 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The proposal will result in demolition and excavation works, and there will be construction dust, waste, machinery, material storage and vehicles which all have the potential to negatively impact air quality. The London Plan "Control of Dust and Emissions during Construction and

Demolition” SPG requires low emission non-road mobile machinery (NRMM) to comply with low emissions standards and a condition (no.28) is recommended to ensure that the proposal complies with these standards.

- 10.147 The proposed uses are not considered incompatible with the site’s surroundings; however, the proposal would introduce new residents into an Air Quality Management Area. An Air Quality Assessment is therefore recommended to be secured by condition 23.

## **Highways and Transportation**

### Sustainable Transport

- 10.148 Melody Lane is not an adopted road, and is accessed via Highbury Grove.
- 10.149 Highbury Grove is well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 3 (on a scale of 1 to 6, where 1 represents a low level of public transport access and 6 the highest level of access to public transport).
- 10.150 Paragraph 32 of the NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.151 In line with Development Management Policies (2013) policy DM8.2, the applicant has submitted a detailed Transport Statement.
- 10.152 The vehicle and pedestrian movement survey shows approximately 15 vehicle movements a day, which is relatively low. The Council’s Highway Officer has not raised any objection to the intensification of the use of the site, and it is considered that the net addition of 7 residential units would not result in an excessive number of additional servicing activities in addition to those associated with the existing use.
- 10.153 The statement highlights that pedestrian access is generally acceptable and will be improved (including with a separated pedestrian path to the site) but that the existing management of Melody Lane in terms of car parking management is poor and there are opportunities to improve this as a result of both the proposed development and the planning obligations for the recent scheme adjacent to the entrance to Melody Lane (which requires Parking management strategy to be put in place).
- 10.154 It is recommended that the application is subject to a s.106 agreement requiring approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
- 10.155 A safety audit was also submitted with the application. This was reviewed by officers and raised no significant concerns.
- 10.156 No objection is raised by the Council’s highways officers to the proposed development.

### Vehicle and Cycle parking

- 10.157 Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development.

- 10.158 The proposal includes 6 parking spaces (4 standard spaces and 2 wheelchair accessible), which would be for operational parking for the self-storage warehouse. These are operational parking needed for the business to operate without obstructing the rest of Melody Lane. These would re-provide existing parking spaces and would not result in increased vehicle activity, so are considered acceptable. There would be no parking spaces for the residential units, and the Council's standard permit-free s.106 obligation would be applied, preventing new residents from obtaining parking permits.
- 10.159 A condition is recommended stating that the approved parking spaces are to be used only in connection with the business use at the B8 warehouse building, other than the wheelchair spaces which may also be used by resident blue badge holders.
- 10.160 The Council's cycle parking standards are set out at Appendix 6 of the Development Management Policies. The applicant proposes cycle parking to be provided in accordance with the Council's standards in secure cycle stores at ground floor, with additional visitor cycle parking (including accessible cycle parking) provided for by Sheffield stands externally. There would also be 3 secure cycle parking spaces for the warehouse building. The proposed cycle storage is acceptable and it is recommended to be secured by condition 21.

#### Vehicle Access, Servicing and refuse

- 10.161 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.162 Melody Lane is accessed via a narrow entrance onto Highbury Grove, allowing only one vehicle to pass through. The gated access to Melody Lane is 2.8m wide, and sufficient for standard refuse, delivery, and servicing vehicles. The following photographs show the access (viewed from Melody Lane), including in use by a transit sized van.





*Fig 10.7 Site Layout with turning circle and additional turning head.*

- 10.163 It was observed at the site visit that the businesses and residential units on Melody Lane are capable of being serviced without causing obstruction. It was also observed that large vehicles can enter Melody Lane, that there is a low number of vehicle movements, and that the main obstacle to servicing vehicles is the gated access to the established mews development on Melody Lane, as vehicles wait outside for the gate to be opened. The proposed development would not be gated and would avoid this problem.
- 10.164 Servicing would be undertaken within the site. A separate Parking and Servicing Strategy has been prepared by the architects, which shows a 12m turning circle outside the self-storage building for delivery vehicles occasional taxis, visitors, and home shopping delivery vehicles and fire engines, with a further turning area and disabled vehicle drop-off point provided in front of the proposed buildings.
- 10.165 Collections and deliveries would be managed on-site.
- 10.166 While there is no objection to the servicing arrangements, given the narrow width of Melody Lane, it would be important to ensure deliveries are co-ordinated in a sensible way to avoid any queuing. As such a condition is recommended to secure a Delivery and Servicing Management Plan (DSMP).
- 10.167 Fig 10.7 shows how the site should be laid out to allow vehicle turning at the site.

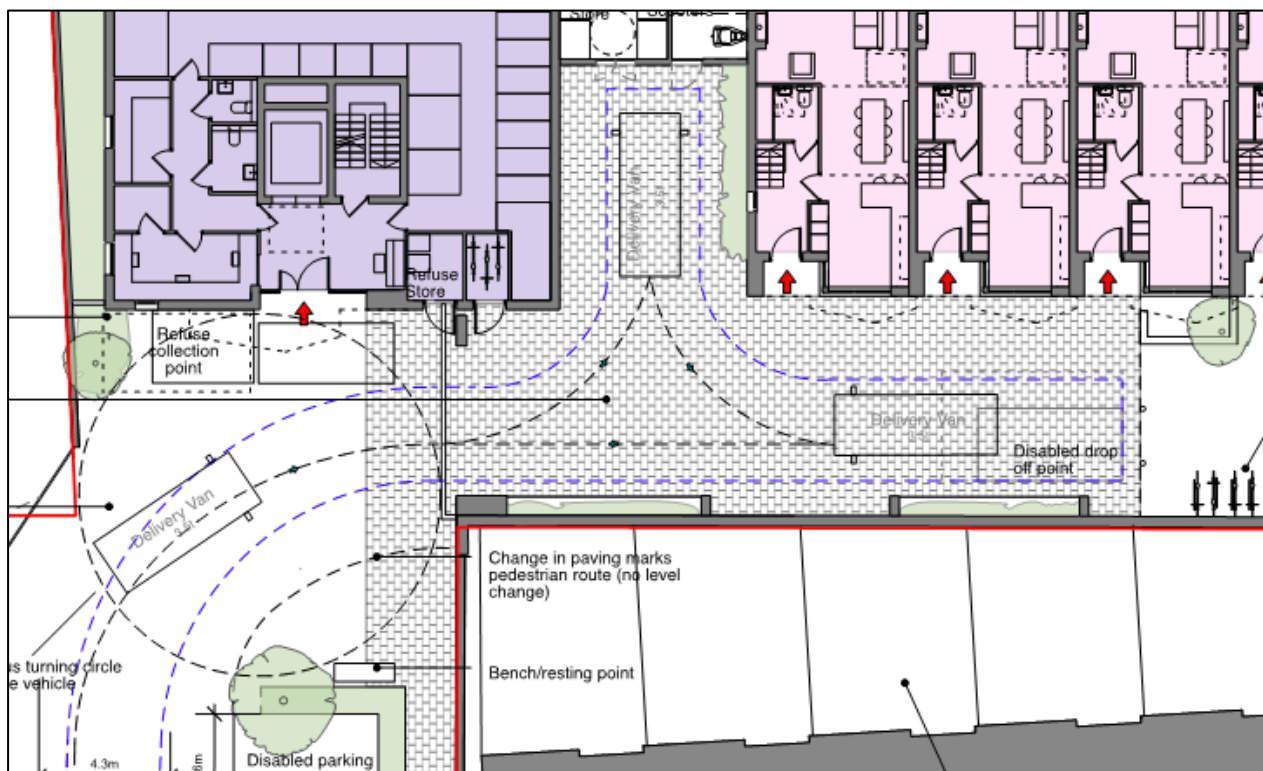


Fig 10.7 Site Layout with turning circle and additional turning head.

- 10.168 For refuse and recycling storage, there would be a communal bin store for the houses, and a separate integrated bin store for the self-storage warehouse. These would be located adjacent to the vehicle turning access and would result in a practical and convenient arrangement.
- 10.169 One of the current problems with Melody Lane is the lack of turning circle for refuse vehicles. The proposed vehicle turning arrangements would assist in providing a vehicle turning space for larger vehicles. This would at worst maintain the existing refuse access arrangements, and depending on the size of the refuse collection vehicles may potentially improve on the existing arrangements.

Construction impacts

- 10.170 A Construction Management Plan (CMP) was submitted, outlining measures and principles for good management of the construction process.
- 10.171 Neighbour objections were received to the proposed construction process, including for the proposed basement due to the additional construction period required. Several of these objections were made in light of amenity issues caused by the adjacent development at 58 Highbury Grove, which resulted in obstruction of the lane, damage, and unsociable activity.
- 10.172 Draft measures are outlined for minimisation of environmental and amenity impacts, and working hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays. These hours are in line with those permitted by the Islington Noise Service code of practice for construction sites.
- 10.173 As the CMP was drafted well in advance of construction works, this outlines headline impacts and intentions for minimisation of impacts, but does not include specific

information on vehicle movements, dates of deliveries, timescales, construction compound layouts etc. A condition (no.24) is therefore recommended to secure an expanded CMP detailing specific measures, and expanded to take account of other nearby developments, highway works, and notification of neighbours.

- 10.174 Any requirement for the repair and re-instatement of the footways and highways adjoining the development which arises from construction impacts, should be resourced by the applicant, and secured by a s.106 obligation. This is committed to in the application documents and the cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- 10.175 Subject to compliance with an expanded construction management plan (and recommended condition 24), the proposal would be capable of avoiding unacceptable impacts to neighbour amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.176 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £707 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

#### Highways and Transportation Summary

- 10.177 The application sets out adequate provision for on-site servicing, waste storage, blue badge parking, cycling, collections and deliveries, and includes a transport statement which sets out measures to promote sustainable modes of transport (to be expanded on through a Travel Plan). The proposal would be acceptable and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM5.1, DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012).

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

- 10.178 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. This requires all development to achieve the highest feasible sustainability standard, and a sustainability statement was submitted which follows the structure suggested by the Mayor of London's Supplementary Planning Guidance (SPG) Sustainable Design and Construction, and London Plan Policy 5.3.

#### Flooding, Water Consumption, and Sustainable Urban Drainage Systems (SUDS)

- 10.179 Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and will be properly maintained.
- 10.180 The existing drainage within the vicinity of the site is to the combined sewer for both surface water and foul water. The proposal includes soft SUDS measures (soft landscaping and permeable paving), and a water storage tank underneath the proposed hardstanding area.

- 10.181 The Council's sustainability officer has reviewed the proposed scheme and considers that there are opportunities for increased soft landscaping, permeable surfacing, SuDS tree pits and bioretention planters, which have not been maximised ahead of the technical solution (the storage tank). Condition 6 is recommended requiring additional passive SuDS measures to be incorporated into the external landscaping scheme. Subject to maximisation of further passive design measures, the SuDS measures are considered acceptable.
- 10.182 There would also be biodiverse roofs on the flat roofs of the proposed buildings which will provide an element of rainwater storage and slow drainage into the sewers. Condition 15 is recommended to ensure that the biodiverse roofs are provided.

#### Energy Efficiency, CO2 Emissions, and Renewable Energy

- 10.183 London Plan Policy 5.2B sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Islington Policy CS10 A and Section 2 of the Environmental Design SPD require that onsite total CO2 reduction targets (both regulated and unregulated) against Building Regulations 2010 are reduced by 40% where connection to a Decentralised Energy Network (DEN) is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to reductions of 39% where connection to a DEN is possible, and 27% where not possible.
- 10.184 The proposal would achieve a 51% reduction in regulated CO2 emissions against Building Regulations 2013, exceeding with the London Plan target of 40%; and a 37% reduction in unregulated and regulated CO2 emissions against Building Regulations 2013 exceeding the Council's target of 27% (where no DEN connection is possible). Condition 16 is recommended to ensure compliance with the energy reduction measures set out in the Sustainable Design statement.
- 10.185 London Plan Policy 5.6B sets out a hierarchy for energy systems for major development proposals, prioritising connection to existing heating or cooling networks; over a site wide CHP network and communal heating and cooling. Islington Policy DM7.3B states "*all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.*" The proposal does not intend to provide a CHP and there are no DENs within 500m. However, an obligation is recommended within the s.106 agreement to safeguard future connection to the warehouse if it becomes available and is feasible in future, and condition 17 is recommended requiring provision for individual connections to a future DEN by the individual houses.
- 10.186 Policy DM 7.4A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification." The proposal would comply with the relevant criteria to achieve an "Excellent" rating, and condition 18 is recommended to secure this.

- 10.187 In accordance with the Council's zero carbon policy, the council's Environmental Design SPD states that "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."
- 10.188 The proposed works would minimise carbon emissions arising from the building. Following the reductions of CO2 and in accordance with the Council's carbon-neutral policy, a CO2 offset contribution of £25,347 is required to mitigate the carbon emissions of the development, which is to be secured through the s.106 agreement.

#### Building Fabric

- 10.189 In accordance with Islington Policies CS10 and DM7.4, details on the materials selection based on lifecycle assessment for all major material components of the design should be provided e.g. brick, structure, steel, cladding, concrete etc. These details were not supplied with the application, so a green procurement plan is recommended to be required by a planning condition (no.4).

#### Contamination

- 10.190 Paragraphs 120-122 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning decisions need to consider whether the site is suitable for its new use taking account of ground conditions and natural hazards or former activities such as pollution arising from previous uses; and in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land. London Plan Policy 5.21 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Proposals should include an assessment of existing ground conditions and identify appropriate remedial measures for any contaminated land prior to development commencing.
- 10.191 The existing building is located on land which was historically in industrial, thus contaminating uses. The potential contaminating uses on adjacent sites are identified as leather works, radio and television factory, depot, garage services, printers, dry cleaners, scientific instrument works, glass works, bus & coach operators & stations, cosmetic manufacturers, shopfitting works, garage, electrical goods sales & manufactures & wholesalers.
- 10.192 The Council's environmental health officer has considered the proposal and in order to avoid exposing workers to contamination risks, condition 25 is recommended to require investigation, and remediation and monitoring if required.

#### Sustainability Summary

- 10.193 The proposal is considered acceptable when considered against the development plan policies relating to sustainable design.

10.194 No overall objection is raised on sustainability grounds, and as set out above, it is recommended that the relevant sustainability requirements are secured by planning conditions and s.106 obligations.

### **Fire Safety and Emergency Access**

10.195 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire.

10.196 The details of the development's Fire Strategy are ultimately controlled through Building Regulations and not dealt with via the planning process. However, planning impacts may arise as a consequence of the fire strategy and it is therefore prudent to consider this at planning application stage.

10.197 Concerns were raised by neighbours over the width of the entrance to Melody Lane potentially preventing access for fire engines. It should be noted that fire engines vary in size, and in the event the access way is not wide enough for an engine, the Brigade would still be able to reach the site utilising multiple, connected hoses. The gated access to Melody Lane is 2.8m wide, and sufficient for a standard 2.3m wide fire engine. The gate has an FB key override which allows access to emergency service vehicles. Although additional manoeuvring spaces would be desirable, the lane is accessible to Fire Engines, and the same access gate currently serves the existing houses.

10.198 In order to comply with the building regulations, a Fire Strategy needs to be approved by the approved inspector, and if the distance from the street is considered to result in increased risks, this can be mitigated by sprinkler systems.

10.199 Condition 24 requires details of a construction management plan, and includes the requirement for a vehicle access route from Highbury Grove to all residential and business units within Melody Lane to be retained unobstructed for the duration of the development process.

10.200 An informative (no.10) has also been included in the recommendation to remind the applicant of the need to consider a detailed fire strategy at an early stage, and recommending the incorporation of sprinkler systems to mitigate any delays caused by the restricted access.

10.201 The London Fire and Emergency Planning Authority was consulted on the proposed development, and responded raising no objection.

10.202 In line with the London Plan the proposal is not considered to introduce any significant risks or obstacles to Building Regulations compliance (including those which may have consequences relating to planning issues) and the application is considered acceptable in this respect.

### **Basement Development**

10.203 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method

Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).

- 10.204 The proposal includes excavation to provide a 2-storey basement beneath the detached warehouse building with a depth of 5.5m. This would be set away from the site boundaries and the proposed houses. It is noted that the surrounding properties generally do not have basements, and that there are large residential gardens adjacent to the site.
- 10.205 A Basement Impact Assessment was submitted with the application, prepared by three engineers in compliance with the qualification requirements in the Basement Development SPD. This highlighted several potential implications of the basement construction, and recommendations as to how these can be dealt with.
- 10.206 The submitted report notes that there are no flood risk zones within 1km, and no record of foul sewer flooding.
- 10.207 The report identifies several initial unknowns which were verified by a ground investigation which was carried out in December 2015 and January 2016. This found that after 5 weeks groundwater rose to and settled at 2.31-1.96m below ground level. The basement therefore needs to be designed to withstand water ingress.
- 10.208 The use of conventional spread foundations is proposed, with piled foundations if considered necessary following further investigation of ground conditions.
- 10.209 It is unknown whether the site is above an aquifer (although no concerns were raised by Thames Water), or whether groundwater will be encountered during investigations. The Basement Impact Assessment recommends that further intrusive investigation is carried out prior to construction in order to inform the foundation design. A ground movement assessment was also carried out to inform the Basement Impact Assessment which concludes that any potential ground movements will be addressed through the proper design and construction of mitigation measures during the works.
- 10.210 There is an underground foul sewer pipe which would need to be rerouted to accommodate the proposed works. Confirmation has been received from Thames Water that this can be done. No objections were raised by Thames Water.
- 10.211 The Basement Impact Assessment demonstrates that the proposed excavation can be constructed without unacceptable planning impacts on the surrounding land. The structural and detailed design of the basement are matters to be dealt with by the Building Regulations.
- 10.212 Subject to a condition (no.22) requiring the proposed basement to be constructed in accordance with the SMS (in addition to the provisions of the Construction and Environmental Management Plan secured by condition 24 and the Code of Construction Practice secured by the s.106 agreement) no objection is raised to the planning implications of the proposed basement excavation.

#### **Planning Obligations and CIL**

- 10.213 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is

intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.

- 10.214 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.
- 10.215 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 10.216 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a s.106 agreement.
- Affordable housing contribution of £350,000
  - Permit free residential units
  - The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
  - Compliance with the Code of Employment and Training
  - Compliance with the Council's Code of Local Procurement
  - 1 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
  - Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £707.
  - Carbon Offsetting payment of £25,347
  - Safeguarded DEN connection for the B8 warehouse unit, and a feasibility study into connection to a local energy network for the B8 warehouse unit on first replacement of the heating and energy plant, if technically and economically viable.
  - Submission of, and compliance with, a Green Performance Plan
  - Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
  - The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.



## **11. SUMMARY AND CONCLUSION**

- 11.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultees.
- 11.2 Consequently, it is considered that the proposed development would comply with the relevant national, London Plan, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents).
- 11.3 It is recommended that planning permission is granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

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

- Affordable housing contribution of £350,000
- Permit free residential units
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- Compliance with the Code of Employment and Training
- Compliance with the Council's Code of Local Procurement
- 1 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £707.
- Carbon Offsetting payment of £25,347
- Safeguarded DEN connection for the B8 warehouse unit, and a feasibility study into connection to a local energy network for the B8 warehouse unit on first replacement of the heating and energy plant, if technically and economically viable.
- Submission of, and compliance with, a Green Performance Plan
- Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), 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:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended.</p>
<b>2</b>	<b>Approved Drawings and Documents (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved documents and plans:</p> <p>PP_01 A Existing Location Plan; PP_02 A Existing Site Plan; PP_03 A Existing Ground Floor Plan; PP_04 A Existing First (Mezzanine) Floor Plan; PP_10 A Existing West Elevation; PP_11 A Existing East Elevation; PP_12 A Existing North Elevation; PP_13 A Existing South Elevation; PP_14 A Existing West Elevation; PP_15 A Existing East Elevation; PP_16 A Existing North Elevation; PP_17 A Existing South Elevation; PP_20 A Proposed Location Plan; PP_21 A Proposed Site Plan; PP_22 A Proposed Ground Floor Plan; PP_23 A Proposed Basement Plan -01; PP_24 A Proposed Basement Plan -02; PP_25 A Proposed 1st Floor Plan; PP_26 A Proposed 2nd Floor Plan; PP_27 A Proposed Roof Plan; PP_28 A Typical House Plan; PP_30 A Proposed West Elevation; PP_31 A Proposed East Elevation; PP_32 A Proposed North Elevation; PP_33 A Proposed South Elevation; PP_34 A Proposed South Elevation Storage Building; PP_35 A Proposed Mews Houses North Elevation; PP_36 A Proposed Section A-A; PP_37 A Proposed West Elevation (Boundary Wall); PP_40 A Proposed Section A-A, Measures to prevent overlooking; PP_41 A Proposed Details of Timber Screen to Western Boundary; PP_46 A Proposed West Elevation; PP_47 A Proposed East Elevation; PP_48 A Proposed North Elevation; PP_49 A Proposed South Elevation; PP_50 A Proposed South Elevation Storage Building;</p>

	<p>PP_51 A Proposed Mews Houses North Elevation;  PP_52 A Section A-A;  PP_53 A Proposed West Elevation (Boundary Wall);  Page_03 RevA Service Vehicle Access Ground Floor Plan;  Bird and Bat Box Plan (Innovation Group);  16525/PL10 Proposed Boundary Treatment;  Planning Statement FS/2908 (Pearson Associates, April 2017);  Economic Regeneration Statement (Pearson Associates, 10 April 2017);  Market Demand Analysis Summary (Julian Cowie Architects);  Green Performance Plan 24817 (Price and Myers, 30 March 2017);  Energy Strategy Report 24817 (Price and Myers, 26 July 2017);  BREEAM 2014 Pre-Assessment Report 24817 v1 (Price and Myers, 13 December 2016);  Below Ground Drainage and SuDS Report Feasibility Study 24817 rev.06 (Price and Myers, August 2016);  Thermal Modelling Report for overheating assessment 24817 (Price &amp; Myers, 05 April 2017);  Sustainability Statement 24817 (Price and Myers, 28 March 2017);  Access to and use of buildings for disabled people Revision A (Julian Cowie Architects, April 2017);  Arboricultural Impact Assessment D2611151728 v4 (Innovation Group, 31st March 2017);  Transport Statement P2955 v6.0 (Stilwell Partnership, March 2017);  Site Waste Management Plan Revision A (April 2017);  Stage 1/2 Road Safety Audit P3119 v2.0 (Stilwell Partnership, March 2017);  Daylight and Sunlight Study (Neighbouring Properties) (Right of Light Consulting, 30 March 2017);  Appendix 2 Addendum - Additional Sunlight to Windows Results;  Daylight and Sunlight Study (Within Development) (Right of Light Consulting, 29 March 2017);  Structural Feasibility Study for a new build commercial building 16525/ML/mf (Halstead Associates, March 2016);  Proposed Boundary Treatments 16525 (Halstead Associates, 08/12/16);  Basement Impact Assessment 15/24595-2 (Site Analytical Services Ltd, March 2017);  Extended Phase 1 Habitat Survey E2611151723 version 2 (Innovation Group, 09/12/2016);  Noise Report of Michael Sugiura Project Ref: 467/16 (Michael Sugiura, March 2017);  Report on a Phase 1 Risk Assessment Ref: 15/24595-1 (Site Analytical Services, January 2016);  Construction Management Plan Revision C (Mecsa, 27.03.2017);  Air Quality Assessment (Air Quality Consultants, August 2017).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and Details (Approval of Details)</b>
	<p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, the following external facing materials shall be used for the hereby approved development, details and samples of which were submitted with the planning application:</p> <ul style="list-style-type: none"> <li>a) The external brickwork shall be St Ives Cream Rustica by Wienerberger.</li> <li>b) The brickwork mortar shall be light buff white and recessed.</li> </ul>

	<p>c) External coping shall be natural stone in “natural buff.”  d) External metal cladding shall be Copper, Nordic Brown Light by Aurubis.</p> <p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>e) Details of external joinery, which for the window frames shall be anodized aluminium;</li> <li>f) soffits, cills and reveals (and details of how these will be designed to avoid watermarks or staining to the surfaces below), the undersides of any projecting elements, and junctions of external materials including expansion gaps</li> <li>g) roof materials and edge details;</li> <li>h) rainwater goods (including locations, fixings, material and colour);</li> <li>i) details and location of all soil, vent and waste pipes which shall (except for the termination) be constructed within the building;</li> <li>j) details of any other pipes, equipment or devices to be installed externally external surfaces of the building including meter boxes, service connection access, aerials and satellite dishes;</li> <li>k) any other materials to be used (including any alternatives to the materials specified in parts a-d of this condition).</li> </ul> <p>No additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved. The development shall be carried out strictly in accordance with the details and samples as 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 interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Green Procurement Plan (Approval of Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works, unless otherwise agreed in writing by the Local Planning Authority, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>
<b>5</b>	<b>*Tree protection (Approval of Details)</b>
	<p>CONDITION: No works or development shall take place until a scheme of arboricultural protection measures including supervision and monitoring has been submitted to and approved in writing by the local planning authority.</p> <p>The scheme of protection and supervision shall be carried out as approved and will be administered by a qualified Arboriculturist instructed by the applicant.</p> <p>REASON: In the interest of protecting retained and proposed tree health, biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

<p><b>6</b></p>	<p><b>Landscaping</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a scaled plan showing vegetation to be retained and plants to be planted;</li> <li>b) specification to ensure successful establishment and survival of new planting.</li> <li>c) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces;</li> <li>f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings;</li> <li>g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS);</li> <li>h) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. 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>
<p><b>7</b></p>	<p><b>Boundary Treatments</b></p> <p>Details and samples of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the boundary treatments. The details shall include information on the proposed materials, design, structure and dimensions of all walls, fences, screen walls, barriers, rails, retaining walls and hedges.</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>
<p><b>8</b></p>	<p><b>Secured by Design</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the residential units shall not be occupied until secured by design certification has been achieved, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing secure and safe development.</p>

<b>9</b>	<b>Inclusive Design (compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design.</p> <p>Unless otherwise approved in writing by the Local Planning Authority and prior to the occupation of the residential units, the residential units shall be constructed to comply with building regulation M4 (2) (accessible and adaptable dwellings) and shall include provision so that the ground and first floors are adaptable for use equivalent to a 'wheelchair user dwelling' as defined by building regulation Part M4 (3).</p> <p>The following facilities shall be installed as shown on the approved plans prior to the occupation of the residential units:</p> <ul style="list-style-type: none"> <li>a) 4 mobility scooter charging points</li> <li>b) 2 external benches</li> <li>c) A "knock out" floor panel suitable for the installation of a platform lift between ground and first floor at each residential unit</li> <li>d) A floor drain suitable for the provision of a Building Regulations Part M4 (3) bathroom or shower room at ground floor level at each residential unit</li> </ul> <p>The following facilities shall be installed within the retail accommodation prior to the occupation of the B8 self-storage unit:</p> <ul style="list-style-type: none"> <li>e) At least one wheelchair accessible WC</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>10</b>	<b>Hours of Operation (Compliance)</b>
	<p>CONDITION: The B8 self-storage warehouse hereby approved shall not operate outside the hours of:</p> <p>08:30 - 20:00 (Monday - Saturday) No opening on Sundays or Bank Holidays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>11</b>	<b>Noise from fixed plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest residential window, 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 an adequate level of internal amenity is provided for future residents, and to protect the amenities of the neighbouring occupiers from the proposed mechanical plant.</p>



<p><b>12</b></p>	<p><b>No use of flat roofs</b></p> <p>The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected</p>
<p><b>13</b></p>	<p><b>External lighting</b></p> <p>CONDITION: Full details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, and hours of operation. The details submitted shall demonstrate that the proposed lighting would not result in increased light pollution, harm to visual amenity, or harm to the safe operation of the highway.</p> <p>The external lighting shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any general or security lighting is appropriately designed and located, to avoid light pollution, harm to visual amenity, and harm to the safe operation of the highway.</p>
<p><b>14</b></p>	<p><b>Bird and bat boxes (Compliance)</b></p> <p>CONDITION: 2 bat boxes, 4 sparrow terraces and 1 bird nesting box shall be installed prior to the first occupation of the approved residential units in accordance with the approved bat and bird box plan (by Innovation Group Environmental Services) 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>
<p><b>15</b></p>	<p><b>Biodiverse roofs</b></p> <p>CONDITION: Notwithstanding the hereby approved details, a biodiverse roof shall be installed on all flat roofs over the approved houses and B8 self-storage warehouse prior to first occupation unless a feasibility assessment and alternative biodiverse/green roof plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>The biodiverse roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with 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).</li> </ul> <p>The biodiverse (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 biodiverse roof(s) shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
<b>16</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>17</b>	<b>District Heat/Energy Network Connection (Approval of Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works at the hereby approved residential units, plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the residential units would be designed to be able to connect to a future district heat and/or energy network. The development shall be constructed in accordance with the approved details.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>18</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>19</b>	<b>Stage 3 Safety Audit (Approval of details)</b>
	<p>Prior to the occupation of the hereby approved units, a Highway Safety audit (Stage 3) relating to the area of Melody Lane within the site boundary (as shown within the red line boundary on the site plan) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of ensuring safe access to the approved development.</p>
<b>20</b>	<b>Wheelchair Parking Provision (Compliance)</b>
	<p>CONDITION: The wheelchair parking spaces shown on the hereby approved plans, shall be provided prior to the first occupation of the development, and maintained as such thereafter. The wheelchair parking spaces shall be accessible by blue badge</p>

	<p>holders, including those at the hereby approved residential units.</p> <p>REASON: To ensure inclusive and accessible design.</p>
<b>21</b>	<b>Cycle Parking Provision (Compliance)</b>
	<p>CONDITION: The cycle storage areas and facilities shown on the hereby approved plans, shall be provided 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>
<b>22</b>	<b>Basement (Approval of Details)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>23</b>	<b>Air Quality (Approval of Details)</b>
	<p>CONDITION: Notwithstanding the approved details, prior to the commencement of superstructure works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be implemented completed prior to occupation of the development and shall be permanently maintained thereafter</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p>
<b>24</b>	<b>*CEMP</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Method of Demolition and Construction Statement shall include details and arrangements regarding:</p> <ol style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing,</li> </ol>

- loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
  - e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
  - f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
  - h) Details of any proposed external illumination and/or floodlighting during construction;
  - i) Details of measures taken to prevent noise disturbance to surrounding residents;
  - j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
  - k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
  - l) Details as to how safe and convenient vehicle access will be maintained for all existing units accessed via Melody Lane at all times, including emergency service vehicles;
  - m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
  - n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
  - o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

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 secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

**25 \*Contamination (Approval of Details)**

Prior to the commencement of development (including demolition) the following

	<p>assessment shall be submitted to and approved in writing by the Local Planning Authority (in response to the NPPF and in accordance with CLR11 and BS10175:2011).</p> <p>a) A land contamination investigation (including intrusive 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: To avoid unacceptable risk to health arising from contamination.</p>
<b>26</b>	<b>Removal of PD rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B8 floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p>
<b>27</b>	<b>Obscured Glazing</b>
	<p>None of the hereby approved units shall be occupied until all west (front) elevation windows at second floor level within 1.8m of finished floor level have been obscure glazed and either fixed shut or with 150mm opening restrictors.</p> <p>The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
<b>28</b>	<b>Non Road Mobile Machinery (Compliance)</b>
	<p>CONDITION: An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <a href="https://nrmm.london/user-nrmm/register">https://nrmm.london/user-nrmm/register</a> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p>

REASON: To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan (2016) and to minimise air pollution.

**List of Informatives:**

1	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at:  <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>

<b>4</b>	<b>Car-Free Development</b>
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>5</b>	<b>Roller Shutters</b>
	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.
<b>6.</b>	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>7</b>	<b>Construction works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>8</b>	<b>Thames Water</b>
	<p>Your attention is drawn to informatives and advice included in Thames Water's comments of 24th April 2017.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the 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</p>

	<p>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 Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p>
<p><b>9</b></p>	<p><b>Highways Requirements</b></p>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within</p>



	<p>contractual agreements with Islington Council's Highways contractors.</p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
<b>10</b>	<b>Fire Safety</b>
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings.</p> <p>It is recommended that a fire strategy is developed at an early stage in consultation with the emergency services and including compliance with part B5 of the Building Regulations. In particular, consideration should be made to installing sprinkler systems to mitigate delays caused by the restricted access to the site for emergency vehicles.</p> <p>Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on <a href="mailto:andrew.marx@islington.gov.uk">andrew.marx@islington.gov.uk</a>.</p>

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes relevant to the determination of the 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 2016, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 Spatial Development Strategy for Greater London**

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

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.9 Inner London

Policy 2.18 Green Infrastructure

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.6 Children and Young People's Play and Informal Recreation Facilities

Policy 3.7 Large Residential Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13 Affordable Housing Thresholds

Policy 3.16 Protection and enhancement of social infrastructure

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development

Policy 4.4 Managing Industrial Land and Premises

Policy 4.10 New and emerging sectors

Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising emissions

Policy 5.3 Sustainable design & construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.19 Hazardous Waste  
Policy 5.20 Aggregates  
Policy 5.21 Contaminated land

## **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 connectivity  
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.13 Parking

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

Policy CS 8 (Islington's Character)  
Policy CS9 (Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Housing)  
Policy CS13 (Employment Space)

## **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 7.13 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

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

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM3.1 Mix of housing sizes  
DM3.4 Housing Standards  
DM3.5 Private outdoor space  
DM3.5 Play space  
DM3.7 Noise and vibration (residential uses)  
DM5.1 New business floorspace  
DM5.2 Loss of existing business floorspace  
DM5.4 Size and affordability of workspace  
DM6.1 Healthy development  
DM6.2 New and improved public open space  
DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention  
DM7.1 Sustainable design and construction  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling  
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  
DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

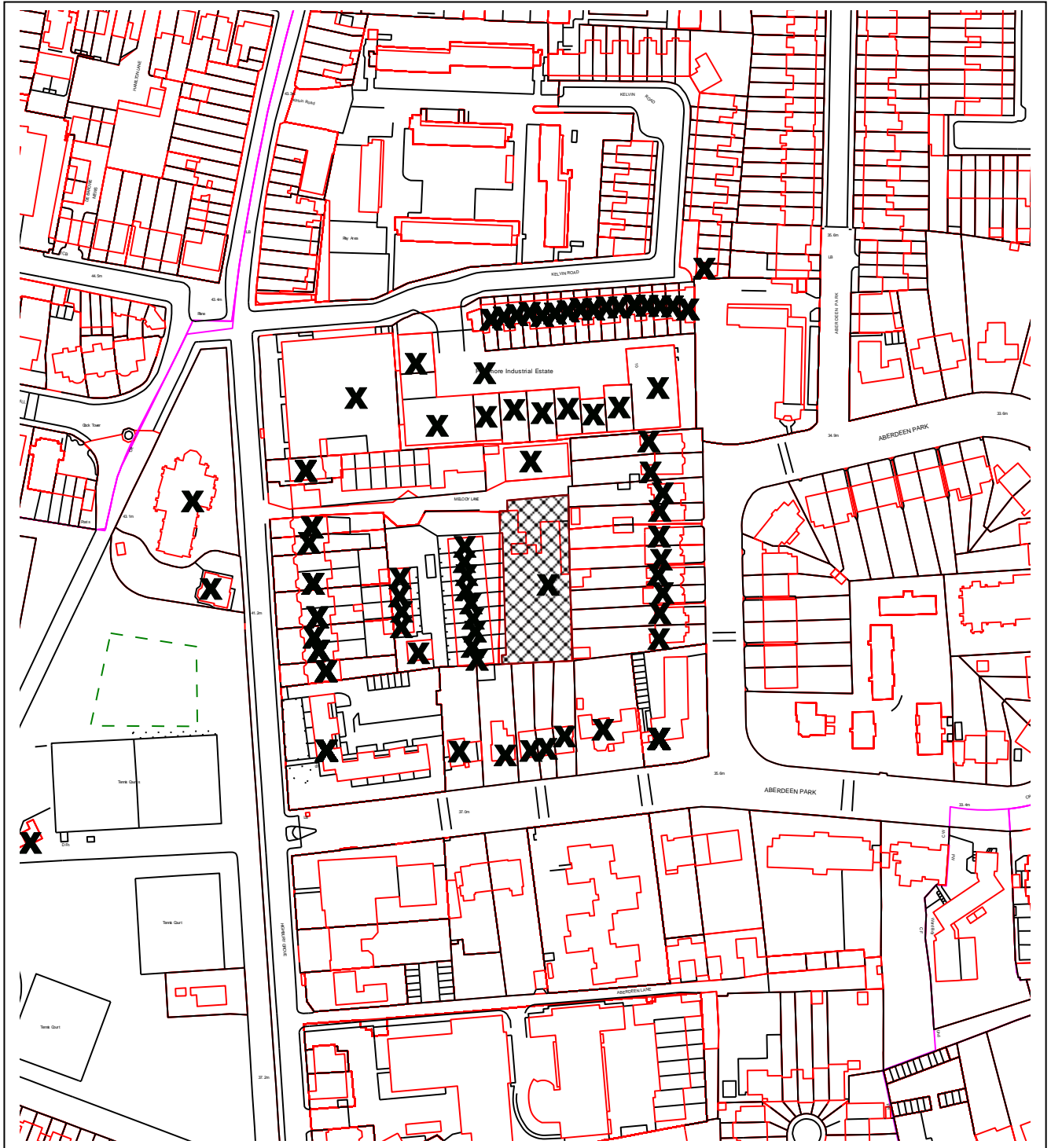
#### **Islington Local Development Plan**

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Islington Urban Design Guide

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- Planning for Equality & Diversity SPG
- Shaping Neighbourhoods – Character and Context SPG
- Sustainable Design and Construction SPG
- London Planning Statement (May 2014)
- Central Activities Zone SPG
- London View Management Framework SPG
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG
- Social Infrastructure (May 2015)
- Playspace and Informal recreation SPG
- Affordable Housing and Viability SPG

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