



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting to be held remotely by Zoom on 18 March at **7.30 pm.**

Link to meeting: <https://weareislington.zoom.us/j/93734132019>

Enquiries to : Ola Adeoye
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Despatched : 10 March 2021

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.**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Burgess	- Junction;
Councillor Kay (Vice-Chair)	- Mildmay;	Councillor A Clarke-Perry	- St Peter's;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Hyde	- Caledonian;
Councillor Chowdhury	- Barnsbury;	Councillor Wayne	- Canonbury;
Councillor Clarke	- St George's;	Councillor Webbe	- Bunhill;
Councillor Convery	- Caledonian;	Councillor Williamson	- Tollington;
Councillor Ismail	- Holloway;		
Councillor Khondoker	- Highbury West;		
Councillor Poyser	- Hillrise;		
Councillor Woolf	- Canonbury;		

Quorum: 3 councillors



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

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

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

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

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

- *(a) **Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

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

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B.	Consideration of Planning Applications	Page

1.	1 Lowther Road, London, N7 8US	13 - 88
2.	233-239 & 241-243 Pentoville Road & 172-176 Kings Road, N1 9NG	89 - 150
3.	Site of Former Charter House(Also known as Caxton House) , 2 Farringdon Road & Units 501-520 London Central Markets Gate 30,45 Charterhouse Street, London , EC1M 3HP	151 - 158

C. Consideration of other planning matters Page

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

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

F. Confidential/exempt items Page

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Committee, 20 April 2021

Please note all committee agendas, reports and minutes are available on the council's website: www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

Schedule of Planning Applications

PLANNING COMMITTEE - Thursday 18 March, 2021

COMMITTEE AGENDA

1 1 Lowther Road
London
N7 8US

2 233-239, 241-243 Pentonville Road
172-176 King's Cross Road,
London
N1 9NG

3 Site of former Charter House (also known as Caxton House)
2 Farringdon Road and Units 501-521 London Central Markets
Gate 30, 45 Charterhouse Street
London
EC1M 3HP

1 1 Lowther Road
London
N7 8US

Application Number: P2020/2910/FUL

Ward: Holloway

Proposed Development: Demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works.

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: Mr Akin Durowoju

Recommendation:

2 233-239, 241-243 Pentonville Road
172-176 King's Cross Road,
London
N1 9NG

Application Number: P2020/0632/FUL

Ward: Clerkenwell

Proposed Development: Rear and roof extensions (including dormer windows) to 233-239 and 241-243 Pentonville Road behind retained front and side facades following partial demolition; connection of 233-239 and 241-243 Pentonville Road with 172-178 King's Cross Road; provision of new and refurbished Office floorspace (Use Class B1a); creation of new retail unit (Use Class A1) at ground and lower ground floors of 241-243 Pentonville Road; replacement shopfronts to Pentonville Road facades; and associated servicing areas and plant.

PLEASE NOTE: You are being reconsulted about the above planning application due to the submission of revised drawings and supporting documents.

Application Type: Full Planning Application
Case Officer: Simon Roberts
Name of Applicant: See agent
Recommendation:

3 Site of former Charter House (also known as Caxton House)
2 Farringdon Road and Units 501-521 London Central Markets
Gate 30, 45 Charterhouse Street
London
EC1M 3HP

Application Number: P2021/0246/FUL

Ward: Clerkenwell

Proposed Development: Stopping up Order S278 highways works in relation to commercial development at Charterhouse Place, 33 Charterhouse Street, London.

Works comprise improved footway surfacing for the extent of footway abutting the development curtilage. Kerblines are to remain as existing with no change of line or level, no drainage works are required

Application Type: Full Planning Application

Case Officer: Elizabeth Reynolds

Name of Applicant: ARE 1 Farringdon Holdings SARL

Recommendation:

London Borough of Islington

Planning Committee - 9 February 2021

Minutes of the Zoom meeting of the Planning Committee held on 9 February 2021 @ 7.30 pm.

Present: **Councillors:** Klute (Chair), Kay (Vice-Chair), Picknell (Vice-Chair),
Chowdhury, Convery, Ismail, Khondoker, Poyser and
Woolf
Also **Councillors:** Heather and Shaikh
Present:

Councillor Martin Klute in the Chair

- 211 **INTRODUCTIONS (Item A1)**
Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.
- 212 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Clarke.
- 213 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 214 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 215 **ORDER OF BUSINESS (Item A5)**
The order of business would be as per the agenda.
- 216 **MINUTES OF PREVIOUS MEETING (Item A6)**
- RESOLVED:**
That the minutes of the meeting held on 5 November 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 217 **NAGS HEAD COVERED MARKET, 22 SEVEN SISTERS ROAD, N7 6AG (Item B1)**
Proposed use of mezzanine floor for food and drink uses in association with the retention of Ground Floor Market use (Sui Generis), with associated first floor access door and staircase (emergency escape) to south elevation, and creation of covered first floor terrace to the west elevation, together with the retention of first floor central glazing and built up brickwork to south elevation, retention of north flank first floor central glazing and brick wall enclosure and retention of alterations to rear extractor/plant equipment, louveredhed screen and associated works.
(Planning application number: P2020/0079/FUL)

In the discussion the following points were made:

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- The Planning Officer advised that the meeting that a further representation was received after the agenda was published, however the issues raised had already been addressed in the report.
- Meeting was informed that officers would like to amend recommendation in condition 3 of the report, to read – ‘The ground floor of the market use hereby approved shall only be laid out and operated in accordance with the approved Use Class Plan – 21/01/21 ref: NHM2001. No less than 60% of the total ground floor units shall be in retail use at any one time. With the exception of a change to a non-retail use to a retail use, the units identified on the approved Use Class Plan – 21/01/21 ref: NHM2001 shall remain in the approved use only, unless otherwise agreed in writing by the Local Planning Authority.
- Site is not listed nor is it located within a conservation area, however it is sited within the Nag’s Head Town Centre and with a Primary Retail Frontage.
- The proposal seeks to regularise the use of the ground floor space which given the mix of retail, café/restaurant and hot food takeaway units together with the mezzanine uses would comprise a Sui Generis use.
- The Planning Officer acknowledged that there are currently 45 units in total at ground floor level with a number of formerly separate units being amalgamated, it has a potential of increasing up to 65 units.
- Members were informed that the mezzanine on the first floor is subject to a certificate of lawful development for the physical structure. The proposed use of the mezzanine although laid out and fitted out is not operational.
- The planning officer reminded the meeting that a previous Certificate of Lawful Use application to demonstrate the existing lawful use of the site was for Sui Generis at the site had been refused on the basis that insufficient evidence was submitted with the application.
- Main issues for consideration are land use, it’s design, the impact of the scheme on the amenity of neighbouring residents, delivery and servicing, and highway and transport impacts.
- Members were advised that although the entire use of the site is considered unauthorised at the moment it is operating as a Sui Generis use. The proposed mix of uses ensures that no less than 60% of the total ground floor units shall be in retail use at any time and any change to a non-retail use will require permission from the local planning authority. It is considered that the mix of uses being proposed across the site is acceptable and supports the town centre function.
- In terms of management and operation of the site a Operational Management Plan and Night Time plan were submitted with the application, and they includes customers leaving the site after 8pm through Seven Sisters Road, restrictions of bottling out times, operating hours and the use of smoking terrace and bar use which is ancillary to food hall
- In terms of land use and function the meeting was advised that officers consider the proposal appropriate, that a food hall of this scale and kind, together with the retained ground floor market use is appropriate in respect of Nag’s Head and its position in the retail hierarchy of the Borough.
- With regards to the ancillary bar which is located to the south of the mezzanine, the Planning Officer advised that the applicant has submitted an

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Operational Management Plan which details that vendors will serve drinks only to customers who have bought food and are seated to ensure that this use remains ancillary to the primary function of the market.

- In addition to the above, a condition is recommended requiring the operation of the mezzanine floor in accordance with the submitted Late Night Operations Plan and further details to be submitted
- Members were informed that there is an expectation that each café/restaurant unit may have ancillary takeaway services.
- In protecting the amenity of residents, the proposal includes an Operational Management Plan, detailing a number of operational measures that would be in place to mitigate noise, disturbance and anti-social behaviour occurring from the venue.
- In response to delivery and servicing concerns, the meeting was advised that a detailed Servicing and Delivery Plan was required to be submitted by condition and that this would address points such as riders and mopeds operating within the designated area for the collection of hot food takeaway.
- In addition to the above, the planning officer advised that to address residents concerns about noise from delivery vehicles and odours, pollution and adverse air quality, any collections by delivery drivers taking place after 20.00 hours will be required to be carried out by non-motorised vehicles which is secured by a condition.
- On concerns that the facility will attract additional users to the site and result in increase in the numbers of people visiting, the Planning Officer reminded members that the site is in an accessible location, with sustainable modes of transport.
- The Planning Officer informed the meeting that although not a planning consideration, a Fire Brigade Prohibition Notice is still in place number of users of the mezzanine floor. Meeting was advised that both the Fire Brigade and the Council's Building Control Team were consulted with regards to Fire Safety and no objections were raised.
- In terms of concerns regarding the serving of alcohol, the Planning Officer reminded members that although the operational management plan states that this would be restricted to only those seated and having a meal in the Upper Place of the mezzanine, the operators will be required to apply for a separate licensing application before it can commence.
- An objector was concerned that despite the application been refused previously by both the Planning Committee and the Licensing Sub Committee due to concerns about the storage containers and the location of the flues it is being put forward once again for consideration by the Committee, that this was an unlawful development on a large scale and furthermore an attempt to change the use of the market from retail to food halls. He was concerned with the owners behaviour in kitting out the mezzanine area prior to the owners seeking permission and that the local planning authority should put a stop to it.
- Members were reminded of planning violations by the developer over the years and that despite the Nags Head area being designated as a cumulative impact area with all its subsequent anti social activities, this development was still being considered.

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- A Ward Councillor was concerned that the scheme is not in line with the Council's Inclusive economy agenda, that the scheme being proposed would result in market traders being moved out when unaffordable rents are introduced by the owners in the future with the result, that this was some form of gentrification. Members were reminded that Nags Head is a very unique market and it's loss would have a big impact on the local community and users. Ward Councillor advised of owners behaviour especially around works being carried out without permission and was concerned with fire safety especially from the mezzanine use.
- A resident was concerned that prior to the purchasing her family home her searches did not reveal anything about Nags Head Market possibly due to retrospective application. It was reiterated that another drinking outlet was not what the area required especially as Islington Council has designated the area as a Cumulative Impact Area. Other issues raised were noise pollution due to delivery and articulated vehicles serving different supermarket throughout the day, which will have an adverse impact on residents well-being and amenity. Members were reminded that Nags Head Market was originally built to be open air market, and not to become a place for 16 kitchens made from wood and iron serving food in a tight area and a potential fire risk. Resident was concerned about the health and hygiene implications that will arise from pollution and left over food. Members were reminded that considering the area is predominantly residential, this proposed scheme is not welcome as there are other empty spaces nearby with development potential for such schemes.
- A resident was concerned that considering application was refused in 2019, there was no reference to this in the officer's presentation. Resident noted the fabric of the market, that it was in a state that demonstrated lack of care by the owners with its slippery floors and broken tiles. With regards to the proposed units in the mezzanine, resident had concerns that this was a potential fire hazard highlighting operations from the 16 hot kitchens, its partitions and the tin roof above these units.
- A resident was concerned about the negative impact of the scheme on residents especially as it would result in an increase in the level of vehicular movement and road safety concerns. Resident had doubts about the submitted Operational Management Plan and its enforcement especially as the current owners have a history of abiding by guidelines or planning policy. Resident reiterated that noise disturbance is bound to increase especially in light of recent Covid guidelines which encourages vehicular movement with the result that it will have an impact on the air quality in the neighbourhood.
- A Ward Councillor was concerned about the Fire Brigade's Prohibition Notice as there were still issues and potential risk to people, restricting the number of people using the mezzanine. There were also concerns about the combustible materials used in the rear of the servicing area and its close proximity to the smoking terrace. Also concerns about the Management plan, describing it as inadequate because it fails to address the amenity concerns of neighbouring residents especially with opening hours, waste collections and bottling till 11pm, amplified music, serving alcohol in the cumulative impact area and parking in local streets.

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- Members were reminded that if Committee were minded to grant planning permission, it was able to introduce alternative measures to protect the amenity of the residents. It was also suggested that the application be deferred for further negotiations with the applicant on issues such as the mezzanine capacity and opening times.
- In response to objectors concerns, the planning agent noted the two elements to the mezzanine floor, the physical existence and secondly its use. In terms of its actual presence, structural and associated works supporting the mezzanine floor, the meeting was advised that it is lawful as a result of a 2018 lawful development certificate granted by the Council. The agent acknowledged that the issue of its use is why the application is before the committee.
- With regard to the ground floor use, the agent informed the meeting that having a greater mix of uses with food hall and retail is a reflection of society expectation, a place not only where shopping occurs but a place for family and friends to meet and socially interact and therefore promoting a more inclusive economy.
- On the issue of enforcement, the agent acknowledged the mistakes of the past, that owners are aware of formal proceedings being instigated in relation to the use of the ground floor, it's impact on the future and existence of the Nags Head market locally.
- The agent informed members that TFL supports both the Service yard details and arrangements submitted with the application and in particular welcoming the scheme as it is a car free development, reminding members of a condition in the report that further details are to be agreed on the access, servicing and refuse collection .
- The agent acknowledged that although Licensing had not been secured, the applicant is aware that the facility is within a cumulative impact area. In addition, the agent advised that although no objections was received from the Council's Licensing Officer, there will be a nominated person on the premises licence who will be an experienced person under the management of the Nags Head Market and the Upper Place.
- In terms of the smoking terrace, the agent advised that it is not visible from public vantage point, and that there will be control of its use.
- With regards to fire concerns, the agent advised that this due to a result of a visit by the London Fire Brigade, that the prohibition notices was issued simply as a result of uncompleted works on Hertslet Road with the assurance that this will be lifted when completed. Meeting was informed that LFB have indicated that if planning permission is granted this notice will be lifted.
- The agent reassuring Members that the scheme is not a night club or a drinking venue with 300 people but a class establishment with an upper area that will be offering high quality specialist food from around the world. Members were reminded that experience from other similar establishments around London demonstrates that it is a place where family meet, children friendly, where you choose your food and drink.
- In terms of noise concerns, the agent informed the meeting that it will be of a quiet atmosphere with some light background music and no loud music.

Research shows that patrons to such establishment tend to be there between an hour and an hour and half at the most.

- Meeting was informed that as part of it encouraging family friendly activities, there are plans to invite schools to partake in cooking classes
- In response to concerns that it will now be predominantly non-retail use rather than retail use, the agent advised that the food upstairs is a different venue with different management considerations. Members were advised that although the ground floor is a market and owners intend it to remain a market, it is important to recognise the challenges being experienced by retail as the trend is towards online shopping, however the proposal aims to retain 60% of the ground floor as retail with a mix of food.
- In response to concerns about the management of the operations in particular of Upper Place, the meeting was advised that 4-5 persons in place during the week while on busy days and weekends there will be 6-7 persons exclusive of door staff. In terms of takeaway collection concerns, meeting was advised that although details are to be sorted out prior to opening, if not possible there are plans by the owners to set up its own delivery team within a mile radius of the facility. Members were assured that there will be no collection from the Hertslet Road entrance.
- In response to a question on whether there was any evidence that the Fire Prohibition notice will be lifted if and when planning permission is granted, the Planning Officer advised that from a planning point of view the Council has no control of what LFB's operations, however it is important to note that no objections were received in relation to the Fire Safety Strategy.
- In response to a question on the size of the dining area, Members were advised that as stated in paragraph of 4.2 of the report, the mezzanine has a total area of 606sqm, with the seating area comprising approximately a third of the floor space area.
- On the question of if any discussions had taken place with delivery firms, the agent advised that none had taken place yet but options are being considered, and failure to secure any vendor motorised bikes or cargo bikes will be used. Members were reminded that the facility is not a delivery facility but more of people visiting and seating down to enjoy the venue.
- In response to an enquiry of its engagement with schools, the agent advised that in the last 6 months funding of a breakfast club had occurred and there are plans to engage with other neighbouring schools on different initiative and will be looking to working with relevant council services in the future.
- On the issue of deliveries and how it will work, the agent informed the meeting that suppliers to the site will enter the gate from Hertslet Road, parking in the designated bay and delivering the goods using the main market.
- To protect amenity and other road users, delivery drivers will not be allowed to congregate on Hertslet Road or any residential street in the vicinity of the site and that the Delivery and Servicing Plan ensures that the management team will not allow delivery drivers at Hertslet Road and collection within the servicing yard only.
- In response to a question, the agent acknowledged that the mezzanine proposes to be operational serving 16 food and drink vendors and that the

seating located to the centre of the Upper Place would accommodate approximately 240 covers

- The agent reiterated that the mezzanine floor is intended for those who are eating and not for 'vertical drinking', that the scheme is intended to be a family oriented facility which welcomes family and their children.
- The agent acknowledged noise concerns especially from the activities and operations from the mezzanine floor. The agent advised members that in considering whether the increase in noise levels would be detrimental to residents it should consider it in conjunction with factors such as the site location, character and function of the area. Members were reminded that in situations like this conditions would address any impact of the scheme on the amenity of neighbouring residents.
- In response to a question about whether the committee can consider to address the maximum number of users in the Mezzanine, the Planning Officer advised that although not part of the proposal, the committee if minded are welcome to consider it.
- During deliberation, the Chair reminded members that traffic and crime safety concerns had been addressed by both TFL and the Police, reminding members to focus on the main planning considerations, noting his concerns about the operating hours but also acknowledging that this should be considered in conjunction with the operation and management plans provided by the applicant.
- A Member acknowledged that applications should not be determined on trust, committee is invited to take a decision on details of an operational and management plan. Member was concerned with the build now and seek permission later approach. Additional concerns include the high risk of vehicle use which could not be controlled; noise pollution, the intensification of food services as the whole building will now comprise of units which will either be café/restaurant, hot food and takeaway causing a significant imbalance to the primary use of the market and therefore was in favour of a refusal.
- A suggestion on operating shorter hours and tweaking details in the management and operational plans could in some ways mitigate short comings about the scheme
- Member acknowledged that although he had reservations about the impact of the scheme on residential amenity but was ambivalent about an outright refusal to the scheme as there is insufficient grounds to refuse planning permission. A suggestion that restricting hours could mitigate concerns about residential amenity.
- A member did not agree with the vision of the scheme, that it is in conflict with the aims of the Nags Head Town Centre especially with its shift towards food halls and evening gatherings area instead of it being a family oriented gathering area. Another suggestion was that if permission is to be granted, conditions should be included to manage capacity, deliveries in and around the facility.
- A member suggested item to be deferred due to concerns regarding capacity in and around the mezzanine, fire safety need to be addressed. A suggestion on the possibility of ensuring that 70% of the ground floor use be retained

for retail use and operating hours of the mezzanine be amended to close at 8pm.

- A member was concerned about the loss of retail units and its change to food halls especially as it will alter the character of the area and would welcome a refusal.
- A member questioned the delivery arrangements as suggested by the applicant as there is insufficient information provided with the application.
- A suggestion on putting a constraint of 130 covers on the occupancy in the mezzanine area and reduced hours for the mezzanine floor to 8pm on weekdays and 8pm on the weekends was welcomed.
- With regards to a question about amending the percentage of ground floor space from the proposed 60% to 70%, the Planning Officer advised that condition 3 could be amended to include such a measure.
- In response to a suggestion on inserting clauses to protect any future loss of retail units on the ground floor and it not being used for another use, the Planning Officer advised that amended condition 3 requires permission to be sought before any change away from retail can occur and any change will have to be fully assessed.
- On the suggestion of the possibility of retaining 70% of the ground floor for retail use, the planning officer reminded the meeting that Council policy only applies to the ground floor. Member enquired if any future closure of a food use on the ground floor could be returned as a retail unit.
- It was agreed by the committee to delegate the wording of the amended conditions to require 70% of the ground floor to be in retail use, in addition to a maximum capacity of 130 covers to the mezzanine floor and the opening hours of the mezzanine floor to 8pm to the Planning Officer in conjunction with the Chair of the Committee.

Councillor Klute proposed a motion to grant planning permission subject to amending conditions to require 70% of the ground floor to be in retail use, a maximum number of covers to the mezzanine floor being 130 and that the mezzanine use should cease at 8pm daily as stated above to address capacity in the mezzanine, opening hours in the mezzanine and amending the percentage of retail use at ground floor level. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions, and informatives set out in Appendix 1 of the officer report and amended conditions as stated above

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NAGS HEAD COVERED MARKET, 22 SEVEN SISTERS ROAD, N7 6AG (Item B2)

Part retrospective application for the retention of storage containers, meter access door, and a ventilation flue to the south east elevation of the existing building, plus cladding of the containers and ventilation flue.

(Planning application number: P2020/0584/FUL)

In the discussion the following points were made:

- The Chair reminded members that the application relates to the physical works and not to the uses on the site which is the case with item B1 and it should be dealt with independently.
- Site is not listed and the property is not located within a Conservation Area and situated within the Nag's Head Town Centre and Nags Head Primary Retail Frontage
- The Planning Officer advised that the key issues for consideration relate to its design appearance and impact on the amenity of neighbouring residents.
- Members were advised that the application addresses the reasons for the previous refusal and officers are now of the view that this is now considered an acceptable form of development.
- The Planning Officer advised that the ventilation flue as amended, projects upwards at first floor level above the storage container. Members were advised that the flue as proposed would terminate at the eaves of the existing roof and would be reduced in height compared with the flue installed at the site.
- Members were informed that the differences between the application and the refused application is the removal of the first floor container, a reduction in scale of the flue and the cladding of the containers.
- To address concerns about the visual appearance, the Planning Officer advised that the proposal will now include the cladding of the containers with painted brick slips to be painted green to match the colour of the consented proposal for the renovation of the North and West entrances.
- With regard to the impact of the proposal on the amenity of residents, meeting was advised that conditions have been included to address noise and odour concerns from the ventilation flue.
- With regards to the location of the flue and its impact on neighbouring residents, the Planning Officer acknowledged that a noise assessment report was submitted with the application reviewed by the Council's Environmental Team, that condition 4 in the report recommends noise levels ,while conditions 5 and 6 ensures that issues such as odour and air quality are addressed.
- Reasons for refusal of a previous application for works as installed were its incongruous design and unsympathetic appearance of the containers and the scale and location of the storage containers. The decision was appealed and subsequently dismissed by the Inspector.
- With regard to the external alterations and development to be retained, members were advised that the proposal is considered acceptable in design and this would not harm the character and appearance of the area. terms a
- In response to concerns about the ventilation flue on the well being of residents, the agent informed the meeting that it is located at the south elevation and in close proximity to Hertslet Road and is 22metres further from neighbouring residents

Planning Committee - 9 February 2021

- An objector was concerned with the location of the flue as it should be at the back of the building, that storage containers have been put in place without planning permission objection and it should not be allowed.
- An objector reiterated his concern that the agent has demonstrated once again that he can put a 100sqm container and 8m flue without planning permission, no building control on the building has been considered so the applicant continues to flout the law
- A Ward Councillor objected to the number of storage and if it actually serves the food halls. He also raised concerns about the flue's location, that it should be moved further to the rear of the site.
- In response, the agent acknowledged that the storage units supports the day to day operations of the existing ground floor units and not related to the upstairs use, that the use is acceptable in principle. Members acknowledged that there have been a number of changes since the refused application, the reduction in height and an improvement in the visual appearance. The agent noted that although the containers have been in place for over 5 years, no complaint was ever lodged and as officers have noted it will not generate noise or be visually obtrusive.
- With regards to the location of the flue and the reasons, the Planning Officer advised that from a planning view point the assessment is based on the proposal, which is considered to be acceptable.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions set out in Appendix 1 of the officer report.

The meeting ended at 10.15 pm

CHAIR



COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO: B1
Date:	18 th March 2021	

Application number	P2020/2910/FUL
Application type	Full Planning Application
Site Address	1 Lowther Road London N7 8US
Proposal	Demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works.
Ward	Holloway Ward
Listed building	Opposite (within 50m of) St Mary's House (Grade II Listed)
Conservation area	Within setting of St Mary Magdalene Conservation Area
Development Plan Context	Mayor's Protected Vista Local Cycle Route Within 100m of TLRN
Licensing Implications	None

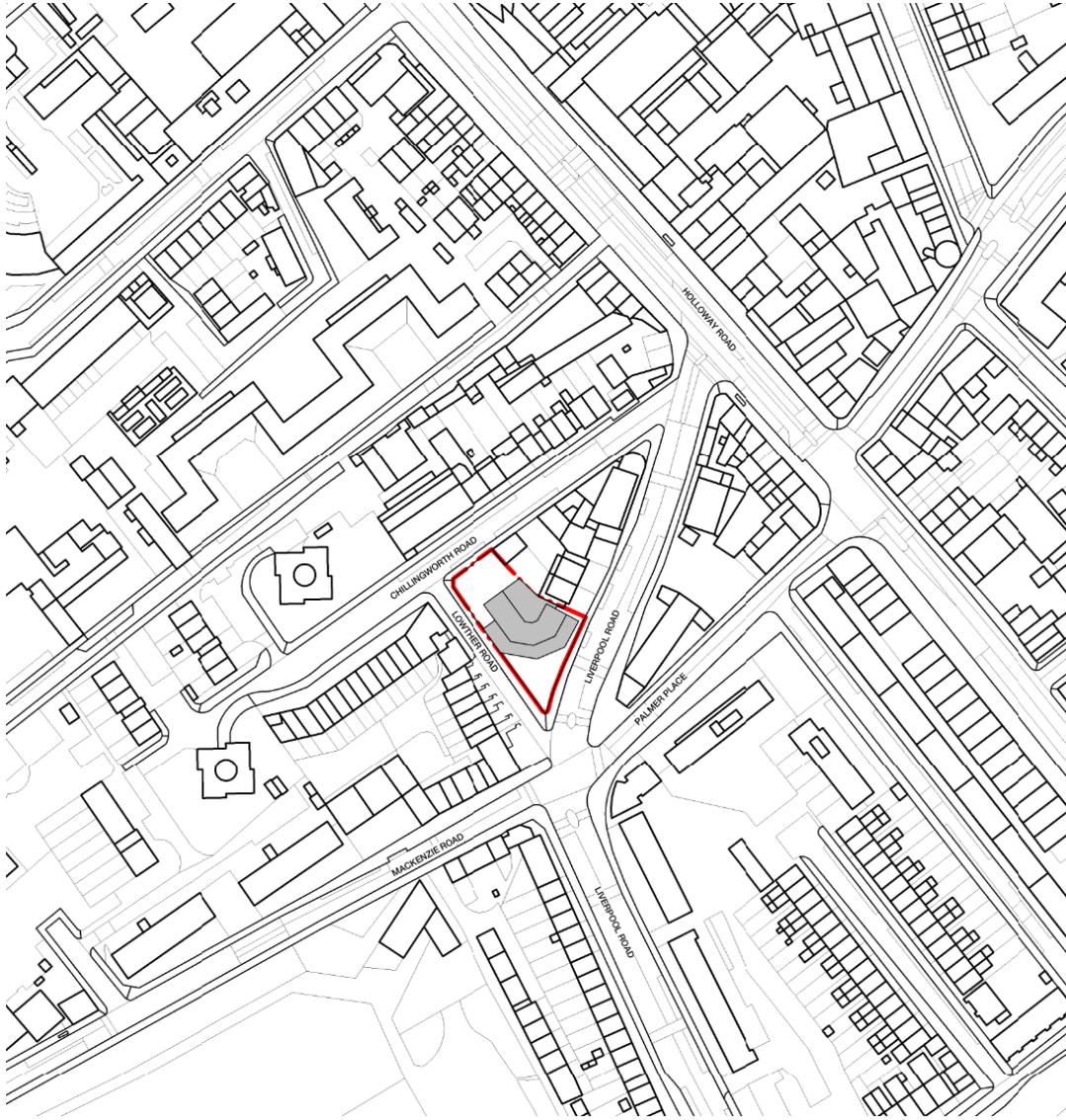
Case Officer	Stefan Sanctuary
Applicant	Camden & Islington NHS Foundation Trust
Agent	Cundall

1. RECOMMENDATION

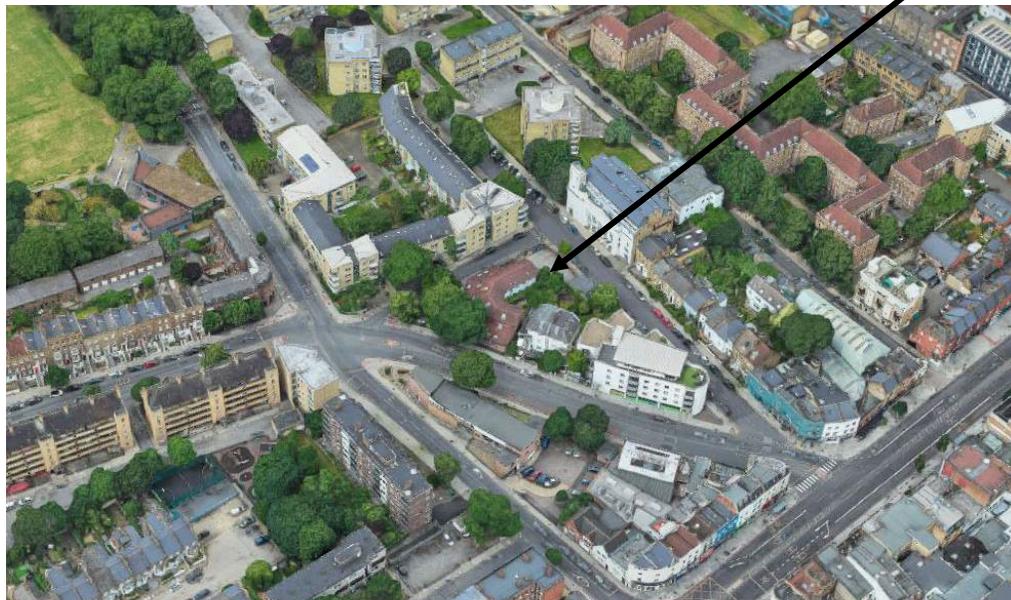
The Committee is asked to resolve to **GRANT** planning permission:

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

2. SITE PLAN / PHOTOS OF SITE



Application Site



Application Site

Birdseye View 1 looking west

Application Site



Birdseye View 2 looking north



Photo 1: View of Site looking north



Photo 2: Looking north-west



Photo 3: View of Site from Lowther Road



Photo 4: View of Site with Grade II Listed Building in background



Photo 5: Looking south back along Lowther Road with Arcadia Court in view



Photo 6: Looking north-east across the Site



Photo 7: Looking east along Chillingworth Road



Photo 8: Looking south-west down Chillingworth Road

3.0 SUMMARY

- 3.1 The application is for full planning permission for the redevelopment of the site involving the demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works. The proposal aims to expand, improve, and consolidate mental health services whilst providing relevant ancillary functions.
- 3.2 The principle of the planning application, in delivering an enhanced and integrated mental health facility, is considered to be acceptable and in accordance with policy. The proposed development is considered to be consistent with the aims and objectives of NPPF as well as London Plan Policies GG1, GG2, S1 and S2, Islington Policy DM4.12, DM6.1 and emerging Policy SC1. The proposal is also in line with the Site Allocation OIS23: 1 Lower Road, which supports the protection of the existing healthcare use of the site as well as the intensification of healthcare and social infrastructure uses.
- 3.3 The proposal is considered to introduce a well-designed and contextual building that would preserve the setting of the grade II listed building opposite the site as well as the neighbouring St Mary Magdalene Conservation Area. The proposed building is expressed in a quiet contemporary contextualism that presents well-mannered edges to the three streets it faces and to the residential flank to its eastern edge. The application is thus considered to be acceptable in terms of design, appearance and heritage in accordance with Development Management Policies DM2.1, DM2.3, DM2.4 and DM2.5, Islington Core Strategy CS8 and CS9, London Plan Policies D1, D3, D4 and emerging Local Plan Policy DH1 and DH3.
- 3.4 The proposed development is considered to have been designed to minimise impacts on residential amenity but would nonetheless result in some adverse impacts in terms of loss of daylight and sunlight on neighbouring residential properties, albeit the adverse impacts are considered to be outweighed by the overall benefits of the proposals. Other impacts on neighbouring amenity such as overlooking, outlook, sense of enclosure, noise / disturbance and transport impacts are considered to have been successfully mitigated and minimised, subject to appropriate conditions as detailed in Appendix 1. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policies DM2.1.
- 3.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 3.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development; thus, the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

4.0 SITE & SURROUNDINGS

- 4.1 The application site, which is roughly rectangular in shape with a wider splayed frontage onto Liverpool Road to the south, is some 0.11ha in size. The site is also bordered by Lowther Road on its western flank and Chillingworth Road to the north. It is adjacent to the St Mary Magdalene Conservation Area which adjoins the site to the immediate north-east. It is also situated opposite St Mary's House (located to the north), which is a grade II listed building on Chillingworth Road.
- 4.2 The existing building, which is in use as a mental health facility, was built in the 1980s. The building occupies half of the site with car parking occupying the northern section of the site and landscaped areas to the remainder along the site frontage to the south. The existing building, which is of no architectural merit, is of timber frame design with brick cladding. The existing entrance to the site is situated to the south and accessed through a green landscaped area with some medium and large mature trees.
- 4.3 The surrounding area is predominately characterised by residential apartment blocks and some semi-detached terraced houses, with one property (No. 551 Liverpool Road) sharing the site boundary to the north-east. The average height of buildings in the area varies from three to four storeys, though there are some buildings of more significant height such as the listed building on Chillingworth Road, which rises up to six storeys in height. The nearby Council estates of Mersey and Ringcross, which also make up the character of the local area, are expressed as housing blocks of 5-6 storeys in height.
- 4.4 In terms of the existing highways conditions, the site faces a busy section of road where Liverpool Road, Lowther Road, Palmer Place, Mackenzie Road all intersect. The site is considered to have an excellent level of accessibility to public transport with a rating of 6a. The site is within walking

distance to Highbury & Islington National Rail / London Underground, Drayton Park railway station and Holloway Road underground station. There are also a number of bus routes in the immediate area which are in close proximity to the site as well as local and major cycle routes.

5.0 PROPOSAL (IN DETAIL)

- 5.1 The development proposal includes demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works. The applicant is the Camden & Islington NHS Foundation Trust, referred to from now as 'the Trust'.
- 5.2 The proposal is for an outpatient mental healthcare facility which aims to expand, improve, and consolidate mental health services whilst providing relevant ancillary functions. Recent amendments to the Use Class Order effective from 1 September 2020 have resulted in the use class of the existing development being recategorised from use class 'D1' to use class 'E'. Whilst the proposed floorspace involves the creation of new Class E floorspace, in planning terms there is no change between the existing and proposed uses. The proposal would result in 2,391sqm (GIA) of medical use (Class E) floorspace to include consultation, treatment, examination rooms, and meeting rooms with associated flexible agile working areas for healthcare professionals, a small café, and an accessible courtyard and roof terrace accessible to staff members.



Proposed Lowther Road frontage

- 5.3 The proposed building is largely four storeys in height, though is somewhat set in from the street frontage on the Lowther Road elevation. The building is also set in from the Liverpool Road frontage to create a pocket park with retained trees along with new landscape interventions. The building steps down to two storeys in height towards the boundary to its neighbour at 551 Liverpool Road.



Liverpool Road frontage

5.4 Facilities for visitors and staff, such as cafe, collaboration zones, group and meeting rooms as well as cycle and refuse storage will be located on the ground floor. The first and second floor accommodate mental health services with consultation and treatment rooms and further support facilities. The third floor would be dedicated to agile working accessed only by staff and will include desk space for NHS staff, meeting rooms and pods along with a refreshment zone.



5.5 In terms of landscaping, a detailed proposal has been provided which seeks to balance aims of creating a welcoming arrival while creating a buffer to the heavily trafficked Liverpool Road. The landscape strategy maximises tree retention as well as biodiversity and is accompanied by a Landscape Management Plan, which sets out how features of ecologic interest would be maintained and enhanced.



6.0 RELEVANT HISTORY

6.1 The most relevant planning history related to the site is as follows:

901186: A planning application for a two storey extension to an existing Council N.O. for office and workspace use was approved on the 4th February 1991.

P090443: A Certificate of Lawfulness (existing) in connection with for use as health care centre D1(non residential institution) was approved on the 6th May 2009.

Pre-Application

6.2 The applicant approached the Council at pre-application stage and had a series of meetings at which the following points were raised and discussed:

- The trees along the Liverpool Road frontage would need to be retained; the creation of a pocket park with a soft edge to Liverpool Road would be supported.

- The enhancement of social infrastructure in the form of an improved mental health facility is supported in principle, subject to an assessment to relevant policies DM4.12 and DM6.1 as well as emerging policy SC1.
- Any successful proposal should relate well to the surrounding townscape including the adjacent St Mary Magdalene Conservation Area and the listed building opposite.
- Full site coverage would not be supported and building heights should not exceed four storeys, subject to detailed design and an assessment of impacts on neighbouring amenity.
- Some loss of daylight/sunlight may be unavoidable given the undeveloped nature of the site and the narrowness of Lowther Road, but should be minimised as much as possible.
- The internal spaces should provide a warm and welcoming environment for staff, patients and visitors.
- The development proposal should accord with all relevant policies and guidance related to energy, sustainability, inclusive design and transport impacts.
- A successful proposal will need to be accompanied by a management plan as well as well-considered security/safety measures.
- All other impacts such as air quality, noise and transport impacts will need to be fully considered.

It is considered that the matters raised at the pre-application stage have either been adequately addressed or are no longer considered to be material to the application.

Design Review Panel

6.3 The proposal was presented to the Design Review Panel on the 8th September 2020. The following comments were made, with the full DRP response provided as Appendix 3:

- *The Panel found the evolution of the building an interesting journey and considered that the site layout, the height, bulk and massing, as well as configuration of the building on the site appear to be sound and uncontentious.*
- *While the scale of the building was considered contextually appropriate, the extensive use of double height fenestration, metal frames, and expressed formality give it a 'hard edge' expression whereas those using the facility may be more encouraged by less formality and the inclusion of softer, more animating, architectural forms and features.*
- *The Panel therefore advised that the scheme would benefit from a more human architectural language which would give it a different, softer and more intimate quality. The fenestration would do well to reflect more closely the uses it frames.*
- *The Ground floor was considered by the Panel to be somewhat problematic with insufficient natural light or visual access to 'nature'. The large bank of office desks was considered to create a particularly poor working environment given the whole of this space would only be lit by sky lights. The Panel suggested this use should either be relocated to benefit from direct access to windows to the street or garden, or to bring an external courtyard down into the space providing the office area with direct access to an open and landscaped space.*
- *The Panel suggested that more be made – architecturally and functionally – of the stairs and stairwells whereby they be designed in a manner that actually encourages their use while also being used as a device to bring more natural daylight down into the building and providing a more interesting space in general. Currently they look as though they are designed to be fire escapes only rather than primary staircases for day to day use which is at odds with a medical related facility that is focused on improving health.*
- *The Panel considered that the landscaping would benefit from a reprioritisation with peaceful amenity and small scale intimacy through which there is ancillary pedestrian movement. 'Niches, nooks and crannies' were called for with a sense of intimacy and a greater sensitivity to human needs - were some of the design pointers offered.*
- *The Panel supported the ambition and the ethos of the project including the early interventions made to the scheme and the willingness to work with partner organisations towards creating a better offer for service users and providers.*
- *The Panel supports the scheme in terms of its urban design response and qualities with a scale and massing that appears to be contextually logical.*
- *The Panel would expect to see more contextual analysis including a study of the pattern and detailing of the surrounding buildings and to understand how the proposed architecture subsequently responds and fits. More drawings & details of the building within its setting, plans, sections & elevations together with 3D views would help to illustrate and explain this.*
- *The Panel considered this to be a positive review but the above reservations have been carefully articulated and need to be addressed in order for this to be the truly responsive, high quality building that is rightly aspires to.*

6.4 The DRP comments are addressed in the 'Design, Conservation and Heritage Considerations' section of this report.

7.0 CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 493 adjoining and nearby properties on Liverpool Road, Lowther Road, Chillingworth Road, Holloway Road, Georges Road, Mackenzie Road, Papworth Gardens, Palmer Place, Paradise Passage and Morgan Road on the 30th October 2020. A site notice and press advert were displayed on the 5th November 2020. The public consultation of the application expired on the 29th November 2020, though it is the Council's practice to accept comments and objections up until the day of Committee.
- 7.2 A total of 25 letters of objection were received from the public in response to consultation on this planning application and 2 letters were received providing comment or support for the application. The following points of objection were made [*with the paragraphs in brackets indicating where in the report the respective points have been addressed*]:
- The proposed elevation onto Chillingworth Road is incongruous and unsympathetic to the surrounding townscape [*paragraph 9.37*];
 - The proposed building is excessive in height, scale and massing [*9.31 – 9.34*];
 - The planning application would result in unacceptable impacts in terms of noise and disturbance [*9.101 – 9.105*];
 - The proposal relates poorly to the grade II listed St Mary's House opposite on Chillingworth Road [*9.47 – 9.49*];
 - The creation of a pocket park at the front of the building will lead to unwanted gatherings engaged in anti-social behaviour and will not provide patient privacy [*9.105 – 9.108 and 9.151 – 9.156*];
 - The height and scale of the building will result in impacts on privacy and daylight afforded to neighbouring residents [*9.77 – 9.100*];
 - There will be unacceptable increases in traffic volume and air pollution [*9.116 – 9.123*];
 - The impacts of the proposal on Arcadia Court in terms of daylight/sunlight and sense of enclosure are unacceptable [*9.81 – 9.92*];
 - The proposal would lead to unacceptable overshadowing and overlooking of the gardens of 551/553 Liverpool Road [*9.94 – 9.98*];
 - The proposal constitutes overdevelopment with unacceptable impacts on neighbouring amenity [*9.61 – 9.115*];
 - A larger facility will only exacerbate anti-social behaviour [*9.106 – 9.109*];
 - Although the proposal constitutes overdevelopment, mental health patients nonetheless need more space rather than being in a tight space in an inner London location [*9.10 – 9.14*];
 - The mental health facility should not be considered in a residential area close to Arsenal and a large student population [*9.1 – 9.14*];
 - The proposed hours of use would lead to unacceptable impacts on neighbouring residential amenity [*9.101 – 9.105*];
 - The proposal would lead to a significant increase in floorspace which would lead to an unacceptable intensification of the use [*9.31 – 9.115*];
 - Impacts on parking would be unacceptable [*9.116 – 9.121*];
 - The proposal would be overbearing and would lead to a loss of view and outlook [*9.111 – 9.112*];
 - The development would result in the loss of a Cherry Tree in a neighbouring garden [*7.14*];
 - More roof space should be allocated for green/brown roofs to enhance biodiversity and water retention [*9.148 – 9.149*];
 - The proposal is not sufficiently sustainable, should be car-free and carbon neutral [*9.117 – 9.120 and 9.128 – 9.150*];

The letters of comment:

- The improvement of mental health facilities in the borough is supported [*paragraphs 9.1 – 9.14*];
- The existing facility causes a significant amount of anti-social behaviour which needs to be addressed as part of this planning application [*9.101 – 9.108*];
- Residents of Lowther Road should be compensated for the impacts on their lives as a result of the facility [*not considered to be a planning matter*];
- Security lighting and cameras should be installed in order to improve safety and security [*condition 31*];
- Construction impacts during times of home-working will be unacceptable [*9.113 – 9.114*];
- The applicant's consultation process was poorly managed [*Officer comment: unable to comment – however, the statutory consultation process carried out by the LPA followed relevant guidance*];

External Consultees

7.3 Thames Water

Thames Water has raised no objection to the proposal subject to standard conditions and informatives on piling methods, groundwater, sewerage infrastructure, waste, water and surface water.

7.4 London Fire & Emergency Planning Authority

No formal comments received, but recommend that sprinklers are considered for new developments.

7.5 Historic England

No objections raised to the proposal.

7.6 Designing Out Crime

No objection raised to the proposal in principle. The following points were made:

- The applicants have fully considered my advice and altered a lot of the design from its early stages to incorporate recommendations made from a safety and security point of view;
- It is appreciated that residents will be concerned about this venue and it does have the potential to attract crime and antisocial behaviour due to issues over controlling access throughout;
- The mental health unit has now been moved to the first floor (initially it was proposed on the ground floor) and this provides a more secure environment and no cross-over from those using the offices for the part of the building;
- Access control on the stairwells and lifts are recommended to minimise patients, office workers or illegitimate users entering parts of the building they shouldn't. [*Officer comment: this has been incorporated into the proposal with further details required as part of condition 14.*]
- Secure doors separate the reception spaces from the offices and the treatment rooms. These doors also have encrypted fob access control which can be managed so that if keys are lost or stolen they can be cancelled straight away. Management can also restrict access for certain users. [*Officer comment: these measures should be conditioned as part of condition 14 and 31*]
- Externally the building line is now more favourable compared to previous version so that there are clear sight lines and no building recesses which could become subject to misuse. Lighting and CCTV has also been discussed to ensure that they work in collaboration with each other and images are of evidential quality. It is important to not only reduce the fear of crime but the opportunity for it. [*Officer comment: the permission would include conditions requiring security lighting (9) to be submitted, Secured by Design to be achieved (31) and a Management Plan to be agreed (14)*]
- I would ask that this development is conditioned (condition 31) to achieve Secured by Design accreditation to ensure that the recommendations are implemented as advised.

These comments have been successfully incorporated into the design or have been reserved by appropriately worded condition (31), requiring the development to achieve Secured by Design accreditation.

Internal Consultees

7.7 Design and Conservation

The Design & Conservation Team made the following points:

- This is considered a well-designed scheme. It is a brick building expressed in a quiet contemporary contextualism that presents well-mannered edges to the three streets it faces and to the residential flank to its eastern edge.
- The architecture is not reflective of a residential typology, suitably signifying a different use within the streetscape.
- The landscape setting to the primary frontage, including the retention of three high quality trees, enriches the scheme itself while providing a high quality open space within the local area.
- The scheme is therefore supported.

7.8 Planning Policy

A number of comments have been made by the planning policy team. These can be summarised as follows:

- Policy is broadly supportive of an enhanced mental health facility in this location, which will also provide flexible workspace for healthcare professionals.
- Colleagues in Design and Conservation will be able to comment on the scale of the proposed building and its affect on nearby heritage assets.

- As the site is already used for mental health services it would be useful to understand if the crime and anti-social behaviour objections voiced by some residents are an existing issue.
- The planning application is for D1 floorspace. As a non-residential health service for visiting members of the public, the use of the proposed building now falls under the new Class E.
- It is suggested that, if the proposal is deemed acceptable, the use of the building for healthcare should be secured through a planning condition to ensure that it continues to serve the need for mental health services set out in the planning documents accompanying the planning application.

7.9 Access & Inclusive Design

The green edge onto Liverpool Road is welcomed, however there are a few issues that still need to be addressed.

Transport

- An accessible drop-off point with dropped kerbs separate to the NHS Trust's pool cars is required for taxi drop-offs [*This has now been shown on plan*].
- Travel plan suggests 23 parking spaces available within the site curtilage- is there a plan that identifies these stands? [*These have now been shown in the landscaping and would be secured by condition 8*].
- Can type of stand be specified and space allocated for accessible cycle spaces shown [*details required by condition 19*].
- The bike store's capacity for fitting 26 bikes, including accessible bikes and ability of space to allow for required circulation is questioned. Currently the doors to the m and f shower open outwards, and reduce space for cycle parking [*further details required by condition 19*].

Entrance and Egress

- Routes needed from the street and through the proposed landscaping must be accessible and legible to all. The detailed treatment should be conditioned and in line with the inclusive design SPD and streetbook SPD [*This will be secured through condition 23*].
- All entrances should have doors with an opening weight of no more than 30N or be power operated. Question whether main entrance doors could be widened and automated [*secured by condition 19*].
- Entrance door materials need to clearly contrast with door frame colour and material. The recessed quality of main entrance which could be an issue for security when dark and the building is not lit is questioned [*secured by condition 19*].

Sanitary Facilities

- Layouts are required [*required by condition 19*].
- WC doors must open outwards [*this has now been amended accordingly*].
- Ground floor shower facilities ideally to be gender neutral where they do not feature communal facilities [*this has now been amended accordingly*].
- An acc shower should be provide [*this has now been amended accordingly*]

Circulation

- Layout of all the WCs and Shower rooms is requested [*required by condition 19*].
- Lifts - can size of lifts be confirmed [*this has now be confirmed to be acceptable*]
- Corridors- can their widths be confirmed [*this will be required by condition 19*]

7.10 Public Protection

- The application is for a new mental health outpatient centre with cafe and office space. The site is currently a mental health facility.
- The application includes a noise report. Much of the report focuses on external noise intrusion for the new facility. There is a particular importance for good acoustic design in providing a good environment within the spaces with the sensitivity of the use and end users and it is good to see this being addressed. Good acoustic design would need to be fully addressed in the design of the internal spaces and any external amenity space.
- The report also includes a background sound survey. On the roof plan there is a lot of plant marked, with a number of condensers, AHUs and an ASHP. This is in relatively close proximity to the residential on the upper floors of 551 & 553 Liverpool Road and Lanesborough Court, along with resi on Chillingworth Road. The background noise survey includes a 3 hour shortened survey for the background sound used for the plant noise limit and a further 24-hour survey has been included from a recent development on Chillingworth Road. The values from the surveys are fairly typical and should be used to inform the noise limit for the plant.

- Appropriate conditions (11 and 12) should be included in the event of planning permission being granted in order to minimise noise and disturbance from roof-top plant.
- The EPPP team have no objections subject to appropriate conditions, included in Appendix 1.

7.11 Energy

The energy team raised a few points on sustainability and energy, which have now all been addressed. The proposal would now be future-proofed for future DHN connection and propose a significant reduction in carbon emissions. Energy is considered in subsequent sections of this report and relevant conditions are included in Appendix 1.

7.12 Sustainability

Sustainable Drainage

The proposed reduction of surface water runoff rates are welcomed and are policy compliant. Further detail on the proposed drainage system will be required (*by condition 7*) including:

- The calculation of the storm water storage required for the 1 in 100 year storm plus climate change allowance.
- The location and size of the attenuation tank should also be provided so we can ensure the volume is sufficient.
- Consideration of the use of SUDS as part of the landscape design where possible, for example through bioretention areas and tree pits. Rainwater harvesting in the form of water butts should be incorporated to irrigate soft landscaping areas.
- Consideration of the use of blue roofs which can be combined with the green roofs to provide irrigation for the green roofs.

Green Roof

The proposal to incorporate green roofs is welcomed. In accordance with DM Policy 6.5, all major applications should use all available roof space for green roofs, subject to other planning considerations. Further information on the exact location of the green roof areas required [*condition 16*].

Other sustainability policies

The proposals in relation to sustainable use of materials and water efficiency are policy compliant. The biodiversity proposals set out in the Landscape and Ecological Management Plan are also policy compliant [*secured by condition 25*].

7.13 Transport

No objection in terms of transport impacts. A justification has been made for the requirement of two on-street parking bays which will be provided on Liverpool Road. Further advised that Delivery/Service Plan (20), Construction Logistics Plan (5) and Travel Plan should be secured by S106.

7.14 Tree Officer

The proposal includes the retention of the trees of most value. The landscape strategy is well-considered and supported. On the TPP it shows the Cherry tree T3 within the development site though it is believed to be in a neighbouring site. Nevertheless it is not believed that the tree needs to be felled, there is a small courtyard proposed adjacent so there appears to be enough room to cut the canopy back appropriately without removing the tree. The tree is in any case not so significant that we would object to its removal, if anyone applied to do so. If the developer wants to remove the tree, they will have to come to a civil arrangement with the neighbour, which is outside of LPA concern.

Overall, the proposal is supported.

8.0 RELEVANT POLICIES

National Guidance

- 8.1 The National Planning Policy Framework (NPPF) 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The

NPPF and the National Planning Practice Guidance (NPPG) are material considerations and have been considered as part of the assessment of these proposals.

Development Plan

8.2 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Islington Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

8.3 **The London Plan 2021 - Spatial Development Strategy for Greater London**

<p>Policy GG1 Building strong and inclusive communities Policy GG2 Making the best use of land Policy D1 London’s form, character and capacity for growth Policy D3 Optimising site capacity through designed approach Policy D4 Delivering Good Design Policy D5 Inclusive Design Policy D8 Public Realm Policy D11 Fire safety Policy D13 Agent of Change Policy D14 Noise Policy S1 Developing London’s social infrastructure Policy S2 Health and Social Care facilities Policy HC1 Heritage and Growth Policy HC3 Strategic and Local views</p>	<p>Policy G5 Urban Greening Policy G7 Trees and Woodlands Policy SI2 Minimising greenhouse emissions Policy SI4 Managing heat risk Policy SI5 Water infrastructure Policy SI7 Reducing waste and supporting the circular economy Policy SI12 Flood risk management Policy SI13 Sustainable drainage Policy T2 Healthy Streets Policy T3 Transport capacity, connectivity and safeguarding Policy T4 Assessing and mitigating transport impacts Policy T5 Cycling Policy T6 Car parking Policy T7 Deliveries, servicing and construction</p>
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8.4 **Islington Core Strategy 2011**

<p><u>Spatial Strategy</u> Policy CS8 (Enhancing Islington’s Character)</p> <p><u>Strategic Policies</u> Policy CS9 (Protecting and Enhancing Islington’s Built and Historic Environment) Policy CS10 (Sustainable Design) Policy CS11 (Waste) Policy CS13 (Employment Spaces)</p>	<p>Policy CS14 (Retail and Services) Policy CS15 (Open Space and Green Infrastructure)</p> <p><u>Infrastructure and Implementation</u> Policy CS18 (Delivery and Infrastructure) Policy CS19 (Health Impact Assessments) Policy CS20 (Partnership Working)</p>
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8.5 **Development Management Policies 2013:**

<p>Policy DM2.1 (Design) Policy DM2.2 (Inclusive design) Policy DM2.3 (Heritage) Policy DM2.4 (Protected Views) Policy DM3.7 (Noise and Vibration) Policy DM4.12 (Social and strategic infrastructure and cultural facilities) Policy DM6.1 (Healthy development) Policy DM6.5 (Landscaping, trees & biodiversity) Policy DM6.6 (Flood prevention) Policy DM7.1 (Sustainable design & construction) Policy DM7.3 (Decentralised Energy Networks)</p>	<p>Policy DM7.4 (Sustainable design standards) Policy DM7.5 (Heating and cooling) Policy DM8.2 (Managing transport impacts) Policy DM8.4 (Walking and cycling) Policy DM8.5 (Vehicle parking) Policy DM8.6 (Delivery and servicing for new developments) Policy DM9.1 (Infrastructure) Policy DM9.2 (Planning obligations)</p>
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8.6 **Supplementary Planning Guidance (SPG) / Document (SPD)**

Islington SPD

Environmental Design (Oct 2012)
 Inclusive Design (Feb 2014)
 Inclusive Landscape Design (Jan 2010)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)

Planning Obligations (S106) (Dec 2016)
 Urban Design Guide (Jan 2015)
 Streetbook SPD (Oct 2012)

Social Infrastructure SPG (May 2015)
 Character and Context SPG (adopted June 2014)
 Sustainable Design and Construction SPG (adopted April 2014)

Draft Islington Local Plan 2020

8.7 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

8.8 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.9 Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities Policy SC1 Social and Community Infrastructure Policy SC4 Promoting Social Value Policy B5 Jobs and Training Opportunities G2 Protecting Open Space G4 Biodiversity, Landscaping and Trees G5 Green Roofs and Vertical Greening Policy S1 Delivering sustainable design Policy S2 Sustainable design and construction Policy S3 Sustainable design standards Policy S4 Minimising greenhouse emissions Policy S6 Managing Heat Risk	Policy S8 Flood risk management Policy S9 Integrated water management and sustainable design Policy T1 Enhancing the public realm and sustainable transport Policy T2 Sustainable transport choices Policy T3 Car-free development Policy T4 Public Realm Policy T5 Delivery, servicing and construction Policy DH1 Fostering innovation while protecting heritage Policy DH2 Heritage Assets Policy DH3 Building Heights Policy DH5 Agent of Change, noise and vibration
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9.0 EVALUATION

Land use

- 9.1 The proposal is for the demolition of the existing mental health facility and the erection of a mental health outpatient facility comprising an uplift of 1,896sqm of Class E (formerly D1) floorspace. Given the existing uses and proposed uses involved, the following objectives of the National Planning Policy Framework (NPPF) are of significance. Paragraph 91 of the 2019 NPPF states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being need. Paragraph 121 states that developments will be supported which “make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.
- 9.2 The London Plan also supports the building of strong and inclusive communities through its Policy GG1, which states that developments should encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation. Policy GG3 states that planning and developments should ensure that the wider determinants of health are addressed in an integrated and co-ordinated way, taking a systematic approach to improving the mental and physical health of all Londoners and reducing health inequalities. Furthermore, London Plan Policy S1 ‘Developing London’s Social Infrastructure’ is also of relevance; the policy states that “development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported”. Moreover, that development proposals that seek to make the best use of land, including through the co-location of different forms of social infrastructure and the sharing of new facilities, should be encouraged and supported, especially in areas that are easily accessible by public transport, cycling and walking.
- 9.3 In terms of the provision of ‘Health and social care facilities’ Policy S2 of the London Plan supports development proposals “that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies”. Other London Policies of relevance to this proposal are GG2 ‘Making the best use of land’ which supports the development of brownfield land on public sector land, and sites within and on the edge of town centres, with particular emphasis on prioritising sites which are well-connected by existing or planned public transport.
- 9.4 Adopted policy DM4.12 relates to social and strategic infrastructure and cultural facilities. Part C of the policy sets out requirements for new social infrastructure, stating that it must:
- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
 - ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
 - iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
 - iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.
- 9.5 Policy DM6.1 (healthy development) part C also states that ‘the council will support the provision of new and improved health facilities and their co-location with other community uses, subject to an assessment of the full range of planning considerations’. Emerging policy SC1 part A (of the draft Local Plan supports proposals to provide new and/or extended social and community infrastructure facilities, and their co-location with other social and community uses. Part G of the policy largely reflects existing policy DM4.12 part C but also requires at point (iii) that new facilities ‘provide appropriate drop-off/pick-up facilities for disabled people’. Finally, in terms of relevant policy context, the site is allocated as OIS23 in the draft Site Allocations Schedule, which states

that the site allocated 'protection of the existing healthcare use of the site' where 'Intensification and consolidation of healthcare and social and community infrastructure uses is encouraged'.

- 9.6 As such, in terms of adopted and emerging policies, there is broad support for an enhanced mental health facility in this location, which will also provide flexible workspace for healthcare professionals. The proposed development would not change the use class of development. It would create 2,391sqm GIA medical use (Class E) floorspace to include consultation, treatment, exam rooms, and meeting rooms with associated flexible agile working areas for healthcare professionals, a small ancillary café, and an accessible courtyard and roof terrace accessible to staff members. Facilities for community groups, staff and members of the public such as cafe, collaboration zones, group and meeting rooms will be located on the ground floor. The first and second floor will accommodate mental health services with consultation and treatment rooms and further support facilities. The third floor will be dedicated to agile working accessed only by staff and will include desk space, meeting rooms and pods along with a refreshment zone.
- 9.7 The 3rd floor ancillary offices referred to as agile working facilities are considered to be a fundamental to the aims and objectives of the proposal. To maximise flexibility and convenience for staff, the Trust plans to adopt an agile working model, which will be supported by workstations at this new improved and accessible facility. These will form part of a number of workstations across various boroughs to enable staff to work at the site most convenient for their work, on any given day. The Trust has identified that, for clinical services to be delivered effectively, local teams should be allocated a "zone" within the building which is based around their relationships with and between key services. This model is considered to help create team identities and identify individual service needs. In relation to the break-up of the proposed workspace within the building, there would be a capacity for 12 x single person quiet workplaces, 35 x interview / consulting rooms, 100 desks and 8 x hot desk spaces.
- 9.9 In terms of the Council's Policy DM4.12 and the equivalent emerging policy SC1 of the emerging Local Plan, the proposal is considered to meet the requirements by providing new and improved social infrastructure uses that are conveniently located for the communities that they serve, providing shared facilities as much as is appropriate as well as flexible facilities that meet the needs of intended occupants. Other requirements of the policies such as the inclusive design aspects, the impacts on character and amenity as well as the provision of drop-off bays will be considered in subsequent sections of the report. The proposal is considered to also comply with all other relevant policies, both emerging and adopted, by making efficient use of land, taking a systematic approach to improving the mental and physical health of all Londoners and providing high quality social infrastructure, in accordance with London Plan Policies GG2, GG3, S1 and S2.

New Medical / Social Infrastructure

- 9.9 This proposed mental health outpatient facility forms part of an integrated and coordinated strategy to improve the mental and physical health of Londoners and to reduce health inequalities. The facility involves the sharing and integration of new improved facilities in a very accessible location and as a result addresses the requirements of relevant London Plan policies, as discussed above. The applicant has confirmed that the site is one of 30 sites managed by the Trust, delivering a range of inpatient and community adult mental health services. A number of the buildings at these sites are ageing, not fit-for-purpose, inaccessible and difficult to reach and are considered to add to the stigma associated with mental health.
- 9.10 The high number of sites means that services are fragmented geographically, and the fixed nature of the offices and services, particularly in the case of community services, means there is a lack of flexibility in terms of where staff can work, and service users and carers are often required to visit various sites to get the care and support they need. A number of services are having to relocate including mental health support for the elderly, outreach and memory services at Blenheim Court on Brewery Road, therapy services on Manor Gardens and mental health services on Southwood among others. These together with the location of collaborative and research work at Lowther Road and the expansion of community teams following the recruitment of 35 new team members this

financial year and more the following year, necessitate the expansion and increase of floorspace at the application site.

- 9.11 To allow community services to be delivered in a more joined-up way, the Trust has established the St Pancras Transformation Programme. The programme focuses on modernising the Trust's estate to enable delivery of its clinical strategy and improve service user and carer experience when using the Trust's buildings, whilst providing staff with the facilities they need to deliver the best possible care, including space to rest. The applicants have also confirmed that delivering increased levels of community mental health services is central to the Trust's clinical strategy. Good community services enable people who need support to receive help early on in their illness, reducing the impact of the illness and the need for a hospital stay. Strengthening community services is particularly important as the majority of the Trust's service users access the care they need in the community, whereas only a very small proportion require inpatient services.
- 9.12 In order to deliver these aims and objectives a new facility is needed that is welcoming and non-stigmatising, easy to reach and accessible with fit-for-purpose clinical facilities. Flexible spaces to provide new ways of delivering care, space for collaboration with system partners such as community, voluntary and local authority services as well as flexible office space for the co-location of teams is also an essential part of this. It is considered that the existing facility at 1 Lowther Road does not currently lend itself to flexible, modern ways of working, nor does it make efficient use of the space available. Notwithstanding the outdated existing building, the site itself is very well-located with a high public transport accessibility and thus easily reachable to service users. The building is also owned by the Trust and thus lends itself well to an improved facility that improves its use and creates a modern, resourceful and sustainable integrated community mental health facility in Islington, to meet local and national objectives for improving the mental health and wellbeing of local people.
- 9.13 It should be noted that as a non-residential health service for visiting members of the public, the use of the proposed building falls under the new Class E(e). It is therefore recommended that, if the planning application is considered acceptable and given consent, the use of the building for healthcare should be secured through a planning condition to ensure that it continues to serve the need for mental health services set out in the planning documents accompanying the planning application. The other elements of the building where ancillary or complimentary floorspace is proposed such as the café or the workspace would potentially fall within Class E(b) and E(g), though these are considered genuinely ancillary and thus would also fall within the same E(e) floorspace, i.e. the provision of medical or health services.
- 9.14 As such, in land use terms, the proposed development is considered to be acceptable in principle, subject to a further assessment of the other more detailed aspects of the proposal, and thus would be consistent with the aims and objectives of NPPF as well as London Plan Policies GG1, GG2, S1 and S2, Islington Policy DM4.12, DM6.1 and emerging Policy SC1. The proposal would deliver an enhanced and integrated mental health facility and is therefore supported in principle.

Design, Conservation and Heritage Considerations

Policy Context

- 9.15 The following requirements are necessary for Local Planning Authorities when considering planning applications which affect the setting of a listed building or the character and appearance of a conservation area. Section 72(1) 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'*.
- 9.16 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". 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.

- 9.17 In terms of the NPPF it addresses the determination of planning applications affecting designated and non-designated heritage assets at paragraphs 128-135 which state, inter alia, that:

'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...

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...

- 9.18 Relevant Development Plan Guidance is provided by London Plan Policy HC1 which is concerned with heritage assets and states, inter alia, that 'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.'

- 9.19 Equally the Council also attach great importance to design and heritage impacts. Policy DM2.3 on heritage encourages development that makes a positive contribution to Islington's local character and distinctiveness. Moreover, Policy DM2.4 requires protected views to be considered and enhanced. Finally, in terms of heritage, Policy DM2.5 states that the views of well-known local landmarks will be protected and stringent controls over the height, location and design of any building which blocks or detracts from important or potentially important views will be exercised.

- 9.20 In terms of design of the built environment, the National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan Policy D3 (Optimising site capacity through the design-led approach) is concerned with good quality and contextual design and states, inter alia, that developments should: *'enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.'*

- 9.21 The London Plan Policy D3 also states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well. Furthermore, London Plan Policy D4 (Delivering Good Design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.

- 9.22 Islington's Core Strategy Policy CS8 (Enhancing Islington's character) states that the scale of new development will reflect the character of a surrounding area. Policy CS9 (Protecting and enhancing Islington's built and historic environment) states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. Moreover, where areas of Islington suffer from poor layout, opportunities will be taken to redesign them by integrating new buildings into surviving fragments of historic fabric. All development will need to be based on coherent street frontages.
- 9.23 Development Management Policy DM2.1 (Design) requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place. Point vii specifically states that buildings should respect and respond positively to existing buildings, the streetscape and the wider context.
- 9.24 Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g. how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages. Of particular significance is paragraph 5.67 which states that 'new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses'. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of this application.

Site Context:

- 9.25 This site is bounded by Lowther Road to the west, Liverpool Road to the south, Chillingworth Road to the north, and the flank wall and rear garden of a 3-storey Victorian terraced house (551 Liverpool Road) to the east. It is a triple-fronted site and, in accordance with the pattern of the surrounding movement hierarchy and urban form, the primary frontage is to Liverpool Road, the secondary to Chillingworth Road, and the tertiary to Lowther Road. It is currently occupied by a 1-2 storey building that was developed in the 1980s as a series of similarly-designed buildings across the Borough that were rolled out as Council-owned and run neighbourhood offices.
- 9.26 The building is poorly configured on the site with a significant setback to parts of both Liverpool and Lowther Roads, and a deep setback from Chillingworth Road. The building and its configuration bear no contextual characteristics or relationships and result in significant levels of streetscape collapse. The building also has no architectural merit. The site does however have a sizeable open space area to the Liverpool Road frontage. This is largely laid to lawn and contains a number of trees, three of which the Council's arboriculturalist considers to be of such good quality that they are worthy of TPOs and therefore retention.
- 9.27 The building's primary entrance is located to this Liverpool Road frontage via a walkway through the green space and under the tree canopies. To Chillingworth Road lies the service entrance to the existing building with a large hard standing car parking and servicing court. This presents a poor edge to the street and results in a poor relationship with surrounding built form and streetscape. The site is under-developed and fails to positively contribute to its surrounding streetscapes, save for the presence and stature of existing mature trees to the Liverpool and Lowther Road frontages. The site lies just outside of, but immediately adjacent to, the Mary Magdalene Conservation Area. This borders its northern, eastern, and southern edges.
- 9.28 The site also lies directly opposite a Grade II listed building at 14 – 16 Chillingworth Road. This was formerly the Mary Magdalene Community Hall developed in the mid-19th century. It has a distinctive pediment to the frontage with the entrance further demarcated by 4 large Doric columns forming the centre piece of the building. Its western edge is terminated with a significantly taller tower element. The upper level of the tower is framed by smaller, but similarly distinct, Doric

columns, the total effect of which creates a positive if minor local landmark within the streetscape. This listed building has however been extensively altered and extended over the years with an entirely new internal structure inserted in the 1980s when the building was converted into 4 floors of commercial office space and 3 new floors of residential flats were added above, protruding way beyond the building's original roofline. While the tower element still remains the tallest element of the building, the addition of what is in effect a three storey roof extension has had a detrimental effect on the character and quality of the building which, together with the major internal changes, has diminished its historic and architectural value and status.

- 9.29 There are four locally listed buildings further to the north east, at 2, 4, 8 & 10 Chillingworth Road, contributing to the sensitive historic context. To the south of the site, on the western side of Liverpool Road, lies a handsome and predominantly Grade II listed Georgian residential terrace at 509 – 541 Liverpool Road, interspersed with several locally listed buildings but nevertheless presenting a fine historic townscape. To the western side of Lowther Road lies a contemporary 3 – 4 storey residential development of townhouses and blocks of flats creating an animated edge to Lowther Road with a return to Chillingworth Road. While of unexceptional architecture, there is at least a coherence and urbanity to the development. To the east, the site immediately abuts a 3 storey, end of terrace, Victorian house fronting Liverpool Road. It runs alongside its rear garden which terminates in a garage structure that opens to Chillingworth Road.
- 9.30 The broader context is very varied in terms of its architectural language and built form but the overall ambience of the neighbourhood is one of a mix of uses, of an active and urban nature, and set within a legible streetscape. The site lies within the St Paul's View Corridor. However, given the height and mass of the listed 12-14 Chillingworth Road building immediately to its north, the proposed 3 – 4 storey development would not intrude into the view corridor being 'screened' by its significantly taller and broader neighbour.

Bulk, height and massing

- 9.31 The proposed heights vary across the site representing both a logical and a comfortable contextual fit. They comprise 4 storey elements to the more primary roads, Liverpool and Chillingworth Roads to the south and north respectively, dropping to part-three storeys to the more minor Lowther Road while incorporating a deeply recessed fourth floor clearstorey walkway. To the eastern edge, where the site abuts an existing residential home and rear garden, the proposed building is appropriately stepped back from the edge of the garden helping to reduce the impact on the outlook and on the residential amenity of this home.



Western Elevation in Context

- 9.32 The neighbouring storey height ambient to all three edges is that of 3 – 4 storeys while the Listed Building opposite the site's northern edge, 12 – 14 Chillingworth Road, is the tallest building in the location rising up to the equivalent of 7 storeys. The proposed heights of the development are therefore considered compatible with the predominant storey height ambient in this urban context.



View north down Lowther Road from junction with Liverpool Road

- 9.33 The mass is mitigated by the fenestration and brick patterning and, to Lowther Road, by setbacks to the footprint and the recessed clearstorey to the top floor. While the view from Liverpool/Lowther Road looking north to the listed building at 12 – 14 Chillingworth Road would be altered as a result of the increase in height and mass of the new build, and less of the listed building visually exposed from this vantage point, the tower element would remain highly visible and thus the landmark and orientating characteristic and function of the listed building would remain ‘intact’.
- 9.34 The building reflects the guidance contained within the Council’s Urban Design Guide, specifically Section 5, Key Urban Structure Objectives, which state that:
- Development should address the qualities of the traditional building hierarchy and respect the established order and local character
 - Development should define space
 - Development should create and/or enhance good quality public and private open space

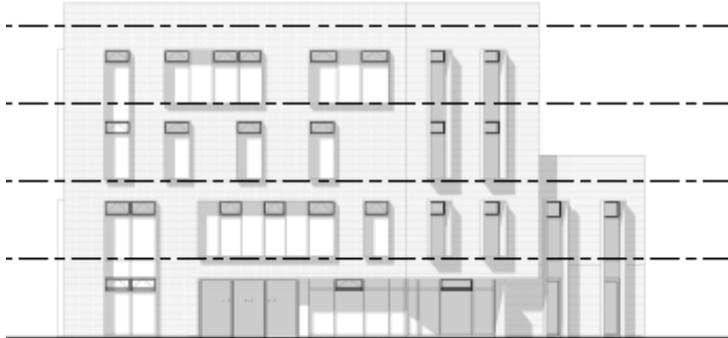
Elevational treatment and materiality

- 9.35 The architecture represents a contemporary contextualism with a language that clearly delineates, and indeed celebrates, the building’s non-residential use. It is generously fenestrated, welcoming and legible in the pattern, proportions and positioning of the openings. The primary and secondary entrances are clearly expressed, and the interface between the ground floor and the adjacent public realm suitably active and animated.



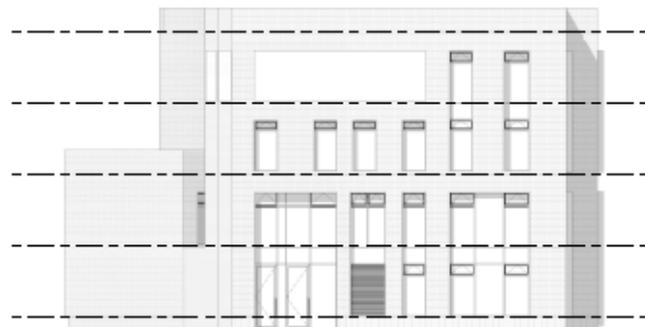
Front elevation from Liverpool Road

9.36 The facades change subtly and appropriately in response to each of the edge conditions and characteristics. The primary facade to Liverpool Road is richly animated with the public entrance into the facility being clearly annotated and ‘sign posted’, including through the landscape design. The café, to which the public would have controlled access, has a heavily glazed façade that opens directly onto the new public garden to the Liverpool Road frontage, presenting an inclusive and welcoming façade and use. The upper floors to this primary façade have been enriched by a less formal fenestration pattern that seeks to portray a welcoming, non-intimidating, mental health facility.



Proposed Front Elevation

9.37 The north facing Chillingworth Road façade is directly opposite the large and relatively tall Grade II listed building. It too has been elegantly designed containing a double height fenestration pattern, with a generously glazed staff entrance, and a formal and rhythmic fenestration pattern. To the top floor an appropriately proportioned area of ‘hit and miss’ brick work, which ventilates plant to its rear, is proposed. This adds to the façade’s richness and the building’s overall character.

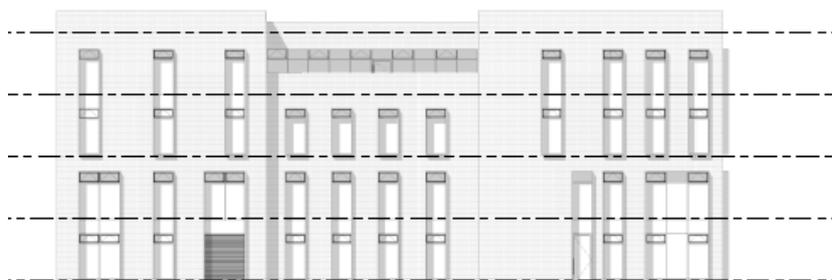


Chillingworth Road Elevation



Corner of Chillingworth/Lowther Road

9.38 A more intimate response to Lowther Road is proposed with stepped setbacks, and an effective use of multiple narrower fenestration modules, serving to reflect a ‘flank’ as opposed to a ‘front’ façade of the new building. It also provides for a suitably active and animated edge to this more secondary street.



Lowther Road Elevation

- 9.39 The relationship to the Victorian terraced houses to the east has also been sensitively addressed with the building line respected to Liverpool Road and the height reduced at this junction to the front of the site to reflect that of the adjacent homes. The façade to the east, to the flank of the adjacent home, is mostly blank where the new build sits closest to the edge the site given the need to protect residential amenity.



Front Elevation from the West

- 9.40 Fenestration does occur to the recessed set back elements to the middle of the site, including the clearstorey element to the top floor. However it includes a series of setbacks that help to break up the mass while the ‘hit and miss’ brickwork to the top floor to Chillingworth Road, returns on this eastern façade, creating an element of richness.

- 9.41 The ground floor to all three street edges is appropriately animated providing a well-mannered interface between this new public health facility and the adjoining public realm. This accords with guidance within the UDG including specifically para 5.48 which states that every opportunity should be taken to create street frontages that engage with the street. It goes on to advise that:

“the interior should be organised so that there are active uses at the front, particularly on the ground floor”.

- 9.42 Para 5.49 cautions against dead ground frontages stating that they should always be avoided and suggests that uses such as cafes that extend out into to the street should be encouraged. Through its introduction of street frontages and well-considered elevations that respond to each distinct context the proposal is considered to integrate well into the surrounding town- and streetscape in accordance with Policies D3 of the London Plan, Core Strategy CS9 and Development Management Policy DM2.1.

Materials

- 9.43 The materials palette is kept deliberately simple. It comprises a pale stock brick with the fenestration being an anodised bronze coloured aluminium, with white concrete trim and edging. These accord with the advice contained within the UDG as stated in para 5.111:

“The use of materials needs to be considered in terms of their innate qualities (including in relation to thermal performance), their relationship with the surrounding built environment, the articulation of the façade, and their durability and the appearance of durability”.



9.44 The proposed materials are considered to be sympathetic to the surrounding context and thus acceptable in accordance with adopted policy. Nonetheless, further details would be required by condition (3) in the event that planning permission were to be granted for the proposed development.

Landscaping

9.45 The landscape design positively contributes to the setting of the new build as well as the wider context. The retention of three mature trees to the front of the site is welcomed as is the creation of a new pocket park. This has been designed to clearly signify and welcome users to the new facility from Liverpool Road, as its primary frontage, and has crafted a range of seating areas, planting clusters, and movement routes making it accessible, legible and pleasantly useable.



Front elevation with landscaped main entrance

9.46 The narrow planting strips to Lowther Road are also welcomed, adding a further richness to this secondary façade. The Urban Design Guide supports the location and layout of the open space on the site stating that: “open spaces should be clearly defined and well overlooked by the surrounding development”. Para 5.59. Para 5.60 requires open spaces to be accessible and that routes be

designed so as to align with existing or anticipated desire lines, seating positioned in sunny places, and carefully designed planting should combine to create an inclusive environment. The landscape design therefore adheres to the Council's guidance and requirements.

Impacts on Heritage Assets

- 9.47 The application is accompanied by a detailed Heritage Statement that appropriately assesses the impacts arising of the scheme on nearby heritage assets together with the significance and characteristics of each of the assets. The site lies adjacent to the Mary Magdalene Conservation Area to its southern, eastern and northern edges. Within the conservation area in the vicinity of the site are a number of listed and locally listed buildings. But the most immediate of these assets is the Grade II listed building, 14 - 16 Chillingworth Road. This large building lies immediately opposite the site's northern edge. Significant parts of it can be readily viewed from the junction of Liverpool Road with Lowther Road. This view, from Liverpool/Lowther Road looking north to the listed building, would be significantly altered with less of the listed building visually exposed than currently experienced.



View of the tower of grade II listed building

- 9.48 However, the tower element would remain highly visible and thus its landmark and orientating characteristic and function 'intact'. Furthermore, the proposed building is of a far higher architectural quality than the existing building including its poor site configuration which currently presents a hard surface service yard and parking court. The proposal would address this important and sensitive street edge with an appropriately designed and scale, form and expression, addressing the streetscape collapse as currently exists. The materials palette is suitably quiet and contextual being traditional brick with a bronze anodised aluminium fenestration furthering its compatibility with adjacent heritage assets.



Looking west along Chillingworth Road with listed building in view

- 9.49 The scheme is considered to enhance the setting of this large listed building, and the nearby locally listed buildings to Chillingworth Road, through good design, including by repairing the extensive and harmful streetscape collapse. The scheme would also retain, enlarge and enhance the open space to the Liverpool Road edge including the retention of the 3 key and mature trees on the site. This presents a soft green edge to Liverpool Road which can be viewed from those historic buildings located further to the south and east on Liverpool Road encompassing the wider context of the site.
- 9.50 The primary entrance to the complex would also be 'retained' from this primary Liverpool Road edge and clearly demarcated with appropriate hard and soft landscaping elements and architectural 'signposting'. The proposed café would also have a frontage to this open space with the potential for some overspill of tables and chairs in the warmer months being accommodated within the landscape designs. The landscaping to this edge is of a high quality of design and would enhance the setting of the adjacent Conservation Area in this location as well as that of the new building.

Design Review Response

- 9.51 While the Design Review Panel found the evolution of the building an interesting journey and considered that the site layout, the height, bulk and massing, as well as configuration of the building on the site appeared to be sound and uncontentious, they did pick up on a number of points of detailed design that require further consideration.
- 9.52 Firstly, the panel felt that while the scale of the building (at four storeys) was contextually appropriate, the extensive use of double height fenestration and metal frames gave the building a hard edge expression, particularly to the main approach from Liverpool Road, whereas the building's design should include softer, more animating, architectural forms and features. It was felt that the scheme would benefit from a more human architectural language giving it a softer and more intimate quality and to provide a more welcoming entrance. The proposal has evolved since its presentation to the DRP and these points have been addressed, in particular through the redesign of the front elevation as shown below:



At DRP stage



Planning application

- 9.53 Furthermore, the ground floor was considered by the Panel to be somewhat problematic with insufficient natural light or visual access to 'nature'. The large bank of office desks was considered to create a particularly poor working environment given the whole of this space would only be lit by sky lights. The Panel suggested this use should either be relocated to benefit from direct access to windows to the street or garden, or to bring an external courtyard down into the space providing the office area with direct access to an open and landscaped space.
- 9.54 The rearrangement of the fenestration on the front elevation is now considered to contribute towards creating a better working environment internally with greater access to natural daylight.

- 9.57 Finally, the Panel confirmed that they would expect an application to be accompanied by more contextual analysis including a study of the pattern and detailing of the surrounding buildings and for an understanding of how the proposed architecture subsequently responds and fits within its context to be presented. More drawings & details of the building within its setting, plans, sections & elevations together with 3D views would help to illustrate and explain this. These details have been presented, including axonometric views and sections and elevations in context showing how the height of the proposal responds to the surrounding townscape as well as an analysis of the surrounding materials and diagrams illustrating the architectural emphasis, patterns and rhythms of fenestration on surrounding buildings.



Proposed Elevation in Context

- 9.58 In summary, the DRP supported the ambition and the ethos of the project including the early interventions made to the scheme and the willingness to work with partner organisations towards creating a better offer for service users and providers. The Panel also supported the scheme in terms of its urban design response and qualities with a scale and massing that appears to be contextually logical. The minor design points made by the DRP have now been successfully addressed following design amendments and the submission of additional information.

Conclusion

- 9.59 The proposal is considered a well-designed scheme, involving brick building expressed in a quiet contemporary contextualism that presents well-mannered edges to the three streets it faces and to the residential flank to its eastern edge. The architecture is not reflective of a residential typology, suitably signifying a different use within the streetscape. The landscape setting to the primary frontage, including the retention of three high quality trees, enriches the scheme itself while providing high quality open space. Finally, the proposal is considered to respect and enhance the setting of surrounding heritage assets.
- 9.60 As such, in relation to design, appearance and heritage, the planning application is considered to be in accordance with relevant London Plan Policies D3 and D4, Islington Core Strategy CS8 and CS9, Development Management Policies DM2.1, DM2.3, DM2.4, DM2.5 as well as Islington's Urban Design Guide.

Neighbouring Amenity

- 9.61 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan Policy D6 identifies that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate to its context, whilst minimising overshadowing and maximising the usability of outside amenity space. Policy DM2.1 of the Development Management Policies (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.

Daylight/sunlight

9.68 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) Guidelines are 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. BRE Guidelines paragraph 1.1 states:

“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”.

9.69 Paragraph 1.6 states:

“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local 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”.

9.70 Daylight: the BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected 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 area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

9.71 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. At paragraph 2.2.7 of the BRE Guidelines it states:

“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”

9.72 At paragraph 2.2.8 the BRE Guidelines state:

“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.

9.73 Sunlight: The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

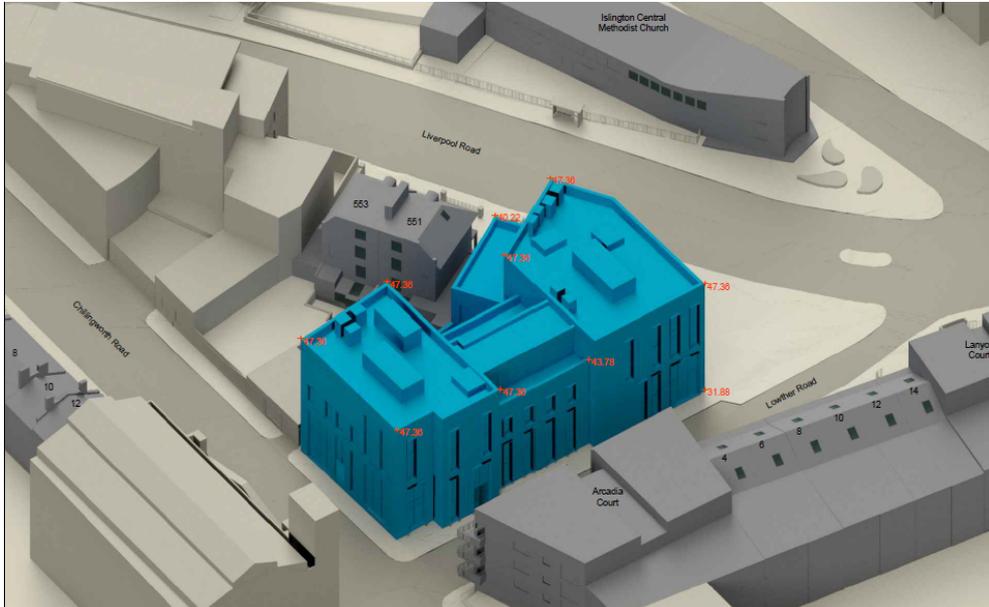
“If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- *Receives less than 0.8 times its former sunlight hours during either period and*

- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

Analysis of Daylight Impact on Affected Properties:

9.74 A Daylight & Sunlight Report has been submitted by Consil. The report considers the impact on all the surrounding residential windows facing the application site, which include dwellings on Lowther Road, Chillingworth Road and Liverpool Road.



Birdseye view of proposed development and surrounding properties

Liverpool Road

9.75 The only noticeably affected property on Liverpool Road in terms of daylight and sunlight impacts is 551 Liverpool Road, which forms one half of a pair of semi-detached Victorian properties that adjoin the application site on its eastern boundary. The impacts on daylight for this property have been assessed and are shown below:

			Vertical Component		Sky	No Sky Line (Daylight Distribution)		
551 Liverpool Road	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Lower Ground Floor	R1/W2	LKD	63.01	52.62	16%			
Ground Floor	R1/W1	Reception	33.66	33.78	0%	16.1	16.1	0%
Ground Floor	R2/W2	Reception	32.36	24.56	24%	15.9	13.2	16%

First Floor	R1/W1	Bedroom	32.99	32.97	0%	16.1	16.1	0%
First Floor	R2/W2	Bedroom	34.59	28.05	19%	15.9	13.9	12%
Second Floor	R1/W1	Bedroom	37.53	37.46	0%	17.3	16.2	6%
Second Floor	R1/W2	Bedroom	79.91	70.25	12%			
Second Floor	R2/W1	Bedroom	36.33	31.4	14%	14.1	12.3	12%

9.76 While two windows would experience losses of greater than 20%, their retained values are relatively high and the rooms that they serve would not experience losses of daylight as measured by the 'no sky line' that would go beyond BRE guidance. In fact the retained daylight afforded to the windows and rooms that they serve would in all cases remain unusually high for an urban location (the particularly high levels of VSC in some cases are because they are skylights, from which a greater proportion of the sky is visible). The adjoining property at 553 Liverpool Road would not experience any noticeable losses of daylight or sunlight.

Lowther Road

9.77 Properties on Lowther Road would be more noticeably affected in terms sunlight and daylight, given that the windows on the front façade of these properties look directly onto the application site. In the middle section of Lowther Road are a series of 3-storey townhouses while on either end at the junctions with Liverpool Road and Chillingworth Road are 4-storey apartment blocks, called respectively Lanyon Court and Arcadia Court. The impact on daylight to the properties in the townhouses is shown in the table below.

			Vertical Component		Sky	No Sky Line (Daylight Distribution)		
4 Lowther Road	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Ground Floor	R1/W1	Home Office	25.99	14.91	43%	9.03	7.31	19%
Ground Floor	R1/W2	Home Office	0.65	0.18	72%			
First Floor	R1/W1	Bedroom	32.42	23.21	28%	8.58	4.38	49%
First Floor	R1/W2	Bedroom	9.32	3.81	59%			
Second Floor	R1/W1	Bedroom	30.62	21.63	29%	12.94	10.96	16%
Third Floor	R1/W1	Bedroom	83.91	83.91	0%	21.57	21.3	1%

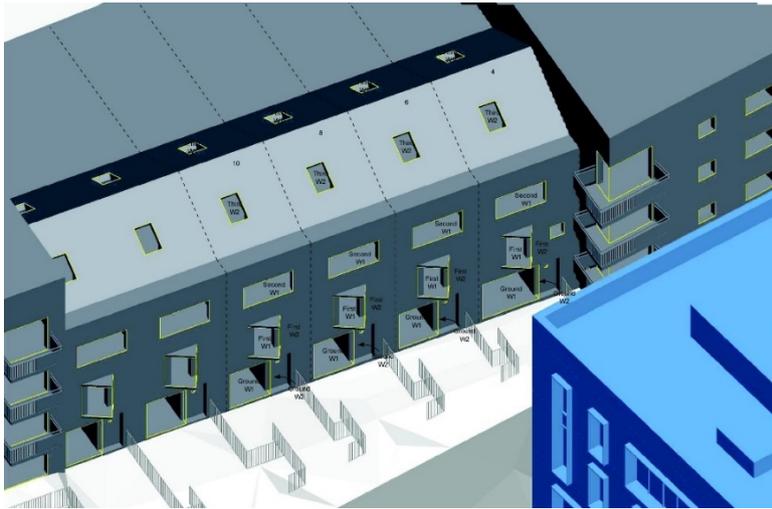
6 Lowther Road	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Third Floor	R1/W2	Bedroom	82.97	80	4%			
Ground Floor	R1/W1	Home Office	31.98	21.49	33%	6.19	6.01	3%
Ground Floor	R1/W2	Home Office	7.68	3.38	56%			
First Floor	R1/W1	Bedroom	33.9	26.85	21%	10.91	8.24	25%
First Floor	R1/W2	Bedroom	9.32	3.81	59%			
Second Floor	R1/W1	Bedroom	36.61	27.53	29%	12.95	10.96	16%
Third Floor	R1/W1	Bedroom	89.33	89.33	0%	17.91	17.91	0%
Third Floor	R1/W2	Bedroom	88.73	85.73	3%			

9.78 As can be seen from the results within the table, there are several windows that would be adversely affected by the development, i.e. with a VSC of less than 0.8 of their former value. In most cases, these windows serve rooms whose access to daylight as measured by the 'no sky line' would not be adversely affected as they would retain at least 0.8 of the former value of their daylight distribution. For example, the ground floor of these properties contains a study/home office at the front which is served by a large façade of glazed bricks, which wraps around to the entrance porch and the front entrance; notwithstanding the obscured nature of this fenestration, the large glazed area combined with the small size of the room that it serves results in daylighting to these rooms being maintained at a relatively high level.



4-6 Lowther Road

- 9.79 In two cases, one bedroom at first floor level of No 4 Lowther Road and one bedroom at first floor level of No 6 Lowther Road, the loss of daylight distribution would go beyond the 20% and would thus adversely affect these bedrooms. The windows in question are essentially triangular-shaped bay windows with one larger window pane and one smaller window pane. In both cases, the principal window to these room maintain a relatively high level of VSC, as shown in the table above.
- 9.80 The other townhouses along Lowther Road would not be adversely affected by the development as they are closer to Liverpool Road at which point the proposed development steps back from the street leaving an area of undeveloped land which is reserved for landscaping and the 'pocket park'. Lanyon Court, the apartment building on the Liverpool Road / Lowther Road junction would not be adversely affected by the proposed development in terms of loss of daylight or sunlight for similar reasons.

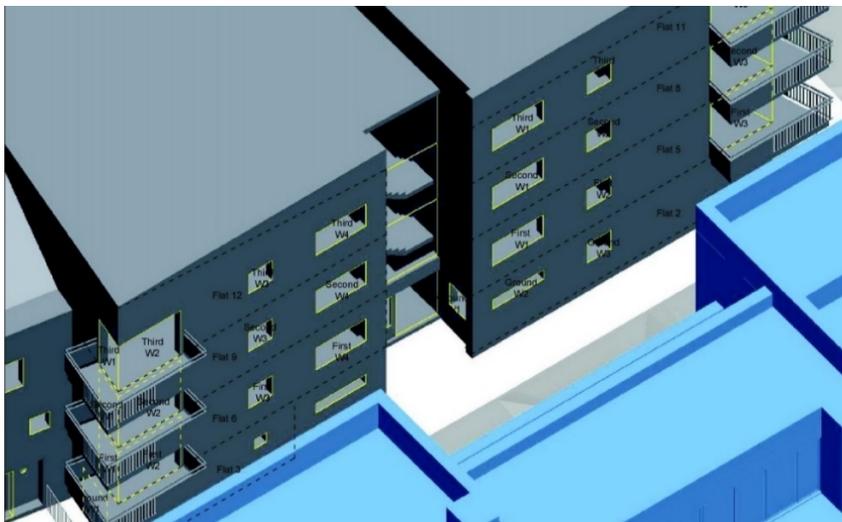


Affected windows at 4-6 Lowther Road

- 9.81 The properties most affected by the proposed development in terms of sunlight and daylight are found in Arcadia Court. The dwellings within this building face the development site and in most cases currently have a relatively clear view over an undeveloped part of the site. Introducing a 4-storey building opposite them on the subject site would unsurprisingly have more significant impacts on daylight afforded to them.

			Vertical Component		Sky	No Sky Line (Daylight Distribution)		
Arcadia Court (Flats 2, 3, 5 & 6)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Ground Floor (2)	R1/W2	Bedroom	32.37	13.41	59%			
Ground Floor (2)	R1/W3	Kitchen	31.93	13.94	58%	6.3	2.4	62%
Ground Floor (3)	R1/W1	Bedroom	13.08	12.16	7%	15.47	14	10%

First Floor (5)	R1/W1	Bedroom	34.56	16.35	53%	9.34	3.46	63%
First Floor (5)	R2/W2	Kitchen	34.2	16.55	52%	6.37	2.4	62%
First Floor (5)	R3/W3	Reception	18.36	6.07	67%	14.43	14.43	0%
First Floor (5)	R3/W4	Reception	14.78	14.78	0%			
First Floor (6)	R1/W1	Reception	11.34	10.08	11%	16.29	11.08	32%
First Floor (6)	R1/W2	Reception	17.03	1.37	92%			
First Floor (6)	R2/W3	Kitchen	34.13	15.52	55%	6.3	1.9	75%
First Floor (6)	R3/W3	Bedroom	34.74	16.25	53%	9.51	2.95	69%



Arcadia Court – Affected Windows

- 9.82 There are a number of adverse impacts in terms of daylight that need to be fully considered here. At ground floor level, one of the bedrooms and the kitchen of Flat 2 in Arcadia Court would experience significant losses of daylight. While the two main windows tested would retain comparable levels of VSC (at approx. 13%) for an inner London location, the losses of daylight distribution for bedroom and kitchen are at some 50%, which is quite considerable. This is partly due to the size of the windows in relation to the rooms they serve, partly due to the undeveloped nature of the subject site in its current situation as well as the narrow width of Lowther Road. It is arguable whether kitchens in this instance should be counted as habitable rooms and indeed relevant guidance suggests that they should not be given that they are small galley kitchens. Nonetheless, these losses need to be considered as shortcomings in the planning application and weighed up in the overall planning balance.
- 9.83 Similarly, at 1st floor level, Flat 5 has its kitchen and one of its bedrooms facing the application site. Given similar flat layouts across floors, these rooms would understandably also be affected by the proposal with losses of VSC at around 50% and losses of daylight distribution around 60%. Again the retained levels of VSC are not considered particularly low (at around 16%) but the losses of daylight distribution are not insignificant. It should be noted that all of these dwellings also have habitable accommodation including living rooms that have an aspect away from the subject site and are thus not affected by the proposed development. While there are significant impacts to

some windows serving reception/living rooms (particularly high in some cases due to the presence of overhanging balconies), these all benefit from secondary windows which help to reduce impacts on daylight as shown in the table above. Moreover, there are also larger/master bedrooms facing away from the development site in each of the dwellings in Arcadia Court that would not be affected by the development (which are not included in the table).

Arcadia Court (Flat 8)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Second Floor	R1/W1	Bedroom	36.41	20.73	43%	9.34	4.71	49%
Second Floor	R2/W2	Kitchen	36.1	20.82	42%	6.3	2.9	54%
Second Floor	R3/W3	Reception	20.67	9.01	56%	15.7	15.7	0%
Second Floor	R3/W4	Reception	17.19	17.19	0%			
Arcadia Court (Flat 9)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Second Floor	R1/W1	Reception	15.4	14.01	9%	16.29	11.57	29%
Second Floor	R1/W2	Reception	19.16	3.26	83%			
Second Floor	R2/W3	Kitchen	36.51	20.34	44%	6.3	4.03	61%
Second Floor	R3/W4	Bedroom	36.82	21	43%	9.51	4.47	53%
Arcadia Court (Flat 11)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Third Floor	R1/W1	Bedroom	37.69	26.42	30%	9.34	8.03	16%
Third Floor	R2/W2	Kitchen	37.44	26.27	30%	6.3	3.97	37%
Third Floor	R3/W3	Reception	36.82	28.37	23%	18.2	18.2	0%
Third Floor	R3/W4	Reception	32.9	32.9	0%			

Arcadia Court (Flat 12)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
Third Floor	R1/W1	Reception	37.1	35.61	4%	16.29	13.36	18%
Third Floor	R1/W2	Reception	38.29	26.37	31%			
Third Floor	R2/W3	Kitchen	38.14	26.73	30%	6.4	4.88	24%
Third Floor	R3/W4	Bedroom	38.04	26.93	29%	9.51	7.79	18%

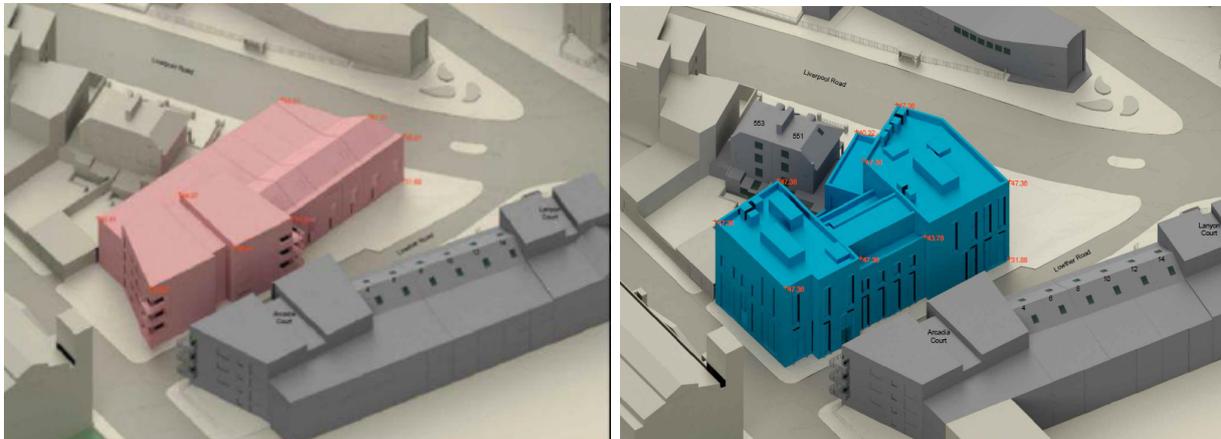
9.84 In any case, considerable losses of VSC and daylight distribution are also experienced by bedrooms and kitchens in Flat 6 at 1st floor level as well as Flats 8 and 9 at 2nd floor level, as shown in the tables above. As you move up the building, impacts understandably get less significant, so at 3rd floor level losses of daylight distribution to the rooms facing the application site are within acceptable limits apart from the kitchens which still experience losses of daylight beyond 20%. However in these cases, the retained levels of the VSC to the kitchen windows are relatively high (at almost 27%) so these would not generally be considered to be adversely affected. In total, 21No. windows affecting 14No. habitable rooms (including kitchens) in Arcadia Court would be adversely affected as a result of the proposed development. If you exclude kitchens, then a total of 7No. rooms would be adversely affected in Arcadia Court.

9.85 An exercise has been undertaken, to compare other development scenarios to understand what the impacts on these windows and rooms would be if the proposal were to be amended. For example, the proposal has been modelled as a 3-storey building and then the daylight impacts on Arcadia Court assessed as a result. It can be concluded that all of the windows to habitable rooms tested within Arcadia Court across ground to 2nd floor that did not meet BRE standards would still not meet BRE standards. In other words, the retained level of VSC to all of those affected windows within Arcadia Court would still be below 0.8 of their former value, i.e. losses greater than 20%, if the proposed development was reduced by a whole storey. Moreover, losses in the 3-storey scenario are only slightly better (or less adverse), so that windows would still experience losses of VSC up to 85% with daylight distribution losses of up to 66%.



9.86 It should be stressed that a 3-storey building would not necessarily be the preferred townscape solution as it would in some cases involve residential buildings in the surrounding area stepping down towards an important civic building, which would appear somewhat squat in the landscape. Moreover, this scenario would push a considerable amount of space into the basement creating a poor standard of accommodation and would evidently have economic and financial consequences. A further scenario has been modelled involving a proposal where the building goes up to the Liverpool Road frontage with more massing on the frontage stepping down to the rear. This scenario results in similar impacts with comparable losses of daylight and worse impacts in some cases on the other Lowther Road properties located towards Liverpool Road.

- 9.87 Other scenarios have also been tested including a mirror-massing approach as well as a scenario involving the removal of the balconies which currently are an impediment to daylight to some of the reception/living rooms. Mirror massing involves modelling a replica of the neighbouring building being tested and placing it onto the development site and using that as a baseline. One then compares that baseline situation with the building actually being proposed to calculate the difference between the 'mirror/replica' building and the proposal as shown below.



Mirror massing

- 9.88 Evidently, the application proposal would have greater impacts on daylight to Arcadia Court than a mirror massing replica as it is slightly (up to 3m) taller with a bigger mass closer to the Lowther Road / Arcadia Court properties. A total of 4 'secondary' bedroom windows and 1 reception/living room would fail the BRE test when applying the mirror massing approach. Finally, the removal of the balconies results in some betterment in terms of daylight impacts, nonetheless 3 reception/living rooms would still experience adverse impacts on daylight distribution.
- 9.89 None of the other properties in the surrounding area would experience noticeable adverse impacts as a result of the development in terms of daylight. It is clear from the assessments carried out that Arcadia Court would be the most affected property in terms of loss of daylight. While there are noticeable adverse impacts on daylight to dwellings within 4-6 Lowther Road, the real impact would be felt in Arcadia Court. As the information provided demonstrates, the most considerable impacts on daylight are on 'secondary' bedrooms and kitchens (which are generally not included as habitable rooms). Moreover, the retained levels of daylight in many cases are relatively high, particularly for an inner-London context.
- 9.90 The application also demonstrates a number of mitigating circumstances that seek to justify the daylight impacts on Arcadia Court. As discussed, some of these are certainly worthy of consideration. Nonetheless, there are several adverse impacts to daylight afforded to habitable rooms in Arcadia Court which need to be fully considered and weighed up in the planning balance for this planning application.

Affects on Sunlight

- 9.91 Given the orientation of the buildings involved, in particular that the most-affected windows have a north-easterly orientation, sunlight to these windows is not considered to be adversely affected. However, there are some windows within Arcadia Court as well as on Chillingworth Road which have a southerly orientation and would be impacted by the proposed development in terms of loss of sunlight.
- 9.92 As can be seen from the table below, losses of greater than 20% of annual probable sunlight hours are experienced in a bedroom in Flat 2 at ground floor level as well as a reception/living room in Flat 6 at 1st floor level. Moreover, in both cases the rooms would receive less than 25% annual probable sunlight hours with a reduction in sunlight received over the whole year greater than 4%

of annual probable sunlight hours. As such, both rooms are considered to experience adverse impacts as a result of the development in terms of loss of sunlight.

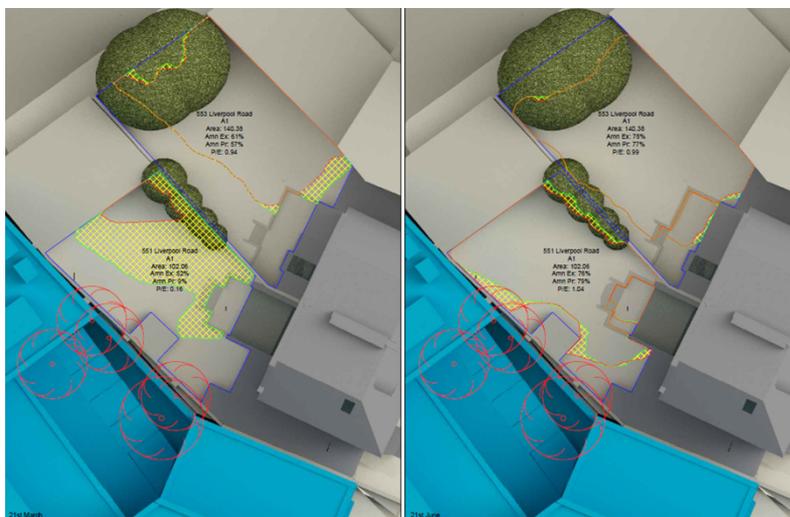
Arcadia Court (Flats 2, 3, 6, 9&12)	Room Use	Annual (APSH)			Winter (WPSH)		
		Existing	Proposed	% Reduction	Existing	Proposed	% Reduction
Ground Floor (Flat 2)	Bedroom	20	6	70%	1	0	100%
Ground Floor (Flat 3)	Bedroom	25	21	16%	7	6	14%
First Floor (Flat 6)	Reception	19	13	32%	8	8	0%
Second Floor (Flat 9)	Reception	31	25	19%	15	15	0%
Third Floor (Flat 12)	Reception	81	76	6%	26	26	0%

9.93 A number of windows in properties on Chillingworth Road have also been tested for sunlight impacts as they face southwards onto the application site. However, all of these windows would retain high levels of annual and winter sunlight hours and thus would not be considered to experience adverse impacts in terms of losses of sunlight. In summary, the proposal would result in adverse impacts in terms of loss of daylight and sunlight to a number of properties within Arcadia Court on Lowther Road which need to be fully understood in the consideration of this planning application.

Overshadowing

9.94 The proposal would result in the overshadowing of part of the rear gardens of 551-553 Liverpool Road, which also needs to be taken into consideration. The BRE guidance recommends applying the following test when assessing impacts on sunlight & overshadowing of gardens/amenity space:

“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least 2 hours of sunlight on 21 March.”

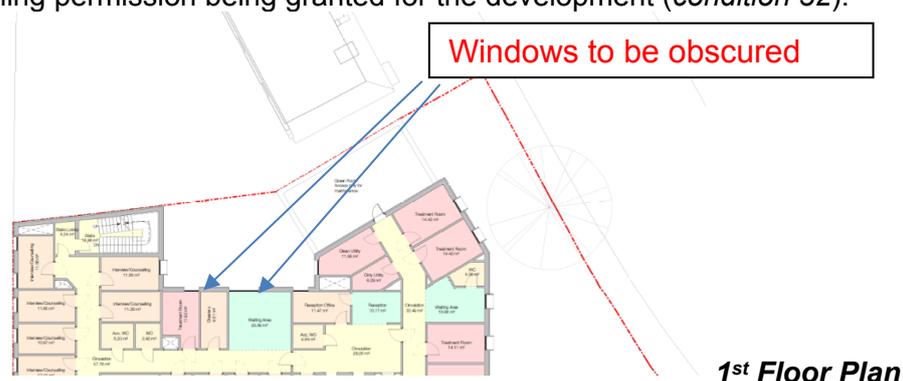


Overshadowing of gardens on 21st March and 21st June

- 9.95 Both rear gardens have been assessed for overshadowing using the two hour sun on ground test explained above. These gardens are to the north and north-west of the respective properties meaning that properties themselves cast shadows in the morning. The site is located directly to the south of the gardens meaning that it is highly likely that there would be some additional shadowing as a result of any form of redevelopment of the site. The area hatched in yellow is the area that would now no longer receive at least 2 hours of sunlight (21st March on the left, 21st June on the right).
- 9.96 It can be confirmed that 553 Liverpool Road would meet the guidance when assessed on March 21st and June 21st, with at least half of the garden receiving at least two hours of sunlight. 551 Liverpool Road, which is located immediately adjacent to the site, would however experience more notable reductions on March 21st, with the area receiving at least 2 hours of direct sunlight reduced from 69% to 11%. On June 21st, when the garden is likely to be used more frequently, 85% of the area would receive at least 2 hours of direct sunlight. However, the losses experienced on the 21st March need to be fully considered when weighing up the planning balance for this planning application.

Overlooking

- 9.97 Development Management Policy 2.1 states 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’.
- 9.98 The proposed building is bordered by public highway to the south, west and north and thus overlooking to properties on the opposite side of Chillingworth and Lowther Road would not normally need to be considered. This is principally because windows facing a public highway are already overlooked and to an extent form part of the public realm. One of the windows at ground floor level of Arcadia is a high-level bedroom window which has been designed to prevent overlooking given that it is at street-level with no defensible space. This room is also adversely affected in terms of losses of daylight and sunlight and as such it is considered necessary to protect privacy in this instance in order to reduce the cumulative impacts on this neighbouring residential dwelling. The 1st and 2nd floor windows of the proposed development that directly face the affected property could have obscured glazing up to a certain height in order to reduce the possibility of direct overlooking and thereby protect privacy. Details for this could be required by way of condition (32) in the event of planning permission being granted.
- 9.99 On the application site’s eastern boundary are a pair of Victorian properties (551-553 Liverpool Road) that have windows facing the application site within an 18m distance. There is no public highway dividing the windows and thus overlooking should be fully considered. While the windows within the proposed development are generally at quite an oblique angle to the windows within this neighbouring property, the proposed development is considered to result in a loss of privacy particularly to the glazed conservatory in the neighbouring property. As such, it is proposed that two windows at 1st and 2nd floor level would need to be fully obscured as shown on the plan below, in the event of planning permission being granted for the development (*condition 32*).



9.100 Finally, a roof terrace has been provided at 3rd floor level which could result in overlooking to neighbouring properties if not properly managed. As such, the applicants have submitted revised plans and elevations showing screening around the roof terrace, which would be secured by way of condition in the event of planning permission being granted for the proposed development.



Third Floor Plan

Noise & Disturbance

9.101 Rooftop plant is proposed on the application building. The plant enclosure would be some distance away from the closest residential building. The noise report includes a baseline sound survey which sets out typical background levels for the area. A 3-hour noise survey was carried out by the applicant and a further 24-hour survey was used for a recent development on Chillingworth Road. The average daytime background noise level measured by the L_{AF90} has been assessed as being 44dB, while at night this is reduced to 35dB. Environmental Health officers consider the survey results to be acceptable and advise that a noise condition be attached if permission were granted to restrict noise from the plant to at least 5dB(A) below the background noise level. Plant noise should be conditioned (No 11) as below:

"The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ 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 $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."

9.102 A further condition (12) is also proposed which would require a report to be submitted and agreed, which verifies the methodology and results of the above-mentioned plant noise condition so that in the event that permission is granted and the application implemented there is assurance that the plant noise remains below background noise levels.

9.103 Furthermore, the proposal involves a potentially significant increase in the number of visitors and staff to the site. The site currently caters to some 723 patients, which roughly equates to approximately 3,000 visits a year. While the applicants have stated that in the short-term they would expect a similar number of visits each day, the potential maximum capacity has also been calculated to get an understanding of the maximum potential impact on noise and disturbance and impact on surroundings. Some misunderstanding has ensued from figures in the Transport Statement which stipulated a theoretical maximum of 261 appointments a day, which assumed every room in the building would be used concurrently and at maximum capacity. In practice, it is anticipated the increased size of the proposed development would instead enable a greater range

and quality of care and support to be provided to a similar number of service users as presently use the facility.

- 9.104 As such, individual appointments would continue to vary day-to-day and would likely be significantly less than the above-referenced 261 a day. As a starting point, it is anticipated the proposed building would continue to serve approximately the same number of individual service users for an estimated upper limit of 225 attended appointments per week, with a potential to increase beyond that. On top of this, it is expected that up to 78 members of staff would work at the facility on a daily basis. While this is a significant increase from what is there at the moment, this is not considered to be an unusually high number of visitors for a medium-sized medical facility.
- 9.105 An average visitor to the site is expected to come on foot, enter the building and then leave after some time in an orderly manner. However, some neighbouring occupiers have complained of several incidents over the years, which resulted in a significant amount of noise and disturbance. While this will be discussed in a bit more detail in subsequent paragraphs of this report, it is considered that these incidents are isolated events which are not necessarily likely to become more frequent following an increase in the site's capacity.
- 9.106 In fact, following the removal of the dead spaces from the existing building, an increase in passive surveillance from the proposed building, an increase in the number of staff on site and with a larger internal floorspace where one can address any potential anti-social behaviour, there is an argument to be made that an improved facility like the one proposed has the potential of reducing noise and disturbance affects on surrounding residential occupiers. Moreover, the hours of operation for the proposed facility would generally be from 8am to 5pm Monday to Friday with the potential of closing beyond working hours at 8pm in order to allow for the agile working space to be used by NHS staff. These hours of operation would be restricted by condition to ensure that residential amenity is suitably protected (*condition 33*).
- 9.107 Finally, the building features two small roof terraces at third floor level, which could have the potential for noise nuisance. One of these faces the street while the other one faces the properties on Liverpool Road to the east. The latter one would be screened to reduce overlooking as well as the potential for noise and disturbance. There is also an area of flat roof at first floor level, though it is not intended to be used for amenity purposes. As such, a condition is recommended (*13*) to allow maintenance access only.

Other impacts

- 9.108 Objections from neighbouring residential occupiers also include reference to 'anti-social behaviour' from the every-day operation of the proposed use. There appear to be have been several incidents over the years at the existing mental health facility that have caused distress to neighbouring residential occupiers. It would appear from discussions with the Metropolitan Police that these would have been isolated incidents. Nonetheless, this has affected neighbouring residents and should be taken into consideration as part of this planning application. The nature of the existing site, which is occupied by a relatively small building with larger areas of open space and an area of open and poorly-overlooked car parking, is certainly not ideal in terms of enabling a safe and secure environment. Neither does the site with its barbed wire and dead frontages create a particularly harmonious relationship with its neighbours.
- 9.109 It is considered that for this planning application to be acceptable and successful the opportunity to create a well-managed facility that is more agreeable to its neighbours needs to be fully realised. On the one hand, a building with improved facilities, high quality and inclusive internal spaces and good quality, functional and well-overlooked external spaces lends itself more successfully to preventing nuisance and promoting well-being, but there also need be more concrete measures in order for the facility to integrate more harmoniously in to its surroundings going forward.
- 9.110 As such, the applicants have proposed to more successfully and thoroughly employ both CCTV and security lighting with full details being required by conditions (*9 and 31*) in the event of planning

permission being granted. Moreover, the applicants have agreed to have regular meetings with neighbours. Through this process, the neighbours will be given a dedicated Trust email address to allow direct communication on any local security issues, with emails being picked up during office hours by a senior manager on duty. It is also proposed to hold regular Lowther Road Neighbours' Meetings where neighbours can discuss any security concerns and areas of progress with Trust staff, but also look at ways in which the space at the centre could be used to support the wider local community's wellbeing. The neighbourhood police officer will also be invited to join these meetings. Details of these commitments will be required by condition (14).

- 9.111 The Design out Crime Group from the Metropolitan Police have also been extensively consulted on the application and they have been supportive of the principle of the proposal and the way the design has been developed. It is recommended that Secured by Design accreditation is sought and this would be secured through condition (31). An important role in maintaining safety and security would also be the management plan for the building and the spaces around it. As such, it is recommended to require details of the management of the mental health facility to be submitted and approved in writing to the Local Planning Authority by way of condition (14).

Outlook

- 9.112 Outlook, sense of enclosure and over-dominance of buildings is often referred to and is in fact cited within Policy DM2.1 as a material consideration. Given the relatively open nature of much of the existing site, the development of a 4-storey building on the site will undoubtedly affect neighbours' outlook from their properties. However, the proposed building is sympathetic in terms of height and massing and relationship with surrounding townscape and its introduction on an urban corner plot is not considered in this respect to create an unusual or unreasonable relationship to surrounding properties on Lowther Road or Chillingworth Road.
- 9.113 In terms of properties on Liverpool Road, the two semi-detached Victorian properties neighbouring the site have a rear outlook and rear garden which look onto the subject site. The introduction of a four-storey flank eastern elevation is considered to have a significant impact on their outlook. In order to soften this edge and mitigate against potential impact on outlook, it is suggested that the landscaping includes the provision of a green wall along this flank which is properly managed and maintained with details secured by condition (*condition 23*).

Construction Impacts

- 9.114 While construction impacts arising from a development are not on the whole a material planning consideration, a number of residential occupiers residing in properties neighbouring the site have raised concerns about the impacts on their lives from the demolition and construction impacts. In particular, concern has been raised about demolition and construction works during Covid-19 lockdown.
- 9.115 It is not considered to be a particularly challenging site to construct on, given its 3 frontages onto adopted highway. Nonetheless, construction could indeed result in noise, disturbance, dust and vibration impacts among other things which can be minimised if managed properly. As such, a condition (5) is recommended in the event of planning permission being granted which would require details of the construction process and resulting impacts to be assessed and approved in writing by the Local Planning Authority prior to commencement of works on site.

Conclusion

- 9.116 In conclusion, the proposed development is considered to result in adverse impacts in terms of loss of daylight and sunlight on a number of properties on Lowther Road as well as overshadowing of the rear gardens of Liverpool Road but these adverse impacts are outweighed by the overall benefits of the proposal. It is considered that other impacts of the proposal on privacy, outlook, construction, noise and disturbance can be successfully managed and mitigated in the context of this planning application subject to appropriate conditions and relevant obligations in the section

106 agreement in accordance with relevant London Plan Policies and Islington Policy DM2.1 (Design).

Highways and Transportation

- 9.117 The site has an excellent PTAL (Public Transport Accessibility Level) of 6a and is served by several bus routes within walking distance on Holloway Road and Liverpool Road. Several railway stations, including Highbury & Islington and Drayton Park are also within walking distance. The closest London Underground station is Holloway Road which is 440m away. An east-west cycle route runs along the southern boundary of the site and Holloway Road is served by a strategic cycle route. The site is well-connected by foot or on bike and is considered to be very accessible by public transport. The site is within the Barnsbury North CPZ with restricted parking during weekday working hours and weekends on matchdays.
- 9.118 Chapter 10 of the new London Plan (2021) sets out transport policies and locally, Core Strategy policies CS10 and CS18 and chapter 8 of the Development Management Policies set out the Council's transport policies with chapter 7 setting out transport policies in the emerging Local Plan Policies.
- 9.119 The applicants have submitted a Framework Travel Plan which recommends a significant reduction in car journeys and increase in journeys by foot or bike to the site over a period of 5 years. The building will have its own Travel Plan Coordinator to promote walking, car-sharing and cycling to reduce car use. The Travel Plan would need to be monitored for a period of five years. If the application were acceptable, this would be secured as part of a section 106 agreement.
- 9.120 The proposal results in the loss of the existing car parking on site and the proposal would be car-free except for the on-street wheelchair accessible bay and the two NHS operational parking bays, which would be secured by condition. A valid case has been made to allow for these on-street bays to be incorporated into the proposal to allow staff to make care in the community visits. While the majority of staff and visitors would access the site by public transport, bicycle or on foot there may be some that make the journey by car. The area is controlled by a CPZ which limits parking during working hours to resident permit holders only. The applicants have also submitted a car parking survey which demonstrates that there would in any case be considerable daytime parking capacity, which could easily accommodate the two NHS operational bays and any drop-off or wheelchair accessible parking spaces necessary for the development.
- 9.121 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, 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). While this is not a commercial development per se, the policy requirement can also be applied to other uses such as medical facilities with considerable servicing and delivery requirements.
- 9.122 The application is accompanied by a Transport Statement which provides details of the proposed delivery and servicing arrangement. It is anticipated that the development would be served by 1-2 deliveries per day with servicing and delivery taking place from the street in the existing spaces available. The main vehicular activity would be from the two NHS operational vehicles for which there would be two dedicated parking bays discussed above, and it is not considered necessary to require further on-site servicing / delivery bays. That being said, a condition is recommended in the event that planning permission is granted that would require further details of times, frequency and location of delivery and servicing vehicles to ensure that the servicing of the facility is carried out in the safest and least disruptive way.
- 9.123 The application includes the provision of 26 long-stay cycle parking spaces within the ground floor parking store and a further 24 short-stay cycle parking spaces would be provided in the amenity

space at the front of the site. The number of cycle parking spaces proposed complies with policy requirements and would be secured by condition in the event of permission being granted.

- 9.124 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions on cycle parking (8), servicing/delivery (20) and construction logistics/management (5). The application sets out adequate provision for waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The Council's Highways / Transport Officers have raised no objections to the proposal. The proposal would be acceptable in highways terms and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6. The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions.

Inclusive design

- 9.125 London Plan Policy D5 (previously Policy 7.2) requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 9.126 In terms of accessible transport, accessible parking bays must be provided for every 33 employees. The development would contribute towards the provision of 3No. accessible parking bays. Though these can not be provided within the application site itself, they would be secured through the section 106 agreement as detailed in Appendix 1 of this report, in the form of a financial contribution towards accessible transport infrastructure. A taxi drop-off bay would also be provided on-street and this would be secured through a legal agreement. In terms of cycle parking, details of the storage layout and types of rack would be required by condition (19) in the event of planning permission being granted to ensure that accessible/non-standard cycles are properly catered for.
- 9.127 The internal spaces, including corridor and door widths as well as treatment and consulting room dimensions have been designed with inclusivity in mind and would meet relevant standards. Most points raised by the Council's access officers to internal layouts have now been addressed though further detail has been requested with regard to the entrance features, sanitary facilities and some circulation spaces (*condition 19*). In terms of outdoor spaces, the seating areas should provide choice and comfort. The inclusive design features including accessibility of outdoor spaces such as routes to the main entrance and seating arrangements would be required by condition (23) in the event of planning permission being granted. With regards to lighting in the landscape, glaring and deep pools of shadow must be avoided. This would be suitably conditioned and further details would be required (*condition 9*).
- 9.128 As such, if members considered that the application were acceptable, an inclusive design condition (19) should be attached to any permission requiring submission of details of inclusive design features such as accessible cycle storage, sanitary facilities and the main entrance to be submitted in order to demonstrate compliance with the requirements of Policy DM2.2 and the Inclusive Design SPD.

Energy and Sustainability

- 9.129 The new London Plan Policy SI.2 stipulates for new developments to aim to be zero carbon with a requirement for a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. Policy SI.2 also requires all development proposals to contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation

of renewable energy (be green). Moreover, where it is clearly demonstrated that the zero carbon figure can not be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund. The new London Plan has only recently been adopted so the applicant's energy strategy has focused on meeting adopted local policies, which are broadly in line with new London Plan Policies.

- 9.130 Policy SI.4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure. Policy SI.7 'Reducing waste' states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.
- 9.131 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) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.

BE LEAN (Energy efficiency standards)

- 9.132 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 development are: external walls = 0.14w/m²k, roof = 0.13w/m²k, floors = 0.11 w/m²k and glazing = 1.41w/m²k. These U-values are consistent with (and improvements on) the values suggested in the Council's SPD. The air tightness would be 3.0³/m²/hr.
- 9.133 The Energy & Sustainability Statement specifies LED for all internal lighting with appropriate occupancy sensors. External lighting will be low energy and controlled by timers or daylight sensors. The Council's Energy Team have confirmed the energy efficiency measures to be acceptable.

BE CLEAN (Low-carbon Energy Supply)

- 9.134 Development Management Policy DM7.3(B) 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. The Energy Statement confirms that the proposed development is not within 500m of a DEN, which removes the requirement for connection. The revised Energy Statement states that the building will be heated via an underfloor heating system, making it suitable for future connection to a DEN. There will also be sufficient differential temperature in the flow and return pipework.
- 9.135 The revised Energy Strategy also states that 'the proposed building will comply with the Appendix A of the Environmental Design Guide'. A schematic of the Space Heating system has been provided which includes 'Detail – Future District Heating Connection Arrangement'. The applicant has now confirmed in writing that the proposed scheme is being designed with flow and return pipes entering the site boundary and extended to the building in the ground floor level tank room. From the ground floor the proposed network will rise up in the third floor boiler room for future connection to new plate heat exchangers. Sufficient space in the plant room has been allowed to accommodate future new plate heat exchangers.

BE GREEN (Renewable Energy Supply)

- 9.136 The Energy Statement includes a review of biomass, solar thermal, ground source heat pumps and wind turbines which have been discounted for valid reasons. Biomass heating has been discounted due to the biomass/biofuel transportation impact. Adjacency to residential/commercial developments with consequent flue implications also represents a potential constraint. Ground source heat pumps (GSHPs) are not considered appropriate for this scheme and stand-alone wind turbines and roof-mounted wind turbines have been discounted for valid reasons. A solar 4kWp PV array has been proposed in the Energy Statement. The proposed solar PVs cover a large proportion of the roof and the Council's energy team have confirmed they are satisfied that renewable energy measures have been optimised. In line with new emerging and adopted policy however, it is considered that there may be further opportunities to maximise solar PVs. As such, in the event of planning permission being granted, further details would be required by condition (29) to demonstrate how solar PVs have been maximised.
- 9.137 Green Performance Plan: Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO2 emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation.
- 9.138 A draft Green Performance Plan has been submitted (as an Appendix to the Sustainable Design & Construction Statement), which includes targets for water, CO2 and energy consumption. This also includes detail of how the data will be collected, responsibility for managing the GPP and arrangements for addressing poor performance in line with the requirements in Islington's Environmental Design SPD.
- 9.139 It is recommended that the s106 legal agreement includes the requirement for the submission of a final GPP to include measurable water and energy targets and for a final post occupation Green Performance Plan to be submitted to the Local Planning Authority following an agreed monitoring period.
- 9.140 Carbon Emissions: Policy CS10A promotes zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 9.141 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO2 emissions reduction target. The final stage of the hierarchy requires developers to:
- '...offset all remaining CO2 emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO2 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 CO2 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.'*
- 9.142 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The revised Energy Statement confirms a reduction of 43.22% in CO2 emissions from a 2013 baseline. A 15.30% reduction is achieved at the 'Be Lean' stage meeting the 15% requirement in the London Plan. This achieves the London Plan target. The application also results in a 30.1% reduction in total (regulated and unregulated) carbon emissions from a 2013 baseline, which achieves the policy target of 27%.

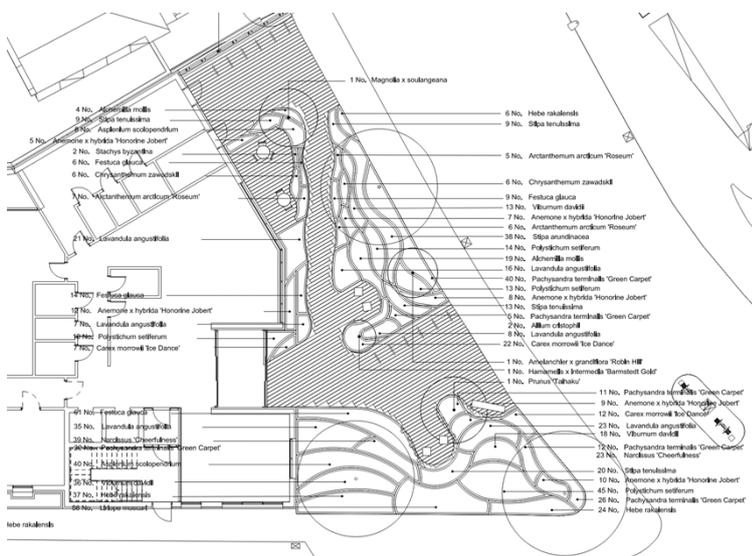
- 9.143 The sum of regulated emissions (after Be Lean, Be Clean & Be Green) and the un-regulated emissions are 34.29 tonnes CO₂ per year. Based on the Council's carbon offset figure (£920/tonne). The scheme therefore gives rise to a requirement for a carbon offset contribution of £32,505.
- 9.144 Sustainability features: Through the incorporation of sustainable design and construction methods, energy, water and waste saving measures the proposed development is considered to be environmentally sustainable. The building has been designed to minimise the risk of overheating and the consequent reliance on cooling or mechanical ventilation. The ecology of the site will be enhanced through the protection of the most valuable ecological assets on site and the provision of new well-chosen biodiversity features.
- 9.145 The application includes objectives to minimise waste generated on site during demolition and construction and to maximise the use of recycled materials. Furthermore, building materials will be sourced locally to reduce transportation pollution and support the local community. Materials will be selected based on the environmental impacts as far as is practical. Finally, the development will achieve a BREEAM 'New Construction' (2018) rating of no less than 'Excellent', which will be secured by condition (17).
- 9.146 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.
- 9.147 A TM52 Thermal Comfort Report has been submitted. Thermal modelling has been carried out using appropriate software and London DSY1 weather data. The results have been assessed against the criteria of TM52. A number of rooms are shown to fail against the criteria of CIBSE TM52 in 2020 and 2050 and active cooling has been specified for these areas. Once the active cooling is applied no areas are at risk of overheating against the criteria of CIBSE TM52. One treatment room that is not at risk of overheating also has active cooling specified for operational reasons.
- 9.148 Sustainable Urban Drainage System (SUDS): 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' (8 litre/sec/ha), where feasible. The London Plan requires that drainage run offs in new developments be reduced by 50% including an allowance for climate change. The proposed development will reduce the drainage run-off by use of a below-ground attenuation tank and permeable paving. The proposed run-off rate for the site would equate 2.0l/s, which is considered to comply with policy.
- 9.149 Further detail in relation to the Drainage Strategy will need to be provided in order to ensure that water-attenuation is maximised. These details shall include: (i) the calculation of the storm water storage required for the 1 in 100 year storm plus climate change allowance; (ii) the location and size of the attenuation tank to ensure the volume is sufficient; (iii) consideration of the use of SUDS as part of the landscape design where possible, through bioretention areas and tree pits as well as rainwater harvesting in the form of water butts to irrigate soft landscaping areas; (iv) the use of blue roofs combined with the green roofs to provide irrigation for the green roofs. These details would be required by conditions (7, 16 and 23) in the event that planning permission is granted.

Conclusion

- 9.150 The planning application includes a number of energy efficiency, renewable and green energy and sustainability measures that would deliver a sustainable form of development subject to planning conditions and appropriate planning obligations in accordance with London Plan Policies SI.2 and

Trees and landscaping

- 9.151 Trees, shrubs and vegetation are protected by policy, specifically Policy DM6.5 which states that any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Moreover, that the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 9.152 There is a considerable amount of vegetation at the front of the site on the Liverpool Road frontage, including a number of mature trees of considerable amenity value. Though none are protected by TPO, the tree officer has confirmed that at least 3 of the trees on site, an Elm, a Lime and a Tree of Heaven would be worthy of tree preservation orders. The proposal has been carefully designed to retain the trees of highest value and with the largest canopy cover. A tree survey has been provided, which provides information on which trees will be removed and which would be retained and protected. A detailed landscape strategy has also been submitted with the application. Objections have been raised about the impacts of a neighbouring Cherry tree in the garden of 551 Liverpool Road, though it can be confirmed that this tree will be retained and suitably protected during construction works with the canopy reduced to the boundary.
- 9.153 The proposal would result in the removal of four trees on site including two that are in poor health and one Category C tree. The landscaping strategy includes the planting of four new trees, including a Magnolia tree and a Japanese Flowering Cherry tree. The setting back of the building line has allowed for the retention of a 'pocket park' which provides a welcoming landscaped entrance as well as a small seating area providing for a visual connection between the external spaces and the internal spaces, in particular the small publicly accessible café. This in turn is considered to contribute towards the objective of destigmatising mental health and breaking down barriers between the medical facility and the surrounding neighbourhood in a coherent and sympathetic way.



Landscape / Planting Strategy

- 9.154 Though the 'pocket park' leaves a relatively generous space at the front of the site, once more operational requirements are added such as visitor cycle parking, paving, a bike store and refuse store entrance, the space retained for planting and vegetation becomes quite tight. As such, the trees and shrubs proposed have been carefully chosen to fit within the constraints and parameters of the site. In view of this, it is considered that the landscape strategy proposed has maximised the amenity and ecological potential of the site.

9.155 The proposal includes landscape features along the side of the building on the Lowther Road frontage as well as green roofs and the potential for green walls. Moreover, the application includes a significant amount of landscaping detail including tree and plant species and an Ecological and Landscaping Management Plan, which provide comfort that the amenity and ecological aspects of the proposal will be successfully implemented. Nonetheless, further details including details of hard landscaping, inclusive design features, SUDS, green walls and boundary treatment among other things will be required by condition (23) in the event of planning permission being granted.



View of Landscaped Entrance

9.156 The tree officer has been consulted on the proposal, offering support for the landscaping proposal in response. It can be confirmed that the proposal is of the highest quality, providing a well-considered and contextual landscape strategy with sufficient tree planting and well-designed garden space in accordance with Development Management Policies DM6.3 and DM6.5.

Planning Obligations, Community Infrastructure Levy and local finance considerations

9.157 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, unless an exemption applies. 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. 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.

9.158 Islington's CIL Regulation 123 infrastructure list (no longer in place, following recent legislative changes) specifically excluded 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.

9.159 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.

- A bond/deposit of £34,749 to cover costs of repairs to the footway and £30,835 for repairs to the highway (total £65,584). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where

the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £1,788 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.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount is £32,505.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- The submission of a Green Performance Plan.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 3 accessible parking bays or a contribution of £6,000 towards accessible transport measures.
- Provision of a drop-off bay.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.160 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.

10.0 SUMMARY AND CONCLUSION

Summary

10.1 The application is for full planning permission for the redevelopment of the site involving the demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works. The proposal aims to expand, improve, and consolidate mental health services whilst providing relevant ancillary functions.

- 10.2 The principle of the planning application, in delivering an enhanced and integrated mental health facility, is considered to be acceptable and in accordance with policy. The proposed development is considered to be consistent with the aims and objectives of NPPF as well as London Plan Policies GG1, GG2, S1 and S2, Islington Policy DM4.12, DM6.1 and emerging Policy SC1. The proposal is also in line with the Site Allocation OIS23: 1 Lower Road, which supports the protection of the existing healthcare use of the site as well as the intensification of healthcare and social infrastructure uses.
- 10.3 The proposal is considered to introduce a well-designed and contextual building that would preserve and enhance the setting of the grade II listed building as well as the neighbouring St Mary Magdalene Conservation Area. The proposed building is well-designed contemporary building that presents well-mannered edges to the three streets it faces and to the residential flank to its eastern edge. The application is thus considered to be acceptable in terms of design, appearance and heritage in accordance with Development Management Policies DM2.1, DM2.3, DM2.4 and DM2.5, Islington Core Strategy CS8 and CS9, London Plan Policies D1, D3, D4 and emerging Local Plan Policy DH1 and DH3.
- 10.4 The proposed development is considered to have been designed to minimise impacts on residential amenity but would nonetheless result in some adverse impacts in terms of loss of daylight and sunlight on neighbouring residential properties. Other impacts on neighbouring amenity such as overlooking, outlook, sense of enclosure, noise / disturbance and transport impacts are considered to have been successfully mitigated and minimised, subject to appropriate conditions as detailed in Appendix 1.
- 10.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 10.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development; thus, the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

Conclusion

- 10.7 The proposal is considered to comply with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms 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.

- A bond/deposit of £34,749 to cover costs of repairs to the footway and £30,835 for repairs to the highway (total £65,584). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £1,788 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.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount is £32,505.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- The submission of a Green Performance Plan.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 3 accessible parking bays or a contribution of £6,000 towards accessible transport measures.
- Provision of a drop-off bay.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Plans: CICH-RYD-00-ZZ-DR-A-1000-S2-P02; CICH-RYD-00-00-DR-A-0400-S2-P01; CICH-RYD-00-02-DR-A-0401-S2-P01; CICH-RYD-00-ZZ-DR-A-0405-S2-P01; CICH-RYD-00-ZZ-DR-A-0410-S2-P01;</p> <p>Proposed Plans: CICH-RYD-00-ZZ-DR-A-1002-S2-P07-Site Plan; CICH-RYD-00-00-DR-A-3000-S2-P016-GA Ground Floor Plan; CICH-RYD-00-01-DR-A-3001-S2-P016-GA First Floor Plan; CICH-RYD-00-02-DR-A-3002-S2-P016-GA Second Floor Plan; CICH-RYD-00-03-DR-A-3003-S2-P016-GA Third Floor Plan; CICH-RYD-00-04-DR-A-3004-S2-P08-GA Roof Plan; CICH-RYD-00-ZZ-DR-A-3600-S2-P012-GA Elevations; CICH-RYD-00-ZZ-DR-A-3601-S2-P04-GA Elevations in Context; CICH-RYD-00-ZZ-DR-A-3800-S2-P011-GA Sections; CICH-RYD-00-ZZ-DR-A-3802-S2-P03-GA Sections in Context; CICH-RYD-00-XX-DR-L-7000-S2-P02-Planting Plan CICH-RYD-00-XX-DR-L-2100-S2-P02-Landscape Masterplan; Tree Protection Plan 20097-BT4; Additional Visuals and Photomontages; Cover Letter by Ryder Architecture dated 22nd January 2021;</p> <p>Planning Statement by Cundall dated 15th October 2020;</p> <p>Design & Access Statement by Ryder Architecture dated 9th October 2020;</p> <p>Daylight & Sunlight Assessment by Consil dated 15th October 2020;</p> <p>Consil Addendum Letter dated 27th January 2021;</p> <p>Ecological Assessment by Ecology Solutions dated October 2020;</p> <p>Landscape & Ecological Management Plan by Ecology Solutions dated Oct 2020;</p> <p>Ecology Issues Report (BRE) by Ecology Solutions;</p> <p>Heritage Statement by Cundall dated October 2020;</p> <p>Health Impact Assessment Screening Form (2020);</p> <p>Noise Impact Assessment by GL Hearn dated October 2020;</p> <p>Acoustics Addendum Letter by Cundall dated 3rd March 2021;</p> <p>Statement of Community Involvement (Rev A) by Cundall dated Oct 2020;</p> <p>Transport Statement by Caneparo Associates dated October 2020;</p> <p>Draft Travel Plan by Caneparo dated October 2020;</p> <p>Waste Management Plan by Caneparo dated October 2020;</p>

	<p>Air Quality Assessment by Redmore Environmental dated 30th September 2020; Arboricultural Assessment & Method Statement dated 22nd January 2021; Revised Tree Protection Plan dated January 2021; Tree Protection Methodology by Barrell Tree Consultancy; Energy and CO2 Reduction Strategy Rev A by Carbon Plan Engineering; SAP 2012 Performance Calculation; BRUKL Output Document (Baseline) by Carbon Plan Engineering dated Oct 2020; BRUKL Output Document (Green) by Carbon Plan Engineering dated Nov 2020; BRUKL Output Document (Be Lean) by Carbon Plan Engineering dated Oct 2020; Sustainable Design & Construction Statement Rev A dated Oct 2020; Staff & Visitor Data Confirmation Letter by Cundall dated 23rd Feb 2021; Proposed Highway Arrangement Plan 4336 002 Rev A; Safety & Security Addendum Letter by C&I NHS Foundation Trust dated Jan 2021; Space & Capacity Requirements – Planning Addendum Document.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Compliance and Details)
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Window manufacturer's detail including glazing, sections and reveals and samples; b) Details and sample panel of all brickwork; c) Details of all rooftop materials; d) Details of the materiality to the ground floor frontage; e) Details of bronze coloured anodised aluminium cladding; f) Details of 'white' concrete; g) Details of all entrances and openings; h) Any external boundary treatments; i) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Plumbing (No pipes to outside of building) (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
5	Construction Management Plan and Construction Logistics Plan (Details)

	<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 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. The CMP must refer to the new LBI Code of Practice for Construction Sites.</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>
6	Impact Piling (Compliance)
	<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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
7	Sustainable Urban Drainage (Details and compliance)
	<p>CONDITION: Further details of SUDS features shall be submitted and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> • The calculation of the storm water storage required for the 1 in 100 year storm plus climate change allowance; • The location and size of the attenuation tanks proposed to ensure the volume is sufficient; • Incorporation of blue roofs combined with the green roofs to provide irrigation for the green roofs. <p>The details approved shall be installed and operational prior to occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
8	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage areas, including the 26No. covered, secure and accessible staff bicycle spaces and the 24No visitor bicycle spaces in the external amenity space 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 is available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Lighting (Details)

	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure works commencing on site.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security 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 to not adversely impact neighbouring residential amenity nor those with visual impairments and is appropriate to the overall design of the building.</p>
10	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
11	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall not exceed:</p> <ul style="list-style-type: none"> • 41 dB LAr,Tr during operating hours (07.00 – 17.00) • 39 dB LAr,Tr during the evening (17.00 – 23.00) • 30 dB LAr,Tr at night (23.00 – 07.00) <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided and neighbouring amenity is not adversely affected.</p>
12	Noise Report (Compliance and Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
13	Outdoor Roofspace (Compliance)
	<p>CONDITION: The outdoor space at first floor level shown on drawing number 3001 Rev P016 hereby approved shall not be used as amenity space 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>14</p>	<p>Management Plan (Compliance and Details)</p> <p>CONDITION: A management plan detailing the future operation of the Mental Health Facility, to include:</p> <ul style="list-style-type: none"> (i) management of access to the building; (ii) safety and security measures; (iii) management of the outdoor amenity space; (iv) details of Neighbourhood Forum meetings; (v) other suitable measures to manage and mitigate the impact on neighbouring residential amenity; <p>shall be submitted to and agreed by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: In the interests of protecting neighbouring residential amenity and in accordance with Development Management Policy DM2.1 and policy CS12F of the Islington Core Strategy 2011.</p>
<p>15</p>	<p>Use Classes (Compliance)</p> <p>CONDITION: The 2,391sqm of E(e) Use Class floorspace hereby approved, including the café and workspace which shall remain ancillary to the principal medical use, shall be limited to uses within E(e) - of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2020 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to other uses within Class E via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the health and well-being of society.</p>
<p>16</p>	<p>Green/Brown Biodiversity Roofs</p> <p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ul style="list-style-type: none"> a) how the extent of green/brown roof has been maximised b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>

17	BREEAM (Compliance)
	<p>CONDITION: The development hereby approved shall achieve a BREEAM 'New Construction' (2018) rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
18	Energy Strategy (Compliance)
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology, as detailed within the revised 'Energy and CO2 Reduction Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy features/ 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>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
19	Inclusive Design (Compliance)
	<p>CONDITION: All inclusive design measures identified within the application submission shall be installed and operational prior to the first occupation of the development hereby approved.</p> <p>Further details on the following points shall be submitted and approved in writing by the Local Planning Authority prior to the completion of the development hereby approved:</p> <ul style="list-style-type: none"> - the fire fighting strategy and how the needs of disabled peoples has been addressed including details of refuge areas; - details of cycle storage including that for non-standard bicycles; - inclusive design features of the main entrance; - further details of ground floor accessible bathroom facilities; - confirmation that corridors and lobbies meet relevant standards within Islington's Inclusive Design SPD. <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
20	Final Servicing and Delivery Plan (Compliance)
	<p>DELIVERY & SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
21	Green Procurement Plan (Details and Compliance)

	<p>CONDITION: Prior to the commencement of superstructure works, 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>
22	Lighting and Roller Blinds (Details and Compliance)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> · Automated roller blinds; · Lighting strategies that reduce the output of luminaires closer to the façades; · Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
23	Landscaping (Details and Compliance)
	<p>CONDITION: The landscape strategy shall be implemented in accordance with the submitted Landscape Masterplan Plan No. 2100 Rev P2 and Planting Plan No. 7000 Rev P2 unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Further details of landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the hereby approved development.</p> <p>The additional information shall include the following details:</p> <ol style="list-style-type: none"> a) 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; b) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings; c) details of how the landscaping would meet inclusive design principles; d) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS); e) any boundary treatment; f) any further biodiversity features or ecological enhancements; g) feasibility and details of a green wall on the proposed building's eastern façade; h) any other landscaping features forming part of the scheme. <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</p>

	<p>development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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. 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>
24	Bird / Bat Boxes (Compliance)
	<p>CONDITION: 6 bird boxes (including swift boxes) shall be installed on the proposed building prior to the first occupation of the development hereby 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>
25	Biodiversity / Ecology (Compliance)
	<p>CONDITION: All measures identified in the submitted 'Landscape and Ecological Management Plan' dated October 2020 shall be carried out in accordance within identified timescales and procedures.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
26	Roof-Level Structures (Details and Compliance)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>
27	Signage Details (Details and Compliance)
	<p>CONDITION: Details of all signage for the development hereby approved shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such thereafter unless otherwise agreed in writing.</p>

	<p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<p>28</p>	<p>Tree Protection (Compliance and Details)</p>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
<p>29</p>	<p>Solar PVs (Details and Compliance)</p>

	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These submission shall demonstrate how Solar PVs have been maximised on site, and details shall include but not be limited to: location; area of panels; how the PV output has been maximised and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
30	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
31	Secured by Design (Details and Compliance)
	<p>CONDITION: Prior to superstructure works commencing of the development hereby approved, details of how the development achieves Secured by Design accreditation 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: In the interests of safety and security.</p>
32	Obscure Glazing and Privacy Screens (Compliance and Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking from the proposed building to neighbouring properties on Liverpool Road and to dwellings on the ground floor of Arcadia Court shall be submitted and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
33	Hours of Operation (Compliance)
	<p>CONDITION: The use hereby approved shall only operate between the following hours:</p> <p>8am to 8pm (Monday to Saturday)</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>

List of Informatives:

<p>1</p>	<p>Planning Obligations Agreement</p> <p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<p>2</p>	<p>Community Infrastructure Levy (CIL)</p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
<p>3</p>	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<p>4</p>	<p>Thames Water (Waste Comments)</p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>

5	<p>Thames Water (Mains Water Pressure)</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	<p>Highways Requirements (1)</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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk.</p>
7	<p>Highways Requirements (2)</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 highways.maintenance@islington.gov.uk 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 streetworks@islington.gov.uk. 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 month’s 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 contractual agreements with Islington Council’s Highways contractors.</p>
8	<p>Highways Requirements (3)</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 streetlights@islington.gov.uk</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. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
9	Fire Brigade Requests
	<p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.</p> <p>The Commissioner 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 Commissioner's 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. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.</p> <p>The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>
10	Roller Shutters
	<p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed, a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 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 2021, Islington Core Strategy 2011, Development Management Policies 2013, The following policies of the Development Plan are considered relevant to this application:

The London Plan 2021 - Spatial Development Strategy for Greater London

Policy GG2 Making the best use of land
Policy D1 London's form, character and capacity for growth
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D7 Public Realm
Policy D9 Basement development
Policy D11 Fire safety
Policy D13 Noise
Policy S1 Delivery London's social infrastructure
Policy S2 Health and social care facilities
Policy HC1 Heritage and Growth
Policy G5 Urban Greening
Policy G7 Trees and Woodlands

Policy SI2 Minimising greenhouse gas emissions
Policy SI4 Managing heat risk
Policy SI5 Water infrastructure
Policy SI7 Reducing waste and supporting the circular economy
Policy SI12 Flood risk management
Policy SI13 Sustainable drainage
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T7 Deliveries, servicing and construction

Islington Core Strategy 2011

Spatial Strategy

Policy CS1 (Archway)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Infrastructure and Implementation

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

Development Management Policies 2013:

Policy DM2.1 (Design)
Policy DM2.2 (Inclusive design)

Policy DM2.3 (Heritage)
Policy DM2.5 (Landmarks)

Policy DM3.7 (Noise and vibration)
 Policy DM4.12 (Social and strategic infrastructure and cultural facilities)
 Policy DM6.5 (Landscaping, trees and biodiversity)
 Policy DM6.6 (Flood prevention)
 Policy DM7.1 (Sustainable design and construction)
 Policy DM7.3 (Decentralised Energy Networks)
 Policy DM7.4 (Sustainable design

standards)
 Policy DM7.5 (Heating and cooling)
 Policy DM8.2 (Managing transport impacts)
 Policy DM8.4 (Walking and cycling)
 Policy DM8.5 (Vehicle parking)
 Policy DM8.6 (Delivery and servicing for new developments)
 Policy DM9.1 (Infrastructure)
 Policy DM9.2 (Planning obligations)

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington SPD

Environmental Design (Oct 2012)
 Inclusive Design (Feb 2014)
 Inclusive Landscape Design (Jan 2010)
 Planning Obligations (S106) (Dec 2016)
 Urban Design Guide (Jan 2015)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)
 Social Infrastructure SPG (May 2015)
 Character and Context SPG (adopted June 2014)
 Sustainable Design and Construction SPG (adopted April 2014)

Draft Islington Local Plan 2020

The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

Policy H1 Thriving Communities
 Policy H7 Meeting the Needs of Vulnerable Older People
 Policy SC1 Social and Community Infrastructure
 Policy SC4 Promoting Social Value
 Policy B5 Jobs and Training Opportunities
 G2 Protecting Open Space
 G4 Biodiversity, Landscaping and Trees
 Policy S1 Delivering sustainable design
 Policy S2 Sustainable design and construction
 Policy S3 Sustainable design standards
 Policy S4 Minimising greenhouse emissions

Policy S6 Managing Heat Risk
 Policy S8 Flood risk management
 Policy S9 Integrated water management and sustainable design
 Policy T1 Enhancing the public realm and sustainable transport
 Policy T2 Sustainable transport choices
 Policy T3 Car-free development
 Policy T5 Delivery, servicing and construction
 Policy DH1 Fostering innovation while protecting heritage
 Policy DH2 Heritage Assets
 Policy DH4 Basement development

Islington's Draft Local Plan (2019) Site Allocations Schedule:

OIS23 1 Lowther Road: Protection of the existing healthcare use of the site. Intensification/consolidation of healthcare/social and community infrastructure uses is encouraged.

APPENDIX 3: DRP REPORT RESPONSE

ISLINGTON DESIGN REVIEW PANEL

**RE: Community Hub Building, 1 Lowther Road, N7 8US
(Pre-application Ref: Q2018/2529/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 08/09/20 for a 1st Review of the above scheme. The proposal is for the redevelopment of the site with a 3 – 4 storey building for use as an NHS Mental Health Day Care Centre together with a communal garden to the Liverpool Road frontage.

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 Richard Portchmouth (Chair), Tim Ronalds, Richard Brown, and Neil Williamson.

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals. The site visit was undertaken 'virtually', at the beginning of the meeting, with clear imagery of the context and the existing building on the site presented by the applicant's design team.

The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment on the scheme and thanked the design team for such a helpful and thorough presentation.

Questions and Answers

The Panel sought clarification in relation to the following issues:

Panel Query: What was originally on the site including up to the development of the current building? And has this history informed the design?

Answer: The existing building has been there for over 30 years. Originally it was the site of Victorian Houses, possibly similar to those to the east of the site at 551 – 553 Liverpool Road.

The existing context and the need to retain the trees to the Liverpool Road edge have played a more significant role in informing the scheme design.

The existing context and the need to retain the trees to the Liverpool Road edge have played a more significant role in informing the scheme design.

Panel Query: How responsive is the scheme design to energy efficiencies and climate change?

Answer: Full engineering team is on board. Building will meet all contemporary regulations and standards. Currently proposing an air source heat pump on roof, have addressed solar heat gain through fenestration detailing; blue and green roof elements being considered; client seeks to achieve BREEAM Excellent.

Panel Query: Has natural ventilation been maximised?

Answer: Air Quality in the area is so poor that the building will need to be mechanically ventilated.

Panel Query: How does this design reflect a community building rather than a mental health building?

Answer: Mental Health Buildings were often hidden behind walls or set deep within a hospital 'estate'. They had attached to them multiple negative emotions including those associated with shame and personal inadequacies.

We now know 1 in 4 of us will suffer some form of mental health illness in our lifetime and as a culture are becoming more honest and open about mental health needs and how best to address them.

The building has multiple street frontages that it openly faces onto and addresses. It is designed to be welcoming and accessible with plenty of ground floor animation, and including a pocket park with a café to its primary frontage. And in this manner it now reflects more of a community facility than a medical one.

Panel Query: Would like to understand more how the building sits alongside its neighbours in terms of proportions and patterning and such like.

Answer: Not quite at that level of detail but have already had regard to neighbouring architecture and are concentrating on designing with a non-domestic language.

Panel Query: Support the idea of the café with potential for use by all. Would like a better understanding of how the public gains access to it.

Answer: This matter is still being considered with the NHS Trust. Security is a key issue as is community inclusiveness. The location of the ground floor main reception provides clear direct views to the café which aids security. However, in terms of access, whether this must be via the building's main entrance or whether the cafe can be accessed (as well) via the garden, is still to be resolved. But the aspiration is that any member of the public passing by could freely use the café.

Panel Query: Is the local authority happy with the tree proposals including those three trees that are proposed to be retained?

Answer: Yes. The Council's tree officer considers that the 3 trees as proposed for retention are of such a good quality they are worthy of protection. To see their retention by the applicant is warmly welcomed by the Council.

Panel Query: The earlier iteration of the landscape design shows a pedestrian access from Lowther Road as well as two from Liverpool Road while the latest iteration excludes it. Why is this?

Answer: This arose out of concern for the root protection zone although the landscape design is still evolving.

Panel Query: The adjacent pair of Victorian buildings to the east will have their outlook dramatically altered and the one nearest likely to experience increased levels of overshadowing and possibly suffer some loss of sunlight and daylight. How has this consideration informed the design development?

Answer: The team has been working from the outset with a sunlight and daylight specialist and the building has been cut back and crafted in order to minimise the impact on all surrounding homes. One exercise included assessing the sunlight and daylight impacts of a scheme that was lowered by an entire floor, a 1 – 3 storey development, and this too was found to produce similar impacts to the 1 – 4 storey scheme as proposed.

The proposal was also modelled in a manner that considered the impact of the current situation taking account of the impact of all the existing trees on the study site in relation to the neighbouring Liverpool Road homes and gardens. And this showed that the proposed scheme has a less severe impact relative to the existing situation should the existing tree impact be accounted for.

Panel Commentary

The Panel found the evolution of the building an interesting journey and considers that the site layout is rational the height, bulk and massing, and configuration of the building on the site appear to be sound and uncontentious.

The Panel's primary concerns relate to what it considers an overly corporate design from the crisp clean lines of the architectural language to the over reliance on artificial lighting (to ground floor in particular), large 'banks' of internal work space, to the use of mechanical ventilation (and a lack of openable windows) throughout.

The scheme's landscape design was also felt to be in need of a more considered redesign to make it more user friendly and 'fit for purpose'.

Architectural Expression

The Panel questioned what is an appropriate architectural expression for a building of this kind. While the scale of the building was considered contextually appropriate, the extensive use of double height fenestration, metal frames, and expressed formality give it a 'hard edge' expression whereas those using the facility may be more encouraged by less formality and the inclusion of softer, more animating, architectural forms and features.

The double height void to the entrance, together with the extensive use of double height fenestration modules, are large scale elements that are more generally associated with commercial architecture rather than designing for vulnerable users. The Panel therefore advised that the scheme would benefit from a more human architectural language which would give it a different, softer and more intimate quality. The fenestration would do well to reflect more closely the uses it frames.

The building should look to the future and not rely on mechanical ventilation only but should include openable windows. While the air quality may be poor now, given the trajectory towards cleaner vehicles and a greater emphasis on alternative modes of travel, the Panel therefore

advised that the fenestration should be designed to be openable as well as accommodating mechanical ventilation.

The Panel also advised that the scale and positioning of any roof top plant needs to be thoroughly considered at this stage in the design process in order to ensure it is appropriately sited and screened by the parapet walls.

Internal layout and design

The Ground floor was considered by the Panel to be particularly problematic with insufficient natural light or visual access to 'nature'. The large bank of office desks was considered to create a particularly poor working environment given the whole of this space would only be lit by sky lights. The Panel suggested this use should either be relocated to benefit from direct access to windows to the street or garden, or to bring an external courtyard down into the space providing the office area with direct access to an open and landscaped space.

The Panel suggested that more be made – architecturally and functionally – of the stairs and stairwells whereby they be designed in a manner that actually encourages their use while also being used as a device to bring more natural daylight down into the building and providing a more interesting space in general. Currently they look as though they are designed to be fire escapes only rather than primary staircases for day to day use which is at odds with a medical related facility that is focused on improving health.

The benefits of retaining all three of the most important trees on the site were queried by one Panel member given it has made for a more challenging, and tighter, footprint. The removal of the tree to the Lowther Road edge would enable a larger footprint and building with a more 'regular' building line that matched the historic one.

The Landscape

The majority of the Panel supported the retention of all three of the highest quality trees on the site.

The "pocket park" however did not look very convivial and was considered to be too focused on movement through, and forced directional orientations, with not enough emphasis on creating places to pause, sit and relax in. The Panel considered that it would benefit from a reprioritisation with peaceful amenity and small scale intimacy through which there is ancillary pedestrian movement. 'Niches, nooks and crannies' were called for with a sense of intimacy and a greater sensitivity to human needs - were some of the design pointers offered.

The Panel queried whether the refuse and cycle stores could swap position giving the cycle storage function a higher priority to the frontage than the refuse, which would also likely improve the quality of the pocket park.

Summing Up

The Panel supported the ambition and the ethos of the project including the early interventions made to the scheme and the willingness to work with partner organisations towards creating a better offer for service users and providers.

The Panel supports the scheme in terms of its urban design response and qualities with a scale and massing that appears to be contextually logical.

However, the Panel consider that the architecture failed to see through the well-considered verbal narrative with its emerging detailing being too commercial and not sufficiently community orientated.

The Panel would expect to see more contextual analysis including a study of the pattern and detailing of the surrounding buildings and to understand how the proposed architecture

subsequently responds and fits. More drawings & details of the building within its setting, plans, sections & elevations together with 3D views would help to illustrate and explain this.

The Panel considers there needs to be more done to make this a warm and inviting building. More sunlight and daylight needs to be brought into the ground floor which can be achieved by a reconsideration of the staircases and stairwells, creating an open air courtyard to the office bank, considering sight lines between inside and out as a means of orientation as well as use of natural light, including the use of blinkered windows in circulation areas to maintain neighbour privacy and providing openable fenestration.

The above issues were considered to also relate to future proofing the building and to ensuring it is sustainable and energy efficient as well as being a joy to use.

The Panel also advised that the landscape design be made more intimate and welcoming.

The Panel considered this to be a positive review but the above reservations have been carefully articulated and need to be addressed in order for this to be the truly responsive, high quality building that is rightly aspires to.

Confidentiality

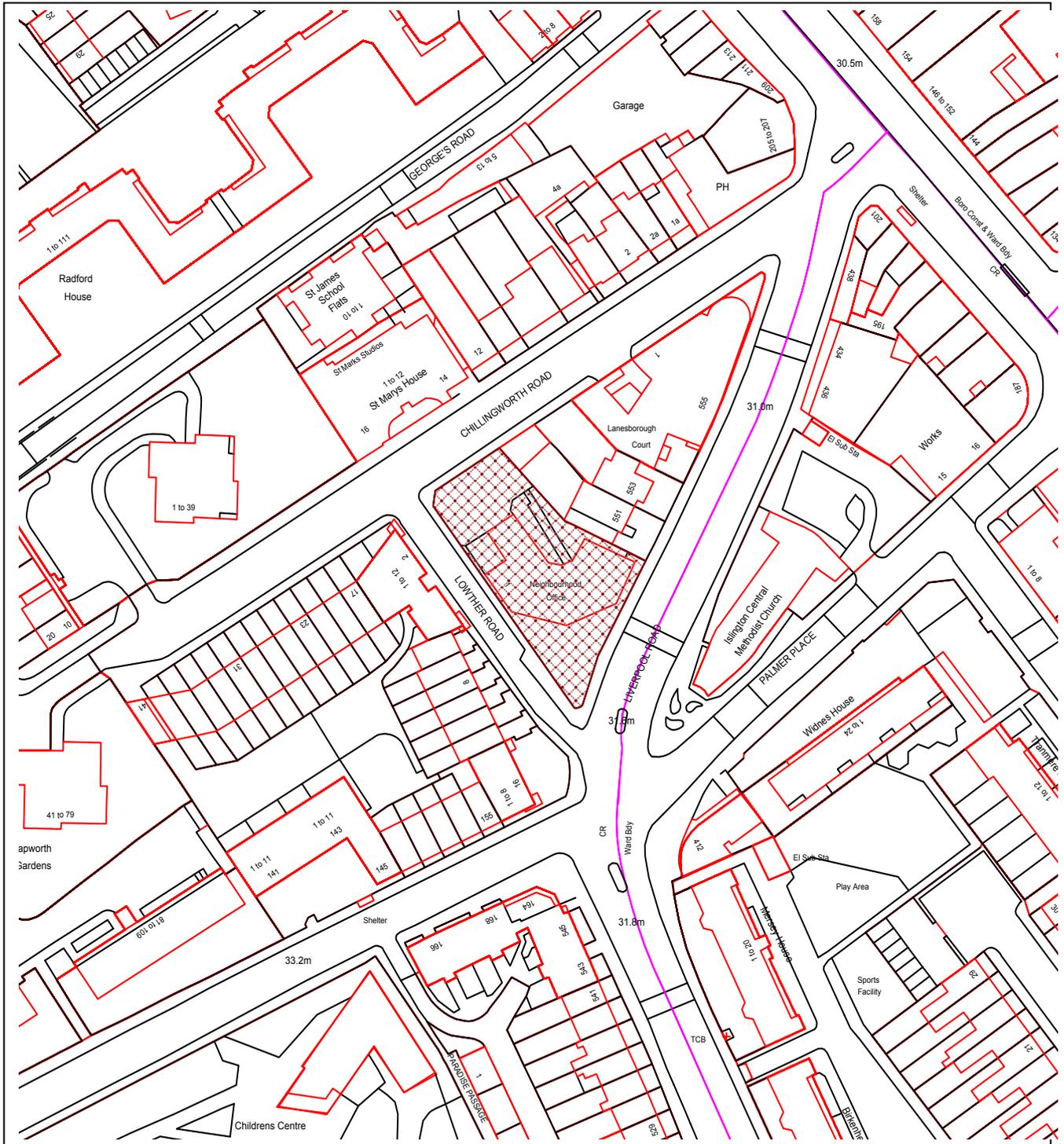
Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in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

Yours sincerely,

Linda Aitken
Principal Design Officer

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 Town Hall
 LONDON N1 2UD

PLANNING COMMITTEE	AGENDA ITEM NO: B2
Date: 18 March 2020	

Application number	P2020/0632/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	n/a
Conservation area	King's Cross (CA21)
Strategic	Central Activities Zone (CAZ) Kings Cross and Pentonville Road Core Strategy Key Area Employment Growth Area (Northdown Street) Protected View from Kenwood viewing gazebo to St Paul's Cathedral Article 4 Direction B1c to C3 (CAZ) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	n/a
Site Address	233-239, 241-243 Pentonville Road and 172-176 King's Cross Road, London, N1 9NG
Proposal	Rear and roof extensions (including dormer windows) to 233-239 and 241-243 Pentonville Road behind retained front and side facades following partial demolition; connection of 233-239 and 241-243 Pentonville Road with 172-176 King's Cross Road; provision of new and refurbished Office floorspace (Use Class B1a); creation of new retail unit (Use Class A1) at ground and lower ground floors of 241-243 Pentonville Road; replacement shopfronts to Pentonville Road facades; and associated servicing areas and plant.

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	Savills

1. RECOMMENDATION

1.1. The Committee is asked to resolve to GRANT planning permission:

- Subject to the conditions set out in **Appendix 1**; and
- 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 LOCATION AND PHOTOS

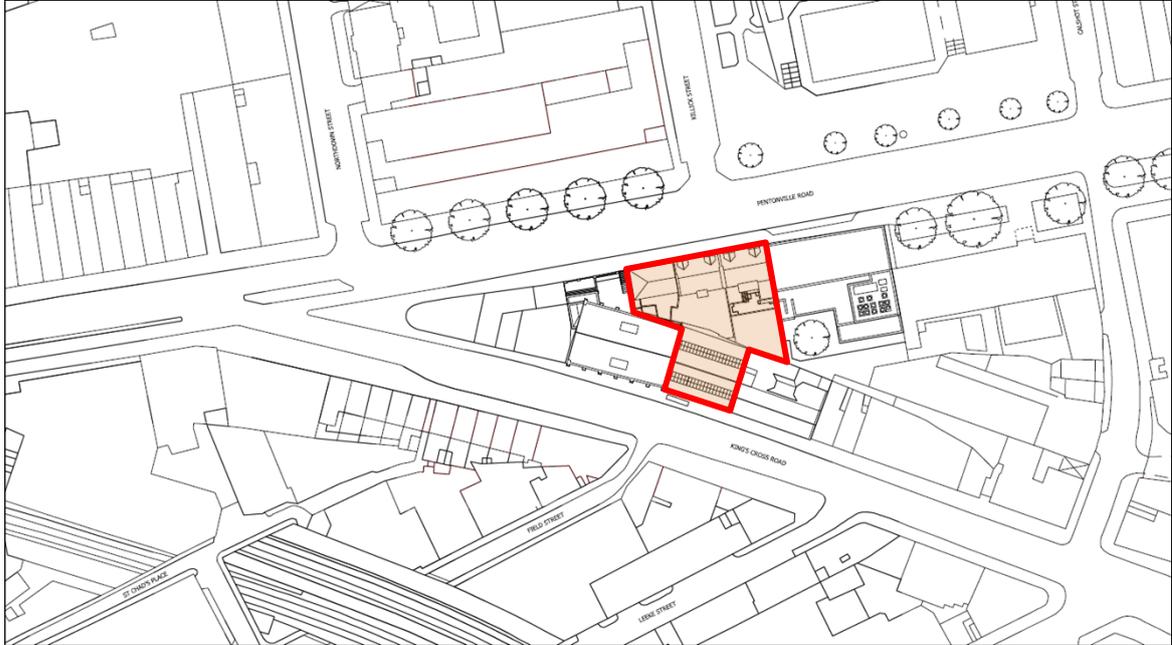


Figure 1: Site Location Plan (outlined in red)



Figure 2: Aerial view from the south



Figure 3: Aerial view from the north

3. SUMMARY

- 3.1. The application seeks to redevelop the site following partial demolition of 233-239 Pentonville Road, 241-243 Pentonville Road and the internal walls and ground floor rear elevation of 172-176 King's Cross Road retaining only their primary and some secondary façades. This would provide refurbished office space on newly connected floorplates including a new basement level, and to form additional roof storeys on both 233-239 Pentonville Road and 241-243 Pentonville Road to create a six storey and 4 storey building respectively. To the buildings on Pentonville Road it is also proposed to replace the existing shopfronts.
- 3.2. The development would provide 2,651sqm for office floorspace (B1(a) Use Class), an uplift of 1,235sqm. Retail provision at basement and ground floor level will be protected whilst seeing an increase in 34sqm.
- 3.3. The proposal has been amended during the course of the application, with revisions to the design and number of dormers, the height of the vertical parapet to the roofs of 233-235 and 237-229 Pentonville Road has been reduced and the articulation of the plot width has been improved through introduction of an additional parapet to between 233-235 and 237-239 Pentonville Road.
- 3.4. The main planning considerations are land use, height, bulk, scale, design and appearance, impact upon neighbouring residential amenity, transport and highways implications, energy and sustainability credentials.
- 3.5. In land use terms, the provision of additional B1a (office) floorspace within the Central Activities Zone (CAZ), Kings Cross Key Area and the Northdown Road Employment Growth Area is supported. The proposed office development ensures that the site is predominantly in business use, in accordance with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.

- 3.6. The scheme was subject to two Design Review Panels at pre-application stage which informed the design of the proposal. Following further revisions during the application stage, the scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the nearby heritage assets.
- 3.7. The proposed development is not immediately surrounded by residential neighbours and as such neighbouring amenity is not considered to be unduly harmed by the development.
- 3.8. The site has excellent public transport accessibility level (PTAL) due to its proximity with Kings Cross railway and underground stations, and several bus routes along Pentonville Road and Kings Cross Road. The proposal would be car-free development. It has been shown to the satisfaction of Transport for London (TFL) that servicing and deliveries can take place safely on-street, whilst there would be sufficient cycle parking facilities on-site. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.9. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.10. The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.11. The proposal would deliver high quality office accommodation in an area of high demand. As such, the proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the CAZ. All other matters relevant to planning are also considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site relates to three existing buildings to the south of Pentonville Road and to the north of Kings Cross Road.
- 4.2. 233-239 Pentonville Road is formed by a pair of early c.20th 5 storey buildings with brick and rendered elevations. The building has ground floor shopfronts with entrances onto Pentonville Road, are in use as offices. The building is locally listed (Grade B).



Figure 4: The front elevations to 233-235 and 237-239 Pentonville Road

- 4.3. 241-243 Pentonville Road is an early c.20th building with a vacant shop on the ground floor and existing office above. The building is locally listed (Grade B).



Figure 5: The front elevation to 241-243 Pentonville Road

- 4.4. 172-176 King's Cross Road is a late c.19th building with 2 storeys and painted brick elevations. The building is in use as offices. The building is locally listed (Grade C).



Figure 6: The front elevation of 172-176 Kings Cross Road

- 4.5. The site is located within the Kings Cross Conservation Area (CA21). The buildings on site are not statutory listed, however there are a number of statutory listed buildings adjoining and close to the site. All of the buildings on site however are locally listed.
- 4.6. The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Excellent). Kings Cross (Underground & National Rail) and St Pancras (Underground, National Rail and Eurostar) are located a short distance to the west of the site. There are also numerous bus routes along both Pentonville Road and Kings Cross Road.
- 4.7. The site is within a Controlled Parking Zone ('Zone B') with restricted parking on weekdays from 0830-1830 and Saturdays 0830-1330. Both Pentonville Road and Kings Cross Road are principal borough roads which form part of the Transport for London Road Network (Red Routes).

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks to partially demolish 233-235, 237-239 and 241-243 Pentonville Road and retaining only their primary and some secondary façades, to provide refurbished office space on newly connected floorplates including at a new basement level, and to form additional roof storeys on both 233-239 Pentonville Road and 241-243 Pentonville Road to create a six storey and four storey building respectively. It is also proposed to replace the existing shopfronts.
- 5.2. There would however be no alterations to the façade of the elevation facing Kings Cross Road to 172-176 King's Cross Road. The internal walls and ground floor rear elevation are to be removed to allow for connection of the first floor to the rear extensions of 233-235 and 237-239 Pentonville Road. The dedicated SME office floorspace at ground floor level of 172-176 Kings Cross Road would be accessed from the existing entrance on Kings Cross Road, near a TfL bus stop.
- 5.3. The retail unit at 241-243 Pentonville Road is to be increased in floorspace and would be accessed from the existing entrance at ground floor level onto Pentonville Road.

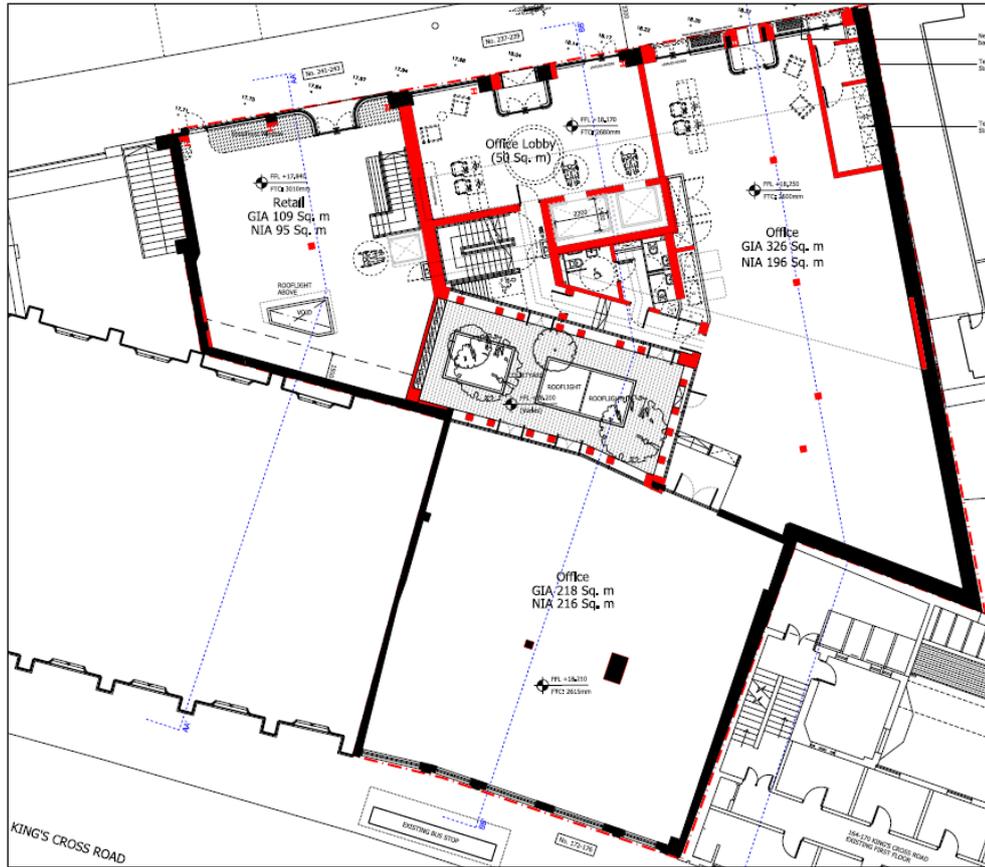


Figure 7: Proposed ground floor plan to 233-235, 237-239 & 241-243 Pentonville Road and first floor of 172-176 Kings Cross Road

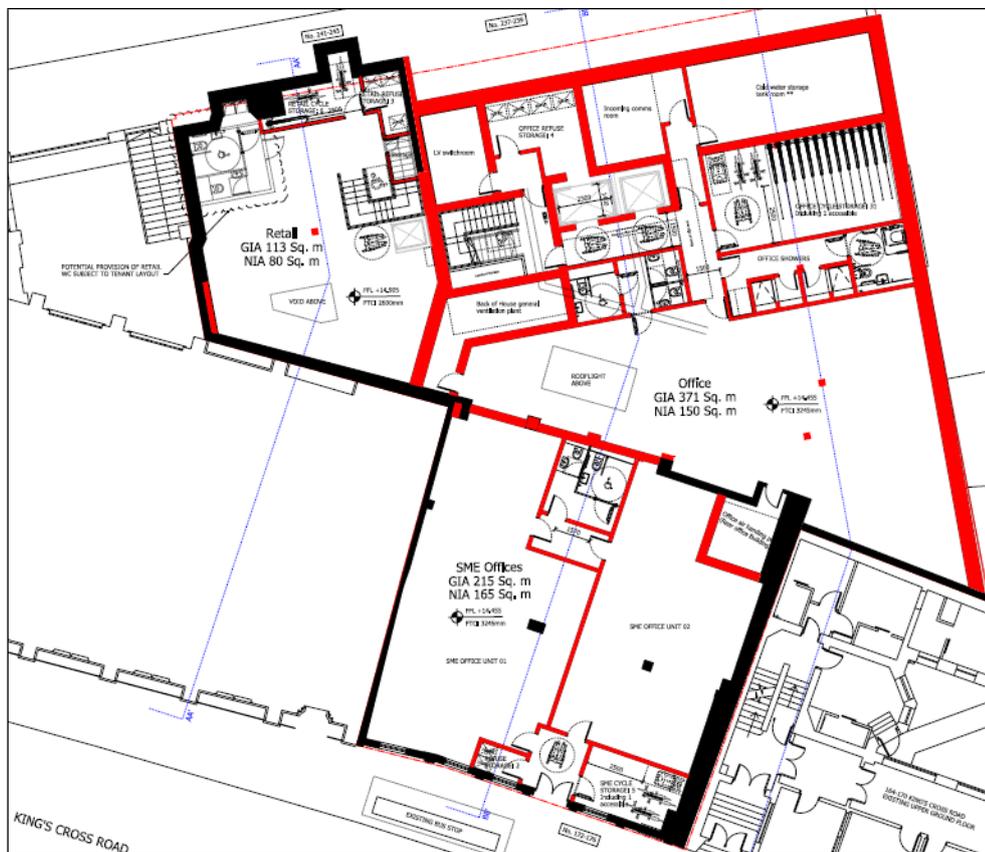


Figure 8: Proposed basement level to 233-235, 237-239 & 241-243 Pentonville Road and ground floor of 172-176 Kings Cross Road.

Revisions to the scheme

- 5.4. It should be noted that the application has been subject to revisions and receipt of additional supporting information since the application's original submission date in February 2020. In this respect, discussions were held between the applicant and Officers following the expiry of the first round of public consultation, in particular with a view to addressing outstanding concerns relating to scale, height, bulk, design, appearance and resultant impact of the proposed development upon heritage assets. The quantum and use of the proposed floorspace remains as originally submitted.
- 5.5. A summary of the revisions to the proposal are as follows:
- The vertical parapet to nos. 233-239 Pentonville Road has been reduced in height;
 - Detail has been introduced at the roof level of nos. 233-239 Pentonville Road to articulate the plot width, including a parapet;
 - Verified views have been prepared to show the proposal in the townscape context;
 - The upper dormer windows to nos. 233-239 Pentonville Road have been reduced in size;
 - The lower dormer windows to nos. 233-239 Pentonville Road have been reduced in size and the extent of glazing reduced;
 - The drawings and images clarify that the existing gables are being retained and pitched roofs reconstructed by the proposals;
 - The pitch of the mansard roof extension to nos. 241-243 Pentonville Road has been amended for consistency;
 - The floor to ceiling height of the mansard roof extension to nos. 241-243 Pentonville Road has been reduced;
 - The number of dormer windows to nos. 241-243 Pentonville Road has been reduced;
 - The dormer windows to nos. 241-243 Pentonville Road have been reduced in size; and
 - Layout amendments have been made in response to comments relating to inclusive design;

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The Site has been subject to a number of applications given there are numerous parcels of land within the Site curtilage. The following list are considered relevant to the current proposal:
- 6.2 P062166 and P062354: for "Demolition of the existing buildings and new development to provide new office accommodation for CSV with cafe at ground floor and 21 residential units, (6 affordable and 15 private) within a building up to 11 (eleven) storeys". This application was Refused on 03 May 2007.
- 6.3 P072286: and P072287: for "Demolition of the existing buildings and rebuild to provide new office accommodation for CSV with cafe at ground floor and nine No. residential units above". This Application was Refused on 19 December 2007 and the subsequent Appeal was Dismissed on 12 June 2008.
- 6.4 P2016/1864/FUL: for "The demolition of the existing buildings known as 233-239 Pentonville Road and 172-176 King's Cross Road. The erection of a new part- 2 storey (plus

basement), part- 7 storey (plus rooftop plant enclosure and basement) mixed use development comprising office (B1(a)) and retail (A1) floorspace, 4 residential units (C3) and associated public realm.”

The Application was refused by the Council on 18 November 2016. The Council refused the application for five reasons, as follows:

“Reason 1: The proposal would result in the loss of workspace suitable for small and medium enterprises, and in its place would fail to provide an appropriate amount of affordable or SME workspace or a financial contribution towards the provision of equivalent workspace elsewhere, contrary to Islington Core Strategy Policy (2011) CS13 and Islington Development Management Policy (2013) DM5.4.”

“Reason 2: The proposed demolition of the three locally listed buildings on the site would result in substantial harm to the significance, character and appearance of the King's Cross Conservation Area and to the buildings themselves, and less than substantial harm to the setting of the adjacent Grade II listed Church. The resultant harm would not be outweighed by any appropriate justification or public benefit and would therefore be unacceptable, contrary to the provisions of the National Planning Policy Framework (NPPF, 2012), London Plan 2016 Policy 7.8; Islington Core Strategy (2011) Policy CS9; and Islington Development Management Policies (2013) DM2.1 and DM2.3.”

“Reason 3: By virtue of the excessive building height, the uncharacteristic massing, materials and detailing, and the disintegration of the historic street pattern arising from the proposed outdoor spaces adjacent to Pentonville Road, the proposed development would result in a poor standard of design and would cause unacceptable harm to the surrounding public realm and streetscape, the character and appearance of the King's Cross Conservation Area, and the setting of the adjacent Grade II listed building, contrary to the provisions of the National Planning Policy Framework (NPPF, 2012), London Plan 2016 Policies 7.4, 7.5, 7.6, 7.7 and 7.8; Islington Core Strategy (2011) Policy CS9; and Islington Development Management Policies (2013) DM2.1 and DM2.3.”

“Reason 4: The proposal would result in a substandard and unsustainable form of development by virtue of the lack of separate staircase access for the residential units, poorly positioned office entrance close to a bus shelter on King's Cross Road, lack of wheelchair accessibility, insufficient and inaccessible cycle storage, and the poorly located, unventilated and inaccessible office refuse storage contrary to the provisions of the National Planning Policy Framework (NPPF, 2012); London Plan 2016 Policies 3.5, 6.9, 7.2, 7.3, and 7.5; Islington Core Strategy (2011) Policies 3.3 and 3.4; and Islington Development Management Policies (2013) DM3.4, DM5.1, DM8.4, and DM8.6; and the London Plan SPG Housing (2016).”

“Reason 5: In the absence of an appropriate S106 legal agreement the proposed development fails to provide an appropriate contribution to affordable housing, and to mitigate its impacts to secure compliance with the Development Plan. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (NPPF, 2012); London Plan (MALP) 2016 Policies 3.10, 3.11, 3.12, 4.2, 5.1, 5.2, 5.3, 5.5, 5.6, 5.18, 6.9, 6.10, 6.13, 8.2 and 8.3; Islington Core Strategy (2011) Policies CS10, CS10, CS12, and CS18; Islington Development Management policies 5.4, 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.4, 8.5, 9.1, 9.2, 9.3; Islington's Planning Obligations SPD 2013, Islington's Viability SPD 2016; Islington's Streetbook SPD (2012); and Islington's Environmental Design Planning Guidance.”

6.5 The appeal was dismissed by the Planning Inspectorate on 17 October 2017 following a Hearing. The Appeal decision is appended to this report (**Appendix 3**).

- 6.6 During the Appeal process prior to the Hearing, further details were provided relating to the unacceptable loss of workspace suitable for small and medium enterprises. The Council agreed amended internal layouts which showed how an appropriate amount of such employment floorspace could be provided within the scheme. The Council was satisfied that this could be secured by condition, in the event that the appeal was allowed, and withdrew its reason for refusal on this basis.
- 6.7 At the Hearing, it was confirmed that terms for a S106 planning obligation had been agreed between the Council and the Applicant, to provide a contribution towards affordable housing and to mitigate the effects of the scheme in respect of local services and infrastructure. This agreement, which addressed the Council's fifth reason for refusal, was subsequently taken into account by the Inspector in their decision.
- 6.8 The Inspector considered the main issues to be:
- Heritage;
 - Locally Listed Buildings;
 - Kings Cross Conservation Area;
 - Setting of the Listed Church;
 - Pentonville Road;
 - Design of the replacement building;
 - Assessment; and
 - Planning Balance and Conclusions;

Officer (brief summary) of the appeal decision

- 6.9 The Inspector considered that these buildings have a pleasing appearance but are not remarkable. Their dimensions are modest and they are not prominent in the street scene. The flank wall of No 241-243 which abuts the steps and open area adjacent to the entrance to the church on Pentonville Road is not attractive. However, features such as these are not untypical of the period in which they were erected. Together the buildings form part of the speculative and rather chaotic development that was taking place in the vicinity at the time. Their significance lies in the way that they contribute positively to the character of the Conservation Area and reflect the area's history.
- 6.10 The Inspector acknowledged the change in levels between the two streets and the juxtaposition of the buildings on Pentonville Road resulted in an awkward gap between nos.241-243 and the vestibule to the church, whilst at street level much of its northern elevation is hidden behind the Pentonville Road frontage and the existing courtyard to the rear of the buildings on the appeal site is completely enclosed. The Inspector therefore considered that the setting of the church is therefore tightly defined and its northern elevation is, and never was, a prominent feature within the street scene. Its lower sections appear squeezed between the adjacent properties, both behind and below the low wall and railings that mark the back of the footway in Pentonville Road.
- 6.11 In regards to the loss of the locally listed buildings, the Inspector considered that their loss would be a notable and regrettable loss of part of the historic heritage of the Borough contrary to DM policy 2.3(E). The Inspector considered that the demolition of the locally listed buildings effectively erode the eastern extent of the conservation area, reducing the diversity of historic buildings which are found within the area reflecting its history. This was considered to be harmful to the Conservation Area as a whole by the Inspector.
- 6.12 The Inspector considered that the replacement of the locally listed buildings with a modern seven-storey building would significantly alter the relationships between the buildings in this part of the Conservation Area, including the Listed Church. The height of the resultant

building would have been excessive projecting above Caledonia House and significantly above the ridge of the Church.

- 6.13 The Inspector was not persuaded that the design proposed would be appropriate with it the surrounding context, as the detailed design and materials would jar with the prevailing character of other buildings both within and outside of the conservation area, being more in keeping with more contemporary buildings to the east and north sides of Pentonville Road.
- 6.14 The Inspector considered that the new building would dominate the street scene and give the church a subordinate appearance which would erode its significance. Enlarging the gap between the buildings, and introducing an area of public open space into this otherwise densely developed urban area, would be out of character with the street scene and would reduce the sense of enclosure on the church's northern side. The gap would accentuate the height and mass of the proposed building, which would tower above the church, the street and the proposed open space. Its height, which would project significantly above the ridge of the church's roof, would result in the church being dwarfed and overpowered by it.
- 6.15 In summary, the Inspector was not persuaded that a clear and convincing justification for permitting the less than substantial harm to the heritage assets had been demonstrated. The demolition of the locally listed buildings would be a notable and regrettable loss of non-designated heritage assets which make a positive contribution to the significance of the Conservation Area. The loss of these buildings would also be harmful to the Kings Cross Conservation Area and would adversely affect the setting of the Listed Church. These harms would be compounded by the excessive height, bulk and mass of the proposed replacement building and the introduction of a public open space which would be harmful to the tightly defined setting of the church. Consequently, these heritage assets would be neither preserved nor enhanced.
- 6.16 Further, the Inspector was neither convinced that the quality of the scheme and its public benefits amounted to material considerations that outweigh the conflict with the development plan. The Appeal was subsequently dismissed by the Inspector.



Figure 9: CGI of the Pentonville Road elevation of the Dismissed Appeal scheme



Figure 10: CGI of the Kings Cross Road elevation of the Dismissed Appeal scheme

RELEVANT NEIGHBOURING SITES:

6.17 164 – 170 King’s Cross Road

P2018/4058/FUL for “Demolition of the existing rear extension and erection of four storey rear extension including an extended basement level and additions incorporating an internal light well and new entrance to Kings Cross Road associated with an existing hostel”. Granted with Conditions 13/06/2019.

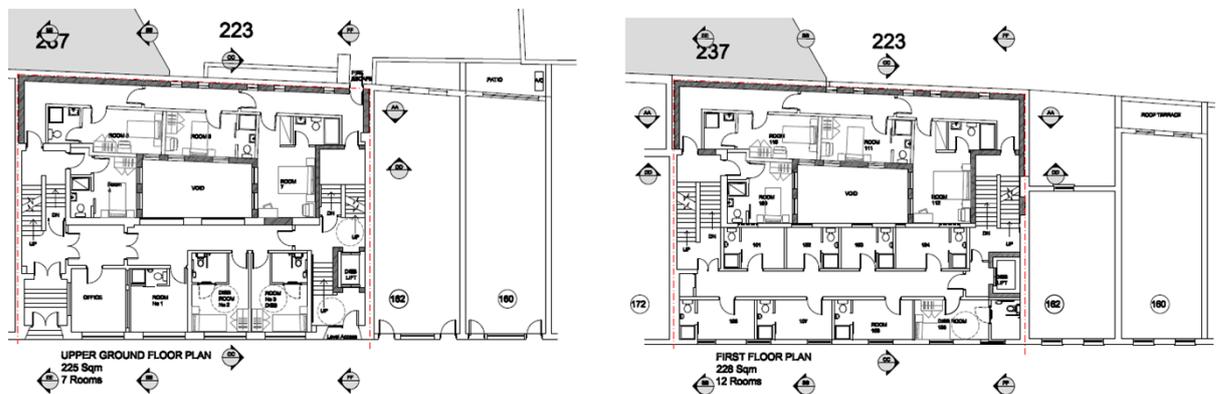


Figure 11: Approved floorplans to neighbouring 164-170 Kings Cross Road

PRE-APPLICATION ADVICE

6.18 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the planning application under reference: Q2018/1490/MJR. It was advised that business floorspace is a priority in this location and that a mixed-use scheme incorporating residential units would not be encouraged given the constraints of the site, including the need for separate cores/entrances, playspace and external amenity space etc.

- 6.19 In terms of the design, the principle of extensions and refurbishment of the buildings was supported, subject to further amendments to the scheme, such as softening the impact of the proposed dormers and the treatment of the side elevation of no.241-243, are suggested by Design and Conservation officers. Further, the pre-application scheme was also presented to Design Review Panel (DRP) twice prior to the submission of the full planning application. The response of the DRP is further detailed below within the Consultation section.

7 CONSULTATION

Public Consultation

- 7.1 The application has been subject to two separate rounds of public consultation due to the Applicant submitting revised plans, elevations and supporting documentation following the first round of consultation. A total of 1 representation have/has been received across the lifetime of the application, following both round of consultation. The breakdown of each round is set out further as follows:

First round of consultation

- 7.2 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 252 adjoining and nearby properties on 07 June 2020, the initial public consultation of the application therefore expired on 28 June 2020.

- 7.3 During this first round of consultation, 1 public/neighbour representations were received on the application. The points raised within the representation are summarised below [with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets]:

- The proposal should include bird/bat boxes to encourage biodiversity.

[Case Officer Response: This has also been raised by the Council's Sustainability Officer at para.7.19 below and included at Condition 22.]

Second round of consultation

- 7.4 Following submission of revised drawings, re-consultation was undertaken on 04 February 2021, providing the opportunity for further representations to be made by 28 February 2021. As per the first round of consultation undertaken, a site notice was erected, an advert placed in the local press and letters were sent to occupants of 252 adjoining and nearby properties. It is the Council's practice to continue to consider representations made up until the date of decision.

- 7.5 To date no further representations have been received.

External Consultees

- 7.6 **Historic England** – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.
- 7.7 **London Fire & Emergency Planning Authority** – The Brigade will be satisfied subject to the application meeting the access requirements of Approved Document B5 of the Building Regulations.

- 7.8 **Network Rail** – No objections received.
- 7.9 **Transport for London (CrossRail 2 Safeguarding)** – No comment to make, the application relates to land outside the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.
- 7.10 **Transport for London (London Underground)** – This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities. No objection in principle, however the subject site is situated close to underground tunnels and infrastructure. It will need to be demonstrated to LUL engineers that:
- the development will not have any detrimental effect on our tunnels and structures either in the short or long term;
 - the design must be such that the loading imposed on our tunnels or structures is not increased or removed; and
 - we offer no right of support to the development or land;

[Officer Response: Condition 15 seeks the further details requested by TfL LUL.]

- 7.11 **Transport for London (Spatial Planning)** – The quantum of long-stay cycle parking complies with London Plan policy T5 minimum standards with sufficient storage type (two tier racks) provided within the basement level. However, short-stay cycle parking has not been provided. All short-stay parking should be within the site envelope and if this cannot be secured then a contribution to fund appropriate off-site location.

[Officer Response: Given the constraints of the site, on-site short-stay cycle spaces cannot be provided. As per the TfL response, the long-stay cycle parking provision exceeds both London Plan and Local Plan policy. Nonetheless, a contribution is to be sought by LBI towards short-stay cycle provision within the locality of the site.]

Considering the expected number of daily deliveries to the site, the use of the Pentonville Road loading bay for deliveries and servicing is considered acceptable.

[Officer Response: Noted as accepted.]

TfL request further clarity is provided regarding the construction logistics associated with the development including the proposed routing strategy for construction traffic and site access and loading/ unloading proposals. TfL expect the construction methodology to comply with best practice and minimise impact upon the TLRN within this location during construction and servicing.

[Officer Response: Condition 12 requires the submission of further details relating to a finalised Construction Logistics Plan, to be consulted on with TFL.]

- 7.12 **Thames Water** – No objection subject to conditions and informatives.

[Officer Response: Condition 16 seeks further details requested by Thames Water in relation to submission of a piling method statement, to be agreed with Thames Water prior to commencement.]

Internal Consultees

- 7.13 **Access Officer** – Step-free access by way of platform lift to the basement of the retail unit is supported and the double doors to the retail unit should be automated and be secured by condition.

All uses are provided with acceptable accessible WCs are provided doors in line with our Inclusive Design in Islington SPD.

A Personal Emergency Evacuation Plan (PEEP) should be submitted and approved through condition.

[Officer Response: Inclusive design and accessibility measure will be secured through condition 19.]

- 7.14 **Design & Conservation Officer** – Overall it is considered that the design approach to the roof extensions on 233-239 and 242-243 Pentonville Road has been improved over the original submission. The differing scale, form and elevational treatment of the two locally listed buildings has been recognised more effectively by the visual separation of the two halves of the roof extension.

The height, mass and bulk of both of the roof extensions has been reduced, and the scale and proportions of the proposed dormer windows across the scheme have been revised in favour of diminution. The verified views supplied indicate that the proposals respond better to the locally listed buildings, the conservation area and the setting of the adjoining Grade II Listed church than previous iterations of the scheme.

It is not considered that these proposals unacceptably diminish the significance of designated heritage assets and their setting.

A condition is suggested to seek details and samples of all facing materials to ensure that the resulting appearance and construction of the development is of high standard.

[Officer Response: Noted and further commentary on the scale, height, massing and detailed design of the proposal is provided within the 'Design' section of the below assessment. Condition 3 seeks the submission of further details relating to all facing materials to be approved prior to commencement of the development.]

- 7.15 **Highways and Transport Officer** – Pentonville Road and Kings Cross Road are maintained by TfL, as such advice should be taken from TfL as to the acceptability of the development's impacts on highways.

- 7.16 **Energy Services** – No objection. The Applicant has worked with the Council's Energy Officer to produce a policy compliant energy strategy. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

[Officer Response: Noted, paragraphs 9.147 – 9.164 consider the energy credentials of the proposal, whilst also reflected in conditions 9 and 10, and the planning obligations recommended.]

- 7.17 **Environmental Health (Acoustic Officer)** – No objection is raised. The proposal includes new plant to be installed on the roof of 243 Pentonville Road (1 x air handling unit, 1 x extract fan and up to 25 condensers). The surrounding buildings are commercial in use and the likely nearest residential at 160 Kings Cross is separated by a distance of approx. 38m and at a lower height, with screening of the units proposed. A condition relating to noise mitigation is recommended.

[Officer Response: Noted, paragraphs 9.85 – 9.86 consider the impacts of noise and disturbance, whilst condition 5 relates to noise mitigation measures as recommended.]

- 7.18 **Environmental Health (Air Quality)** – No objection is raised. The submitted Air Quality Assessment indicates that all on-site energy generation will be electric, and with a small increase in deliveries/servicing to the site, it is predicted to achieve air quality neutral status.

- 7.19 **Sustainability Officer** – The potential for green and blue roofs has been highlighted within the submitted energy and sustainability statement and SuDS report. Rainwater attenuation

is proposed from a blue roof to Pentonville Road buildings. Further details relating the provision of green and blue roofs are required.

[Officer Response: Noted condition 23 as recommended.]

The applicant should explore the feasibility of incorporating vertical greening, particularly if the opportunity for green roofs are limited.

[Officer Response: Given the site constraints and limitations on the design and appearance of the buildings upon neighbouring heritage assets, green walls have not been explored and their omission from the proposal can be supported in this instance.]

A condition requiring details of bat and bird boxes to be submitted and approved is recommended.

[Officer Response: Noted, condition 22 requires details on bird and bat box provision.]

Other Consultation

7.20 **Design Review Panel (DRP)** – At pre-application stage, the proposal was presented to the DRP twice, in August and November 2018. The Panel’s written comments are appended as **Appendix 4** to this report. A summary of those comments is as follows:

7.21 In August 2018, the panel commended the proposed rejuvenation of the locally listed buildings and supported the quantum of development put forward. It was strongly felt that the proposed roof extensions and shop fronts should relate better to their host buildings, in particular, the dormer windows, which should respond to, and have a sympathetic and coherent relationship with, the fenestration pattern below. The Panel advised that a greater understanding and engagement with the qualities of the composition of the existing buildings would enable a scheme to be presented that is much more robust to challenges.

7.22 The Applicant returned to the DRP in November 2018 with a revised scheme. In summary, the Panel were pleased with revisions, finding that many of their concerns had been successfully addressed. Of the various options presented for the extension of 241-243, Option 1 was considered to be the most successful by the Panel. Some Panel members considered Option 2 to also be suitable, but others found the loss of integrity of the existing building to be negative, and the relationship with neighbouring buildings to be too dominant – particularly given that it would challenge the primacy of the listed Church. Comments were made in relation to fine tuning the proposals and a preference was expressed with regards to the options presented. The Panel reminded the Applicant that the resolution of the shopfronts was also important, but were confident that an appropriate design would be delivered.



Figure 12: Options 1 (left) and Option 2 (right) presented to the November 2018 DRP.

8 RELEVANT POLICIES

8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);
- As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)); and
- As the development is within close proximity to or adjacent to a statutory listed building(s) or its setting, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1)).

8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"

8.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

8.4 Further, the NPPF states that sustainable development has an economic, social and environmental role; "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*"

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

8.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

8.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 8.8 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 8.10 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Emerging Policies

Draft Islington Local Plan

- 8.11 From 20 November 2018 to 14 January 2019, the Council consulted on a Regulation 18 draft of the new Local Plan. There have been objections to policies relevant to this application. The Regulation 19 Draft of the Local Plan is scheduled to be taken to Full Council for approval at the end of June 2019, and the Independent Examination into the draft Local Plan is expected to take place in Spring 2020. As such, the draft Local Plan has limited weight. However, as required by the London Plan, designation of Locally Significant Industrial Sites should be supported by robust evidence. The main body of evidence is the LB Islington Employment Land Study 2016. The following policies are considered relevant to the site and this application:

- | | |
|--|---|
| - SP2 King's Cross and Pentonville Road | - S7 Improving air quality |
| - B1 Delivering a range of affordable business floorspace | - S8 Flood risk management |
| - B2 New business floorspace | - S9 Integrated water management and sustainable design |
| - B3 Existing business floorspace | - T1 Enhancing the public realm and sustainable transport |
| - B4 Affordable workspace | - T2 Sustainable transport choices |
| - R1 Retail, leisure and services, culture and visitor accommodation | - T3 Car-free development |
| - R6 Maintaining and enhancing Islington's unique retail character | - T4 Public realm |
| - G4 Biodiversity, landscape design and trees | - T5 Delivery, servicing and construction |
| - G5 Green roofs and vertical greening | - DH1 Fostering innovation while protecting heritage |
| | - DH2 Heritage assets |

- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions
- DH3 Building heights
- DH4 Basement development
- DH7 Shopfronts

Draft Site Allocations

- 8.12 The Site Allocations document includes King's Cross and Pentonville Road, however the subject site has not been allocated.

Designations

- 8.13 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:
- Central Activities Zone ('CAZ')
 - Kings Cross and Pentonville Road Core Strategy Key Area
 - Employment Growth Area ('EGA') Northdown Street
 - Protected View from Kenwood viewing gazebo to St Paul's Cathedral
 - Article 4 Direction B1c to C3 (CAZ)
 - Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

- 8.15 EIA screening is not required for this development, as the site is less than 0.5 hectares.

9 ASSESSMENT

- 9.1 The main issues arising from this proposal relate to:
- Land Use;
 - Design & Appearance;
 - Accessibility and Inclusive Design;
 - Neighbouring Amenity;
 - Transport and Highways; and
 - Energy & Sustainability;

Land Use

Policy Context

- 9.2 This section of the report sets out the policy context against which the proposal will be assessed in regards to existing and proposed land use.
- 9.3 The National Planning Policy Framework ('NPPF') (2019) states that in building a strong, competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the

need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 9.4 The site is located in the Central Activities Zone ('CAZ') as set out within the London Plan. London Plan policy SD4 'The Central Activities Zone'. The CAZ is an internationally and nationally significant office location. The unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses, should be promoted and enhanced.
- 9.5 Further, London Plan policy SD5 'Offices, other strategic functions and residential development in the CAZ' indicates that given their strategic importance, as a general principle, offices and other strategic functions are to be given greater weight relative to new residential development within this area of the CAZ.
- 9.6 London Plan policy E3 'affordable workspace' outlines the need for supplying sufficient affordable business space to generate a wide range of economic and other opportunities, to ensure that London is a fairer, more inclusive and more equal city. The policy outlines that London Boroughs, in their Development Plans, should consider detailed affordable workspace policies in light of local evidence of need and viability.
- 9.7 The site is located in the King's Cross 'Key Area' as defined within Islington Core Strategy ('ICS') 2011 policies CS6 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3. Further, the site is location in the Northdown Street Employment Growth Area.
- 9.8 Islington's Core Strategy ('ICS') policy CS6 'Kings Cross' is a spatial strategy for Kings Cross that highlights the specific spatial policies for managing growth and change for this key area within the Borough. The Kings Cross Area is expected to accommodate growth in jobs of approximately 3,200 from B-use floorspace. Pentonville Road is identified as a principal location for office-led mixed use development which intensifies the use of land in order to meet the wider employment growth in the borough. Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged.
- 9.9 ICS policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises (SMEs). Part B of policy CS13 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.
- 9.10 The definitions of "business" and "employment" floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that fall within the "B" use class (i.e. offices, industry, or warehousing).
- 9.11 Islington's Development Management Policies ('DM') policy DM5.1 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.
- 9.12 DM policy DM5.2 'Loss of existing business floorspace' states that the reduction of business floorspace will be resisted where the proposal would have a detrimental individual or

cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).

- 9.13 DM policy DM5.4 'Size and affordability of workspace' seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

Officer Assessment

Office

- 9.14 The proposal seeks the uplift in business floorspace (GIA) of 1,235sqm, bringing the total business floorspace on site on site to 2,651sqm, following redevelopment of the site behind the retained front facades of the Pentonville Road buildings.
- 9.15 It is noted that new London Plan Policy SD5 states that within the CAZ, increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further DM Policy DM5.1, Part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of London Plan (2021) policies and Islington's Core Strategy (2011) policies, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as the CAZ.
- 9.16 In this instance, inclusion of housing is considered to result in an inefficient development on this relatively constrained site given the requirement for separate entrances, cores and servicing facilities/arrangements to avoid conflict with commercial uses and the requirement for amenity space. A contribution towards off-site affordable housing is secured through obligation within an s106 legal agreement.
- 9.17 Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, B1 floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EGA.

Affordable workspace

- 9.18 Policy DM5.4 of the Council's Development Management Policies Document ('DMP') is concerned with the size and affordability of workspace. As set out in paragraph 5.25 of the DMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).
- 9.19 The proposal includes dedicated SME floorspace through two units to the ground floor of 172-176 Kings Cross Road, measuring 215sqm in GIA or 165sqm in NIA. This equates to 9.7% of the GIA or 8.5% in NIA. The proposed SME floorspace exceeds the Local Plan policy requirement.

- 9.20 It is accessed from Kings Cross Road allowing for a dedicated unit and has sufficient natural light, outlook and good floor to ceiling heights (at 3.4m), it is therefore considered that the proposed affordable workspace units by way of being for SME would comprise a good working environment for occupiers.

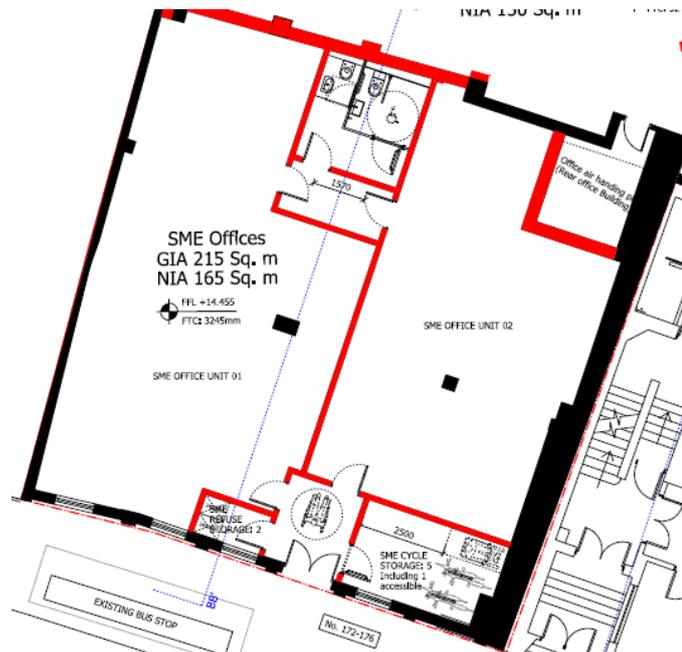


Figure 13: Proposed SME workspace units at 172-176 Kings Cross Road

Retail

- 9.21 In addition to maximising the amount of business floorspace reasonably possible on the site, DM policy DM5.1 A (ii) requires the incorporation of a mix of complementary uses, including active frontages where appropriate.
- 9.22 The proposal seeks the retention and enhancement of retail (A1 Use) floorspace at basement and ground floor level at 241-243 Pentonville Road. The proposed renovation of the Pentonville Road facade allows for the retail use to continue to provide active frontage to this part of the street. As such, the retention and increase in retail (A1) use is supported.

Land Use Summary

- 9.23 The proposal is considered to comply with the overarching land use policy directives, as it would increase business use floorspace (office), including provision for SMEs, within the EGA and CAZ, in accordance with London Plan (2021) policies SD4, SD5 and E3, Islington Core Strategy (2011) policies CS6 and CS13, and Islington Development Management policies (2013) DM5.1 and DM5.4. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.

Design, appearance and impact upon heritage

Policy Context

- 9.24 Paragraph 124 of the NPPF 2019 highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 9.25 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Paragraph 129 goes on further to state that in assessing application, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 9.26 Paragraph 130 states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 9.27 Planning policies relevant to design are set out in chapter 3 of the newly adopted London Plan (2021), Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.28 The London Plan Policy D3 (Optimising site capacity through the design-led approach) states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 9.29 London Plan Policy D4 (Delivering good design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
- 9.30 London Plan Policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Further, development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.
- 9.31 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

- 9.32 DM policy DM2.1 (Design) requires all forms of development to be of a high quality design, 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. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.33 DM policy DM2.3 requires that development make a positive contribution to Islington's local character and distinctiveness and that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, 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 or within a conservation area which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. The policy also encourages the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 9.34 The King's Cross (CA21) Conservation Area Design Guidelines (2002) also contain special policies regarding the alteration of existing buildings and the design of new buildings and roof extensions in the conservation area, stating the following:
- 21.7 The existing scales of the area must be particularly respected with reference to: (i) the hierarchy of scales northwards from Pentonville Road; (ii) the national set piece; and (iii) the subordination of surrounding development to King's Cross Station.
 - 21.9 With refurbishment proposals which involve alterations or extensions, the original design and period of the building must be respected, including scale, roof and parapet line, proportions, architectural style and materials.
 - 21.11 Where development involves long street frontages, more than 20 metres in length including corner sites, new buildings must be designed to avoid a monolithic appearance or monotonous horizontality. Materials and design must reinforce the existing character of the area. Large areas of glass, curtain walling or metallic finishes should be avoided.
 - 21.12 The scale, variety and narrow building frontages are important to the character of the area. Unsympathetic alterations to buildings can damage their appearance and architectural composition when, for example, inappropriate window openings are introduced and unsympathetic materials employed. Loss of details, particularly around windows and on shopfronts, would be detrimental to the appearance of the area and will be resisted in the future.
 - 21.13 All plant rooms and lift over-runs should be located so as to be invisible from the street, including long views from adjacent streets.
 - 21.14 An important characteristic of the area at present is the survival of the largely Victorian scale and character of the area, including parapet lines, original rooflines and chimney stacks. Interruptions to this skyline by higher set back plant rooms are likely to detract from this character.
- 9.35 The above policy makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street.

Height, scale and massing

- 9.36 The prevailing building height of the Kings Cross Conservation Area accords with a human-scale traditional town-centre pattern of development, however, as the primary streets converge onto King's Cross some larger scale buildings have been built both historically and more recently.

- 9.37 As such, it is considered that an additional storey proposed to the buildings on Pentonville Road is acceptable given the varied rooflines and building heights in the area, however, the acceptability of the fifth storey will be dependent on the impact of the development on the setting of the GII listed building as well as on the conservation area and streetscape. In order to be successful, the proposals should harmonise with the prevailing pattern of development and be sympathetic to the host building.
- 9.38 To 233-235 and 237-239 Pentonville Road, the DRP were supportive of a taller roof with dormer windows in principle. The vertical parapet/upstand forming the ridge of the pitched roof has been reduced significantly at request of the Design and Conservation Officer, however it would still sufficiently ensure that the rooftop plant area to the rear is not viewed within the streetscene.
- 9.39 To 241-243 Pentonville Road the introduction of the mansard roof extension is considered acceptable. The pitch of the mansard roof is 66 degrees ensuring that the roof extension is subservient and not overly dominant.
- 9.40 The proposed height and scale of 172-176 Kings Cross Road is not to be increased. The extensions to the rear would not be visible within the streetscene along Kings Cross Road, as confirmed by verified views, although it would be seen from within Field Street which is off Kings Cross Road within neighbouring LB Camden.
- 9.41 The verified views submitted in support of the application indicate that the proposal responds well to the surrounding context and would not diminish the prevailing townscape. It is confirmed that the proposals do not affect the view to King's Cross Station spire.
- 9.42 Officers consider that the revised plans adequately respond to the suggestions and concerns highlighted by the DRP and Council's own Design & Conservation Officer throughout the pre-application process, in regards to height, scale and massing. The scale of the development would generally reflect the character of the surrounding area in accordance with London Plan policy D4 and ICS Policy CS8.

Detailed design and appearance

- 9.43 To 233-235 and 237-239 Pentonville Road, it is considered appropriate that the roof extension is of a contemporary design (and legible as a later addition), but that it should be pick up on the architectural language of the host building in a more obvious way. The roof slope will be constructed with graphite grey metal cladding panels with engraved pattern. The differing scale, form and elevational treatment of the two locally listed buildings has been recognised more effectively by the visual separation of the two halves of the roof extension, with the introduction of the parapet wall. The dormers would be metal clad panels with engraved pattern in graphite grey.
- 9.44 It was strongly recommended by the Council's Design and Conservation Officer that the proposed dormer windows which extend beyond the eaves should have a triangular profile, as this would soften their impact, make them appear less incongruous and create a more interesting roofline. The proposal was amended to include the two triangular dormers and would be metal clad panels with engraved pattern in graphite grey, as per the flat roof dormers above.
- 9.45 The form and materiality of these dormers is considered to add positive interest to the locally listed buildings.



Figure 14: Proposed dormers to 233-235 & 237-239 Pentonville Road

9.46 To 241-243 Pentonville Road, the revised proposal has reduced the number of dormers from 3 to 2 and align with the openings below. These dormer windows have also been reduced in size and have also been positioned closer to the parapet. The amendments undertaken have resulted in a more appropriate roof extension sits more comfortably with the existing building and surrounding context than in the previous iterations of the proposals.



Figure 15: Proposed mansard roof extension and dormer windows to 241-243 Pentonville Road

9.47 Further, the DRP considered that a simple elegant façade to the rear elevation of the extension to be successful. The rear elevation of the extensions will be brickwork (beige stretcher bond) with a vertical brickwork spandrel below the fenestration to outline the floor level. The fenestration to the rear will be double glazed within a black aluminium frame, with glass balustrade Juliet balconies to the dormer windows at fifth floor level. A number of roof terraces are proposed to the flat roofs of the rear extension for use by occupiers of the offices.



Figure 16: Proposed rear elevation of the extension

9.48 The resolution of the shopfront was considered important by the DRP. The proposal would reflect and respect the Arts & Craft style architecture of the main facades of this elevation with the addition of integrated stall risers, overhead panels and Part M compliant swing doors have been provided following suggestion from the Design and Conservation Officer. Condition 3 requires details and samples of the proposed facing materials, including brickwork, render, window treatment, roofing and balustrades.

Impact upon Heritage Assets

9.49 The site is located within the King’s Cross Conservation Area (CA21). Further, the site adjoins a Grade II* statutory listed building, Former Welsh Congregational Union Chapel (Eglwys Y Tabernacl).

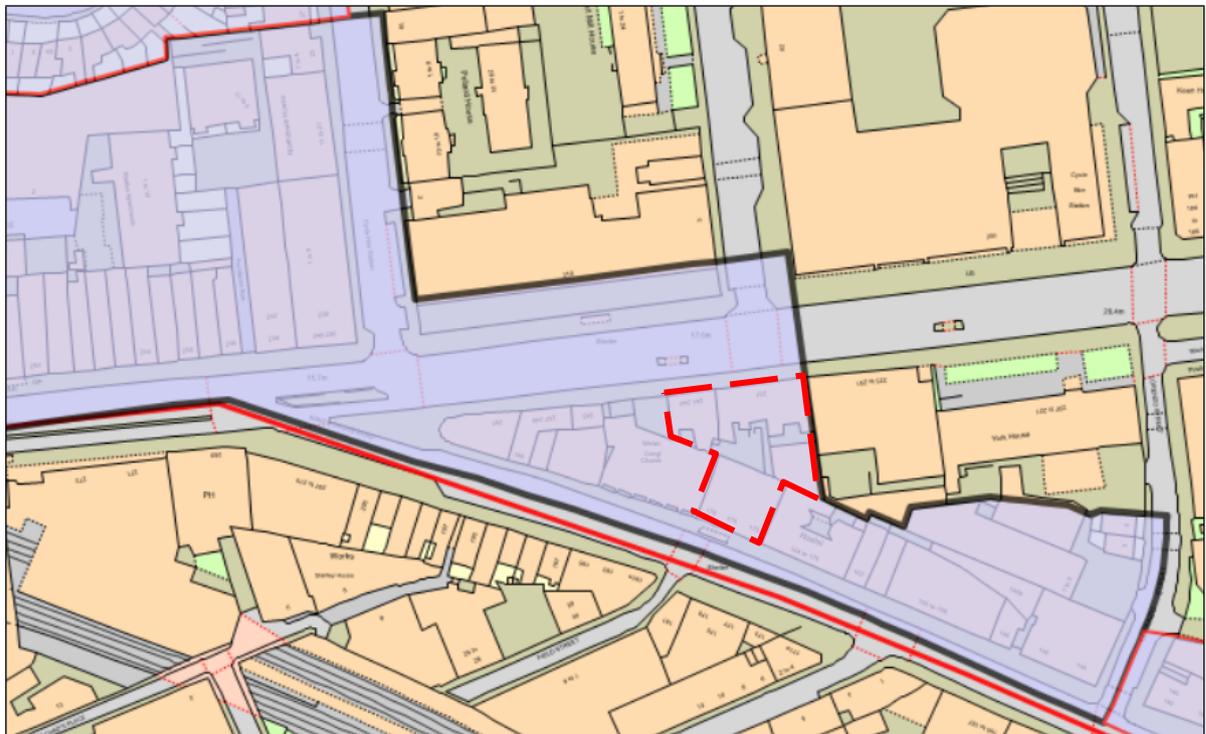


Figure 17: Site (identified in red) in relation to the King’s Cross Conservation Area boundary (identified in purple)

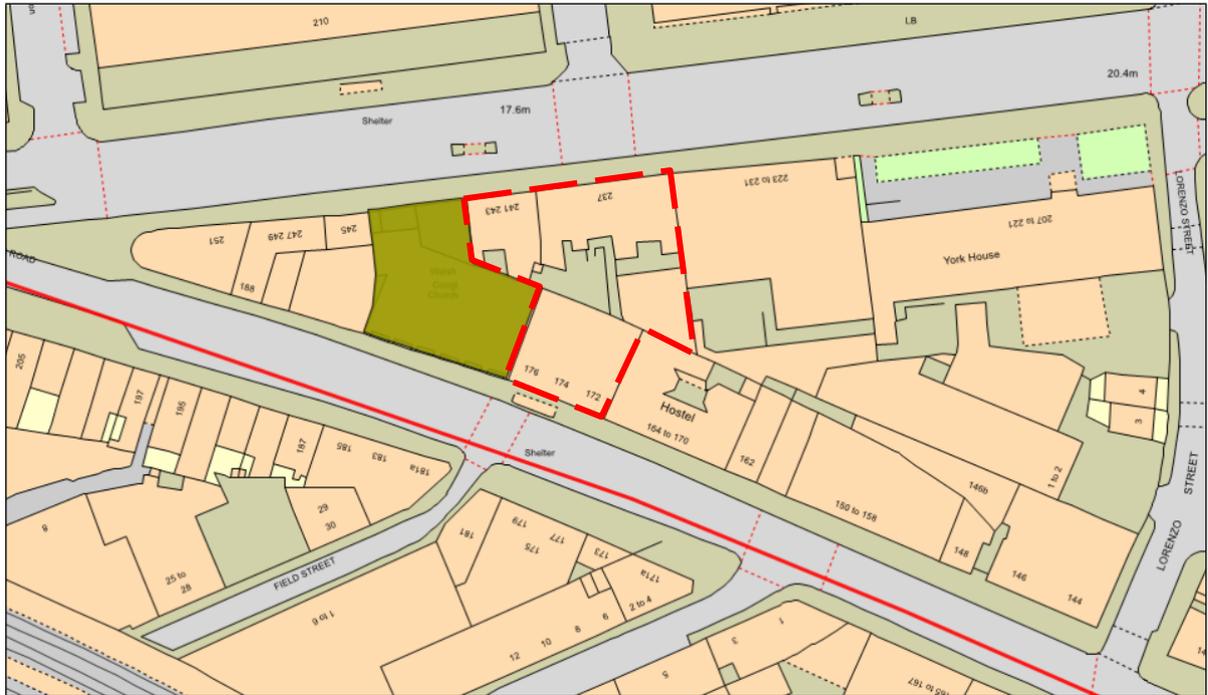


Figure 18: Site (identified in red) in relation to neighbouring Listed building (identified in green)

- 9.50 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
- 9.51 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.
- 9.52 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”.
- 9.53 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing)
- 9.54 ‘Significance’ is defined within the NPPF as being: “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 from a heritage asset’s physical presence, but also from its “setting”. The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.55 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering

the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 9.56 At the local level, policy DM2.3 encourages development to make a positive contribution to Islington's local character and distinctiveness whilst conserving and enhancing heritage assets in a manner appropriate to their significance.
- 9.57 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been done by the Council's Design and Conservation Officer, who has identified no harm would be caused by the proposal to the setting of neighbouring listed buildings, the character and appearance of the Conservation Area and locally listed buildings on-site.
- 9.58 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.59 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.60 Where more than one heritage asset would be harmed by the proposed development, (in this case the setting of listed building and the character and appearance of the Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the 'cumulative effect' of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.
- 9.61 Further, it is noted that the proposal seeks the excavation below ground level to increase the below ground level floorspace provision of the existing basement. The site is however not within an Archaeological Priority Area.

Officer Assessment on impact to Heritage

- 9.62 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission. This includes the Kings Cross Conservation Area, adjacent and nearby statutory Listed buildings and the locally listed buildings on site. These are considered in turn below.
- 9.63 It is important to note that the current proposal is different to the Appeal scheme as the proposal does not seek to fully demolish and redevelop the site. The proposal seeks to retain the façade elevations to Pentonville Road and Kings Cross Road. Further the proposal seeks extensions to the roof (increasing the ridge height) and introducing dormers to 233-235 and 237-239 Pentonville Road, introducing a mansard roof extension to 241-243 Pentonville Road and a rear extension to connect the buildings on Pentonville Road with

172-176 Kings Cross Road. The Council's Design and Conservation Officer has acknowledged the planning history in regards to the Appeal decision and the assessment of the harm which was raised by the Appeal scheme.

Kings Cross Conservation Area

- 9.64 The site is also within the Kings Cross (CA21) Conservation Area which is designated for its special character and appearance as an area which is contemporary with, and formed by, the development of Kings Cross Station (1852). The area is important for its being a part of a 'national set piece' which covers an area from the British Library (neighbouring LB Camden) to Caledonian Road. The area is considered a remarkable survival of a complete early to mid-century designed townscape around which a Victorian town centre was built which includes a broad range of building types in a variety of architectural styles. The pattern of development – buildings with narrow frontages, a human scale and commercial ground floor uses – has ensured that Kings Cross Station retains primacy in the townscape and this hierarchy is important to preserve.
- 9.65 On the Appeal scheme, the Inspector considered that the contemporary design of the Appeal scheme would not integrate effectively with the prevailing character and appearance of the streetscene and would be of detriment to the Conservation Area as a whole.

Setting of the Listed Church

- 9.66 The site is adjacent to (and within the setting of) the Grade II listed former Welsh Congregational Church. The Church designed by Henry Hodge, was built in 1854 as the population of the area grew around Kings Cross station. The church is constructed of high quality stone and has attractive detailing, particularly the rose window which can be seen from Kings Cross Road. The vestibule entrance providing access at street level from Pentonville Road was added later. The densely developed residential areas which the church originally served have subsequently been demolished. Nevertheless, the building is an important example of a non-conformist church that was in the midst of a rapidly developing and changing urban area. It was quickly surrounded by other buildings and its setting never included public open space.
- 9.67 The vertical parapet to 233 – 235 and 237 – 239 Pentonville Road have been reduced, retaining the plant screen but reduces the visual impact of the vertical parapet from street level, both within and outside of the Conservation Area.
- 9.68 Verified views have been provided by the applicant showing both the existing and proposed views. These include views looking east from Kings Cross Station and along Pentonville Road, in which the prominent gable end of the Listed Church continues to be visible following the proposal.

Locally Listed Building

- 9.69 Each of the building on site is locally listed (non-designated heritage asset). Below is a brief summary of the locally listed buildings:
- 233-239 Pentonville Road is formed by a pair of 5 storey tenement buildings formally called Gibson House and Gordon House. Built in the early 20th century in an Arts & Crafts Style, each building contained eight three-room flats over the upper four floors with commercial units on the ground floor;
 - 241-243 Pentonville Road was built as a shop in 1902. The building has a vacant shop on the ground floor and two residential units above; and

- 172-176 King's Cross Road was built 1899-1900 as workshops and stabling. The cart access to the horse ramp used to be in the left-hand bay of the principal elevation; this was infilled c.1907. The building was recently refurbished (2016) and is in use as offices.

9.70 In considering the previously refused scheme which was appealed, the Inspector considered that in isolation these buildings have a pleasing appearance, but are not remarkable. It was considered that the total and permanent loss of the locally listed buildings would be notable and regrettable, and would have reduced the diversity of the historic buildings found within the area.

9.71 The current proposal secures the retention of the façades of the locally listed buildings, ensuring that their positive contribution to the Conservation Area is preserved. The proposals respond and preserve the character of the locally listed buildings and can therefore be supported.

Viewing Corridor

9.72 The site lies within the 'Protected View from Kenwood viewing gazebo to St Paul's Cathedral' as des. The proposal would not be visible or disrupt the protected view given the maximum height of the subject site buildings are less than neighbouring buildings, such as 200a and 210-234 Pentonville Road.

Summary

9.73 The proposal preserves the positive contribution that the locally listed buildings provide to the significance of the Kings Cross Conservation Area through the retention of the façades on Pentonville Road and Kings Cross Road.

9.74 In regards to the adjoining Grade II listed Church, the proposal is not considered to adversely affect the setting of the Church, ensuring that the tightly defied setting of the Church is preserved and not harmed. As such, the proposal is considered to preserve the identified heritage assets. No objection is raised to the proposal in regard to heritage impacts by Council's Design and Conservation Officer.

Accessibility and Inclusive Design

9.75 Policy D5 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.

9.76 The proposal would see modern accessibility and inclusive design features. All parts and floors of the subject buildings have access to accessible WCs, including the SME office floorspace with dedicated accessible cycle storage and WCs. Entrance doors, approaches, wheelchair accessible refuge areas to each level, corridor widths, lifts and bathrooms would meet national and local guidelines and permission would be suitably conditioned to ensure that the needs of those with mobility and visual impairments are suitably met.

9.77 For the uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The proposal would see an uplift of 75 employees on the site and as such 2x accessible parking bays are required. The development is to be car-free with no on-site parking proposed. Where provision is not made as part of the development, a

contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £4,000 would be secured through planning obligations.

- 9.78 The proposal is considered generally acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies. However, condition 19 is recommended for further details in relation to internal ramps, automated doors and a PEEP.

Neighbouring Amenity

- 9.79 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 9.80 There are no immediate/adjoining residential occupiers to the subject site. To the north-east, 200 Pentonville Road forms two towers set above a four storey podium. The podium element is in mix use containing retail (A1), restaurant/café (A3), language school (D1 education) and a gym (D2). The tower above the podium is purpose built student accommodation (Sui Generis). The southern-most tower is set 37metres from the subject site. To the north-west, 210 Pentonville Road is a 9 storey building in use as offices for a range of tenants. To the east, Caledonia House 223 Pentonville Road is a 6 storey building in use as offices. To the south of Kings Cross Road there are a number of three storey terraced buildings with roof top accommodation, these are located 30+ metres from the proposed extensions. The ground floors of these buildings are within commercial use, whilst it is assumed that the upper floors are residential.

Overlooking and Privacy

- 9.81 The subtext to Policy DM2.1 states at paragraph 2.14 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 guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring 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 or little harm.
- 9.82 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for windows which serve the proposed building to adversely affect the privacy of neighbouring buildings.
- 9.83 The introduction of dormer windows at fifth floor to 233-235 and 237-239 Pentonville Road would therefore not give rise to overlooking and privacy, given there is commercial and similar office floorspace located opposite at 200 and 210 Pentonville Road to the north-east and north-west. It is not considered that that neighbouring residents would suffer from an unacceptable loss to privacy.

Outlook and Sense of Enclosure

- 9.84 The proposal is not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties given the separation distance to the proposed development.

Noise and Disturbance

- 9.85 A 'Plant Noise Assessment Report' dated 17 June 2019 and prepared by Hann Tucker Associates was submitted in support of the application. It is noted that the site is located within a Central London location given its designation within the CAZ. The proposed office element of the development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that offices do not typically generate significant noise and are compatible with residential uses. Nonetheless, the adjoining neighbouring buildings are within non-residential use.
- 9.86 There are roof terraces proposed to the centre of the site between the rear elevations of 233-235 and 237-239 Pentonville Road and 172-176 Kings Cross Road, providing external amenity areas for the office occupiers. In order to minimise the impact on neighbours, it is recommended that condition 8 restricts the use of the terraces to standard office working hours.

Daylight, Sunlight and Overshadowing

- 9.87 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.
- 9.88 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 9.89 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.90 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 9.91 Whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight.

Daylight Guidance

- 9.92 The BRE Guidelines stipulate that... *"the diffuse daylighting of the existing building may be adversely affected 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 area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

- 9.93 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 9.94 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.95 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 9.96 Paragraph 2.2.11 states: *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.97 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.*

Sunlight Guidance

- 9.98 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;*
- *Receives less than 0.8 times its former sunlight hours during either period and;*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

- 9.99 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: “A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”
- 9.100 The guidelines go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.
- 9.101 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given 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.

Overshadowing Guidance

- 9.102 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: ‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.
- 9.103 At paragraph 3.3.17 it states: “It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Assessment

- 9.104 The proposed development has been revised significantly since the original submission and the Applicant has submitted a revised Daylight and Sunlight report dated 29 May 2020 has been submitted. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 9.105 The report concludes that all neighbouring properties relevant for assessment pass the relevant BRE daylight, sunlight and overshadowing tests. However, no assessment on No Sky Line (Daylight Distribution) has been made.
- 9.106 In modelling the assessment, ‘Right to Light Consulting’ have attempted to obtain the floor plans of the nearest neighbouring properties identified as 164-170, 173, 175, 177, 179 and 181 Kings Cross Road, 178 Pentonville Road, 181a Field Street and 223-231 Caledonia House. The report outlines that various online resources have been searched, including Local Planning Authority planning records, online real estate agencies, and council tax/valuation office agency records.

Impacts to Daylight

- 9.107 The submitted report indicates that a total of 189 windows facing the Site were assessed in regards to Vertical Sky Component (VSC). The report indicates that all of the neighbouring windows assessed would pass BRE criteria relating to VSC.
- 9.108 In regards to daylight distribution No Sky Line (NSL), where the daylight consultant was able to gain the floorplans to 164-170 King's Cross Road and 177 and 179 Kings Cross Road, all rooms would pass the BRE criteria.

Impacts to Sunlight

- 9.109 The submitted report indicates that all windows that face within 90 degrees of due south facing the Site were assessed in regards to sunlight. The report indicates that all of the neighbouring windows assessed would pass BRE criteria.
- 9.110 **Daylight and Sunlight Summary:** A comprehensive assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. The proposal would not give rise to reductions in daylight and/or sunlight to neighbouring occupiers which would warrant refusal of the application.

Construction Impacts

- 9.111 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A Construction and Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by condition should approval of the application be recommended by Officers. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Summary of impact upon neighbouring amenity

- 9.112 In summary, the proposed development is not considered to result in adverse impacts to neighbouring properties in regards to loss of outlook, sense of enclosure, increased noise and disturbance, loss of privacy or reductions in daylight and sunlight. A number of conditions are recommended to mitigate potential noise and disturbance from external terraces and during the construction of the development.

Highways and Transportation

- 9.113 Chapter 10 of the new London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, development proposals should not increase road danger.
- 9.114 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.115 The application site has a PTAL of 6b, which is considered 'excellent', due to its proximity with Kings Cross railway and underground stations, and several bus routes along Pentonville Road and Kings Cross Road.

Trip Generation

- 9.116 The submitted Transport Statement includes an analysis into the amount of additional trips to and from the site would be undertaken following the development. It indicates that 85% of trips would be taken via public transport such as tube/underground, trains and buses. Cycles would account for 7% of trips. The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones.
- 9.117 The level of trips generated by the uplift in floorspace of the proposed development is not considered significant and is not expected to have a material impact on local highway or public transport network.
- 9.118 The submitted Framework Travel Plan, by year 5, seeks to encourage a 3% increase in cycle trips and a 2% increase in walking trips which would reduce the reliance on public transport trips. The Travel Plan would need to be monitored for a period of five years. This would be secured as part of a section 106 agreement.

Cycles and Pedestrian Movements

- 9.119 New London Plan policy T5 (Cycling) suggests that barriers to cycling can be removed and that a healthy environment in which people choose to cycle can be created through appropriate levels of cycle parking which are fit for purpose, secure and well-located.
- 9.120 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is highly accessible for pedestrians given its entrances front onto Pentonville Road and Kings Cross Road.
- 9.121 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace and one space per every 60sqm of retail (A1) floorspace. The store(s) need to be secure, covered, conveniently located and step free.
- 9.122 As such, the following provision of long-stay cycle space is required:

Use	Proposed sqm (GIA)	Required Cycles	Proposed Cycle Storage Spaces
B1(a) Office (main)	2,436 sqm	30	31
B1(a) Office (SME space)	215 sqm	2	6
A1 Retail	222 sqm	3	6

- 9.123 31 long-stay cycle parking spaces are located in the basement of no.233-235 Pentonville Road serving the main office building to Pentonville Road. This would include an accessible cycle parking space. The cycle storage area could be accessed via the 2 lifts if the core allowing for step-free access.
- 9.124 5 long-stay cycle parking spaces, including an accessible parking space, are proposed at ground floor level of 172-176 Kings Cross, for use by the SME offices. This would include an accessible cycle parking space. The cycle storage area, located close to the entrance on to Kings Cross Road, would allow for level access.
- 9.125 6 long-stay cycle parking spaces are accommodated within the basement of the retail unit at 241-243 Pentonville Road.

- 9.126 As such, a sufficient quantum of long-stay cycle parking spaces are proposed across the site. Further, lockers, shower and changing facilities are proposed next to the main office cycle storage area so that they can be accessed from the main office building.
- 9.127 For short-stay cycle spaces, the new London Plan (2021) requires a total of 8x spaces, with 5x spaces for the cumulative (both standard and SME) office (B1a) 3x space for retail (A1). TfL have requested that given the site constraints in providing on-site short-stay cycle spaces, a contribution towards short-stay cycle provision within the surrounding public realm should be sought. This is included within the planning obligations recommended.

Vehicle parking

- 9.128 The site does not include on-site formal parking arrangements as existing. The subject site is located within a Controlled Parking Area (CPZ) 'Zone B', with restricted parking on weekdays between 0830 - 1830 and Saturdays between 0830 - 1330. The development is car-free given no on-site parking will be provided.
- 9.129 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay.
- 9.130 The proposal would see an uplift in approximately 75 employees and therefore at least 2x accessible parking bay is required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £4,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.131 Footway and highway reinstatement works may be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Servicing, deliveries and refuse collection

- 9.132 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, 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, Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.133 The existing buildings on site are serviced off-site and on-street given the site constraints. It is proposed to continue to service from the loading bay on Pentonville Road for the buildings which use Pentonville Road as access. Restrictions allow loading between 1000-1600 on Monday to Saturday with a maximum loading time of 20 minutes.
- 9.134 172-176 Kings Cross Road will be serviced from Kings Cross Road as per existing arrangements. TfL raise no objection to the proposed servicing arrangements. Condition 11 ensures that the development must operate in accordance with the Servicing Management Plan.

Summary on transport and highways

- 9.135 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions. The application sets out adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of

transport. The Council's Highways / Transport Officers have raised no objections to the proposal. The proposal would be acceptable in highways terms and would comply with new London Plan (2021) Policies T4, T5, T6 and T7, Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6. The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions.

Air Quality

- 9.136 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.137 The whole of the borough has been designated by the council as an Air Quality Management Area. The proposal will achieve air quality neutral status. Condition 13 ensures that measures identified in the Air Quality Assessment are to be completed prior to occupation. Further, it is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 12. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 12.

Biodiversity, Landscaping and Trees

- 9.138 London Plan (2021) policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Further, 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'. Further, 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.
- 9.139 An Arboricultural Assessment was submitted in support of the application which confirms that there are no neighbouring or adjacent trees to the site. As such the proposal does not have the potential to be of detriment to existing trees. No trees are proposed within the red line boundary due to the constraints of the site.
- 9.140 Further, the proposal does not include any form of green roof or walls due to the flat roofs being used as terraces and the pitch of the main roof lines. There would not be an opportunity to provide green roof at 233-235 and 237-239 Pentonville Road as the flat roof (which is hidden from streetscene views by parapets) houses plant and equipment. Due to the limited scope for providing green roofs and walls, and given the importance of the design and appearance in regards to neighbouring heritage assets, this can be supported. Nonetheless, there is scope for green and brown roofs beneath the upper most flat roof beneath the servicing equipment and plant. Further, the terraces have the potential for rainwater capture. As such, condition 23 requires the Applicant to investigate and submit details of maximising green, brown and blue roofs.

Energy & Sustainability

- 9.141 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.142 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.143 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. 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.
- 9.144 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.
- 9.145 The applicant has submitted the relevant detail within an 'Energy & Sustainability Statement' dated July 2019.
- 9.146 Following initial comments on the submitted energy statement by the Council's Energy Officer, revised information was submitted (Energy Statement Addendum).

Carbon emissions

- 9.147 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted E&SS indicates a 52% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.148 Islington's Core Strategy policy CS10 requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted ESS shows a 52% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10.
- 9.149 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". All in this regards means both regulated and unregulated emissions. 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". In order to mitigate against the remaining carbon emissions generated by the development, the ESS includes a correctly calculated Carbon Offset contribution of **£39,765** for the 43 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

- 9.150 Council policy DM 7.4 A 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*".
- 9.151 A BREEAM Pre-Assessment has been submitted for the development for both new build and refurbished elements achieving an 'excellent' rating as required by Islington DM 7.4A, which shall be secured through Condition 9.

Energy Demand Reduction (Be Lean)

- 9.152 Council policy DM 7.1 (A) states "*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*" Council policy states "developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy".
- 9.153 Following clarification with the revised Energy Strategy the proposed design has maximised incorporation of passive design measure to control heat gain and deliver passive cooling. LEDs will be fitted throughout the development which is supported.
- 9.154 In accordance with council policy "Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed".
- 9.155 Dynamic Thermal Modelling has been carried out with natural ventilation, natural and mechanical ventilation and active cooling. The results have been compared against the criteria of CIBSE TM52 as required in Islington's Environmental Design SPD and building would not be at risk from overheating with active cooling in place.
- 9.156 Council policy states "Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control". The Energy Statement Addendum states that natural ventilation cannot be provided and therefore justifying the need for active cooling, which is accepted by Council's Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.157 Heating and cooling will be provided by Air Source Heat Pumps (ASHP) and domestic hot water provided by point of use electric heaters. Further, the ESS shows that the proposed development is not within 500m of a Decentralised Energy Network ('DEN') and so a feasibility assessment is not required.
- 9.158 The applicant has submitted a plan of the lower ground floor to demonstrate possible future connection to a DEN. This shows a notional plant room to house the necessary plant for future connection and a pipe route to the site boundary. The applicant has also confirmed

that the sleeves for future connection to a DEN and the notional plant room will be built at the time of construction. Futureproofing the development to ensure potential connection to a DEN should one come forward is secured through a planning obligation within the section 106 legal agreement.

- 9.159 The applicant has provided evidence of an investigation of Shared Heat Network (SHP) opportunities with neighbouring developments and concluded there are no suitable communal systems to form a SHP. This is accepted by the Energy Officer.
- 9.160 The Energy & Sustainability Statement does not propose CHP due to insufficient heat load and the decarbonisation of the electricity grid. This is accepted by the Energy Officer.

Renewable Energy Supply (Be Green)

- 9.161 The use of renewable energy should be maximised to enable the achievement of CO2 targets.
- 9.162 Air Source Heat Pumps have been specified for the development. The applicant has reviewed the various renewable technologies and have ruled out ground source heat pumps, biomass and wind turbines for valid reasons accepted by the Council's Energy Officer. Solar PV has been ruled out due to the lack of roof space and concerns about visual amenity and heritage concerns. Council's Energy Officers does not object to this given the proposal would meet Islington's carbon reduction targets.

Green Performance Plan (GPP)

- 9.163 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.164 A revised Draft Green Performance Plan has been submitted which includes measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The revised draft GPP includes an annual energy usage target of 116,376 kWh. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

Sustainable Urban Drainage System (SUDS)

- 9.165 DM 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' (8 litres/second/hectare), where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare.
- 9.166 The submitted SUDS report indicates that the site would be 100% impermeable covering 789sqm and there are no attenuation system for rainwater and hence all rainwater on the site flows into the existing combined sewer.
- 9.167 Green roof areas will not be viable due to the proposed pitched roof structure to Pentonville Road and Kings Cross buildings. There is scope to install an attenuation tank (91m³) within the basement of 233-235 and 237-239 Pentonville Road. The tank would discharge into the

existing public combined sewer within Kings Cross Road at a restricted 5 l/s, this would be designed for all storm events up to and including the 1 in 100 year event plus 40% climate change.

- 9.168 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives. Further details of Sustainable Urban Drainage would be required by condition 17.

Basement and SUDs

- 9.169 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). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.170 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 9.171 Furthermore, emerging Local Plan Policy DH4 - Basement development; insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.
- 9.172 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 9.173 The site currently benefits from existing basement at 241-243 Pentonville Road. The proposal seeks to extend the basement level to 233-239 Pentonville Road.
- 9.174 A Structural Method Statement ('SMS') prepared by Entuituve dated July 2019, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the SMS is signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design and construction monitoring. The SMS concludes that the proposed development meets the Council's Basement SPD as follows:
- The site geology is capable of supporting the loads;
 - The subterranean development, and associated construction and temporary works, have been developed so as to have no adverse impact on the structural integrity and natural ability for movement of existing and surrounding structures, utilities, infrastructure and man-made cavities, such as tunnels.
 - The permanent and temporary works and the method of construction have been developed so that the works will not initiate slope instability.
 - The subterranean development has no adverse impact on drainage, sewage, surface water and ground water flows and levels nor on any LUL assets.

- The proposed temporary works, permanent works and construction method have been developed with due regard to the geology and hydrology.
- The existing and neighbouring structures have been investigated and considered when developing the temporary works, permanent works and construction methodology.
- The report describes the engineering details of the scheme, including proposals for the excavation and construction.
- The proposed subterranean development has no adverse impact on existing trees.

- 9.175 The SMS concludes that the proposed works and basement development will not likely detrimentally affect the surface water regime in the local and wider area, and the existing pathway for surface water flows will not be altered by the proposals. The report demonstrates that by adopting the highlighted construction practices the proposed works can be executed in a safe manner minimising any impact on the local amenity. This will be conditioned (13) in the event of permission being granted.
- 9.176 Given the proposed excavation works, both TfL and Thames Water have requested that conditions for further details relating to excavation and construction, these have been included 15 and 16.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.177 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 9.178 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- a. Contribution of **£197,600** towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
 - b. Provision of affordable workspace by way of 2x on-site SME units;
 - c. Contribution towards 2x bays or other accessible transport initiatives of: **£4,000**;
 - d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of: **£TBC**;
 - e. Facilitation, during the construction phase of the development, of the following number of work placements: 1. each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London

Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£5,000**

- f. A contribution of **£39,765** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- g. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- h. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- i. Compliance with the Code of Employment and Training;
- j. Compliance with the Code of Local Procurement;
- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,269** 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;
- l. Payment towards employment and training for local residents of a commuted sum of: **£12,614;**
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.179 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal would provide 2,651sqm of high quality office floorspace (an uplift of 1,235sqm), of which 222sqm would be suitable for micro or small enterprises. Further, there would be an enhancement of retail floorspace with an uplift of 34sqm. A contribution towards the provision of affordable housing would also be provided. The proposal would contribute to the stock of office floorspace within the Borough, the Central Activities Zone and the Kings Cross Kings Cross and Pentonville Road Core Strategy Key Area and Employment Growth Area (Northdown Street). The proposal is therefore supported in principle.
- 10.2 Following the submission of amended plans in regards to detailed design, the retention of the facades on Pentonville Road, with extensions to the rear and roofscape is supported by officers. The proposed form of the roof extensions and introduction of dormers is supported subject to further details of their finish to be secured by condition.
- 10.3 It is considered that the proposal would make a positive contribution to the character, setting and appearance of the Kings Cross Conservation Area and would not be of detriment to the setting of the neighbouring Grade II Listed Church.
- 10.4 The proposal is not considered to give rise to the detriment of neighbouring amenity due to the lack of immediate residential neighbours. The proposal would not give to a lack of outlook, sense of enclosure, loss of privacy or reduction in daylight/sunlight to neighbouring occupiers.

- 10.5 The planning application is considered to deliver a sustainable form of development including energy efficiency measures, a reduction in carbon emissions, sustainable transport options and sustainable transport options in accordance with planning policy. The proposal is not considered to give rise to unacceptable transport or highways impacts, subject to appropriately worded conditions on construction, delivery and servicing. Furthermore, the proposal is considered acceptable in relation to all other technical matters, subject to the recommended conditions.
- 10.6 The proposal would deliver high quality office accommodation in an area of high demand whilst enhancing the street scene and the character of the area. The proposal is considered acceptable in planning terms and it is recommended that planning permission be granted subject to conditions and completion of a legal agreement securing relevant planning obligations.

Conclusion

- 10.7 It is recommended that planning permission be granted subject to conditions and legal obligation 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:

- a. Contribution of **£197,600** towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
- b. Provision of affordable workspace by way of 2x on-site SME units;
- c. Contribution towards 2x bays or other accessible transport initiatives of: **£4,000**;
- d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of: **£TBC**;
- e. Facilitation, during the construction phase of the development, of the following number of work placements: 1. each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£5,000**
- f. A contribution of **£39,765** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);

- g. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- h. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- i. Compliance with the Code of Employment and Training.
- j. Compliance with the Code of Local Procurement.
- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,269** 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.
- l. Payment towards employment and training for local residents of a commuted sum of: **£12,614**.
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement Of Development
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>G200_P_LG_001 Rev.F – Proposed Lower Ground Floor Plan; G200_P_00_001 Rev.F – Proposed Ground Floor Plan; G200_P_01_001 Rev.E – Proposed 1st Floor Plan; G200_P_02_001 Rev.E – Proposed 2nd Floor Plan; G200_P_03_001 Rev.F – Proposed 3rd Floor Plan; G200_P_04_001 Rev.F – Proposed 4th Floor Plan; G200_P_05_001 Rev.F – Proposed 5th Floor Plan; G200_P_RF_001 Rev.F – Proposed Roof Plan;</p>

	<p>G200_P_TY_001 Rev.E – Proposed Typical Floor Layout; G200_E_N_001 Rev.F – North Elevation Proposed; G200_E_S_001 Rev.D – South Elevation Kings Cross Road Proposed; G200_E_W_001 Rev.B – Proposed West Elevation; G200_S_AA_001 Rev.C – Proposed Section AA 243 Pentonville Road & 172-176 Kings Cross Road; G200_S_BB_001 Rev.E – Proposed Section AA 239 Pentonville Road & 172-176 Kings Cross Road; G200_S_CC_001 Rev.D – Proposed Section AA 233 Pentonville Road & 172-176 Kings Cross Road; G251_BS_TY_001 Rev.B – Bay Studies Pentonville Road Elevation; G251_BS_TY_002 Rev.B – Bay Studies Pentonville Road Elevation; G251_BS_TY_003 Rev.B – Bay Studies Pentonville Road Elevation; G251_BS_TY_004 Rev.B – Bay Studies Pentonville Road Elevation; G251_BS_TY_005 Rev.A – Bay Study Flank Elevation Studies; G251_BS_TY_006 Rev.A – Bay Studies Kings Cross Road Elevation; G251_BS_00_001 Rev.A – Bay Studies 237-239 Pentonville Road Elevation Ground Floor Elevation; G251_BS_00_002 Rev.A – Bay Studies 233-235 Pentonville Road Elevation Ground Floor Elevation; G251_BS_00_003 Rev.A – Bay Studies 237-239 Pentonville Road Elevation Ground Floor Elevation; G251_E_00_001 Rev.A – Proposed North Elevation Ground Floor Office Entrance and Shopfront; Pentonville Road - Lower Ground floor - Notional location of District heating plant; Air Quality Assessment dated May 2019; Arboricultural Impact Assessment Report SAV/233PTV/AIA/01 dated 24 October 2019; Energy & Sustainability Statement dated July 2019; Energy Statement Addendum P19-089/Issue01/200814; Plant Noise Assessment Report 26867/PNA1 dated 17 June 2019; Servicing Management Plan dated May 2019; Structural Method Statement rev. P2 (GO19-0038) dated July 2019; SuDS Report & SWM Plan dated 31 January 2019; Transport Statement dated May 2019;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Detail and Samples)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); and f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the</p>

	resulting appearance and construction of the development is of a high standard.
4	Roof Top Plant & Structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site above the first floor level. The details shall include a justification for the height and size of the roof-level structures, their location, height above parapet/ridge level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area.</p>
5	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided.</p>
6	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, 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 is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Roof Terraces (Compliance)
	<p>CONDITION: Only the areas defined as terrace areas within the hereby approved plans shall be used as external amenity spaces for the Office use only. The roof terraces shall only be used between the hours of 0800 and 2000 Monday to Friday.</p>

	<p>The flat roofs of the development hereby approved, unless designated as roof terraces, 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>
9	BREEAM (Compliance)
	<p>CONDITION: The commercial element of 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>
10	Energy Efficiency (Compliance)
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved Energy & Sustainability Statement dated July 2019, Energy Statement Addendum P19-089/Issue01/200814 and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Sustainable Design and Construction Statement, a revised Sustainable Design and Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
11	Delivery and Servicing Plan (Compliance)
	<p>CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved Servicing Management Plan dated August 2019 and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
12	Demolition and Construction Method Statement (Details)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ol style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, 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

	<p>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;</p> <p>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;</p> <p>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.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>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;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>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;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/usernrmm/register 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> <p>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.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
13	Air Quality (Compliance)
	<p>CONDITION: The Development is to be built in accordance with the hereby approved Air Quality Assessment. The measures outlined within the Assessment are to be 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</p>

	<p>quality assessment for planning applications – Technical Guidance Note” and the GLA's "Air Quality Neutral" policy.</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>
14	Basement Excavation (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement rev. P2 (GO19-0038) dated July 2019, 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 (MStruct.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 Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
15	TfL London Underground Safeguarding (Details)
	<p>The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> - provide details on all structures - accommodate the location of the existing London Underground structures and tunnels - accommodate ground movement arising from the construction thereof - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.</p>
16	Thames Water – Piling Method (Details)
	<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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of</p>

	local underground sewerage utility infrastructure.
17	Sustainable Urban Drainage (Details and compliance)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>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 and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
18	Lighting (Details)
	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security 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 to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
19	Inclusive Design (Details)
	<p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include:</p> <ol style="list-style-type: none"> a) All entrances to the building must be level, step free and Part M compliant; b) Internal ramp level; c) Confirmation that all doors are to be automated; d) A management plan, including a PEEP <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
20	Removal of Permitted Development Rights – Office Use (Compliance)
	CONDITION: Notwithstanding the provisions of the Town and Country Planning

	<p>(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 B1(a) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class, unless otherwise agreed in writing by 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 CAZ and Borough.</p>
21	Amalgamation of Units (Compliance)
	<p>The dedicated SME office units at ground floor level at 172-176 Kings Cross Road shall not be amalgamated with one another into a single unit nor amalgamated with the office floorspace above at first floor level.</p> <p>REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.</p>
22	Bird and Bat Boxes (Details)
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats. 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>
23	Green, Brown and Blue Roofs (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> a) substrate base depth; b) laid out in accordance with plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The 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>

List of Informatives:

<p>1</p>	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. 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>
<p>2</p>	<p>Community Infrastructure Levy (CIL)</p> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
<p>3</p>	<p>The Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
<p>4</p>	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.</p> <p>T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
<p>5</p>	<p>Superstructure</p> <p>Definition Of 'Superstructure' And 'Practical Completion'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The</p>

	<p>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>
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6	Thames Water (Waste Comments)
	<p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>
7	Thames Water (Mains Water Pressure)
	<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>
8	Fire Brigade Requests
	<p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.</p> <p>The Commissioner 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 Commissioner's 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. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.</p> <p>The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>
9	Roller Shutters
	<p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed, a new planning application must be submitted for the council's formal consideration.</p>
10	TfL London Underground Safeguarding (Details)

	<p>In relation to Condition 15 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods;</p>
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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London	
<p>1. Planning London's Future - Good Growth Policy GG2 Making the best use of land Policy GG5 Growing a good economy</p> <p>2. Spatial Development Patterns Policy SD4 The Central Activities Zone Policy SD5 Offices, other strategic functions and residential development in the CAZ</p> <p>3. Design Policy D1 London's form, character and capacity for growth Policy D4 Delivering good design Policy D5 Inclusive design Policy D8 Public Realm Policy D10 Basement development Policy D11 Safety, security and resilience to emergency Policy D12 Fire safety Policy D13 Agent of Change Policy D14 Noise</p> <p>6. Economy Policy E1 Offices Policy E2 Providing suitable business space Policy E3 Affordable Workspace Policy E9 Retail, markets and hot food takeaways Policy E11 Skills and opportunities for all</p>	<p>7. Heritage and Culture Policy HC1 Heritage conservation and growth</p> <p>8. Green Infrastructure and Natural Environment Policy G5 Urban Greening Policy G7 Trees and woodlands</p> <p>9. Sustainable Infrastructure Policy SI1 Improving air quality Policy SI2 Minimising greenhouse gas emissions Policy SI4 Managing heat risk Policy SI5 Water infrastructure Policy SI7 Reducing waste and supporting the circular economy Policy SI12 Flood risk management Policy SI13 Sustainable drainage</p> <p>10. Transport Policy T2 Healthy Streets Policy T3 Transport capacity, connectivity and safeguarding Policy T4 Assessing and mitigating transport impacts Policy T5 Cycling Policy T6 Car parking Policy T6.2 Office parking Policy T6.3 Retail parking Policy T7 Deliveries, servicing and construction</p>
B) Islington Core Strategy 2011	
<p>Spatial Strategy Policy CS6 Kings Cross</p> <p>Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design</p>	<p>Policy CS11 Waste Policy CS13 Employment Space Policy CS 14 Retail and services</p> <p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)</p>

C) Development Management Policies June 2013	
<p>2. Design and Heritage Policy DM2.1 Design Policy DM2.2 Inclusive Design Policy DM2.3 Heritage Policy DM2.4 Protected views</p> <p>3. Shops, culture and services Policy DM4.1 Maintaining and promoting small and independent shops Policy DM4.3 Location and concentration of uses Policy DM4.5 Primary and Secondary Frontages Policy DM4.8 Shopfronts</p> <p>5. Employment Policy DM5.1 New business floorspace Policy DM5.2 Loss of existing business floorspace Policy DM5.4 Size and affordability of workspace</p> <p>6. Health and open space Policy DM6.1 Healthy development Policy DM6.5 Landscaping, trees and biodiversity Policy DM6.6 Flood prevention</p>	<p>7. Energy and Environmental Standards Policy DM7.1 Sustainable design and construction statements Policy DM7.2 Energy efficiency and carbon reduction in minor schemes Policy DM7.3 Decentralised Energy Networks Policy DM7.4 Sustainable design standards Policy DM7.5 Heating and cooling</p> <p>8. Transport Policy DM8.1 Movement hierarchy Policy DM8.2 Managing transport impacts Policy DM8.3 Public transport Policy DM8.4 Walking and cycling Policy DM8.5 Vehicle parking Policy DM8.6 Delivery and servicing for new developments</p> <p>9. Infrastructure Policy DM9.1 Infrastructure Policy DM9.2 Planning obligations Policy DM9.3 Implementation</p>

Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Central Activities Zone (CAZ)
- Kings Cross and Pentonville Road Core Strategy Key Area
- Employment Growth Area (Northdown Street)
- Protected View from Kenwood viewing gazebo to St Paul's Cathedral
- Article 4 Direction B1c to C3 (CAZ)
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

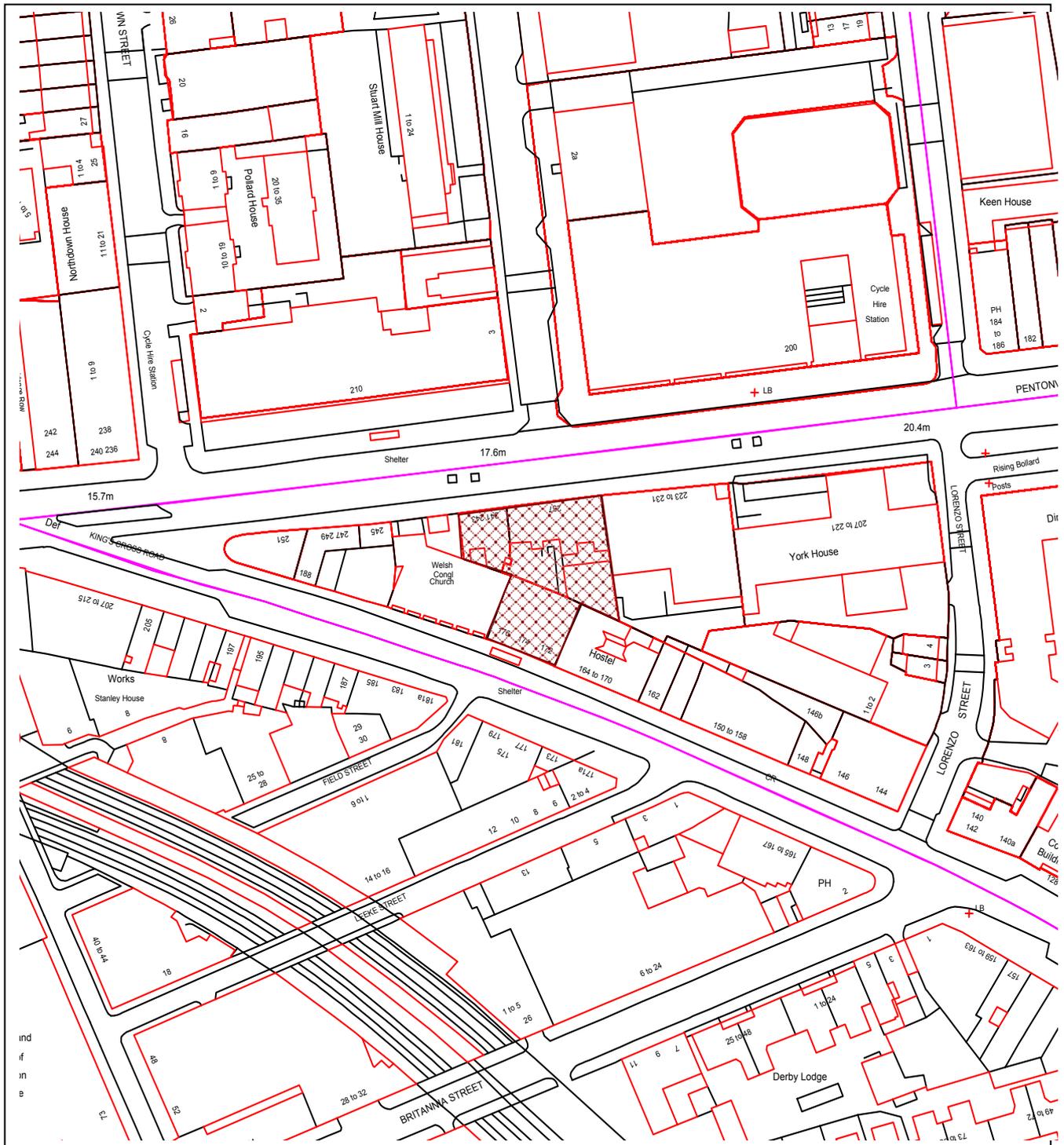
Islington Local Plan

Environmental Design
 Accessible Housing in Islington
 Inclusive Landscape Design
 Planning Obligations and S106 Urban Design Guide 2011

London Plan

Accessible London 2014
 Culture & the night time economy 2017
 Sustainable Design & Construction 2014
 Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING COMMITTEE		AGENDA ITEM	B3
Date:	18 March 2021	NON-EXEMPT	

Application number	P2021/0246/FUL
Application type	Full Planning
Ward	Clerkenwell
Listed building	N/A
Conservation area	N/A
Development Plan Context	<p>Core Strategy Key Area – Bunhil & Clerkenwell</p> <p>Article 4 Direction – A1 to A2 (1)</p> <p>Article 4 Direction – B1(c) to C3 (1)</p> <p>Archaeological Priority Area APA1</p> <p>Protected Vistas – Kenwood Viewing Gazebo to St Paul’s Cathedral</p> <p>Protected Vistas – Parliament Hill summit to St Paul’s Cathedral</p> <p>Central Activities Zone</p> <p>Employment Priority Area – Offices</p> <p>Farringdon Smithfield Intensification Area</p> <p>Site Allocation BC36 – Caxton House, 2 Farringdon Road, EC1M 3HN</p> <p>Rail Safeguarding Area – Crossrail 1</p>
Licensing Implications	No
Site Address	33 Charterhouse Street, London EC1M 3HP
Proposal	Stopping Up Order of existing highway fronting Charterhouse Street and Farringdon Road under Section 247 of the Planning Act 1990 to enable the development of 33 Charterhouse Street, EC1M 3HP (references P120484).

Case Officer	Elizabeth Reynolds
Applicant	ARE 1 Farringdon holdings Sarl. C/O Helical PLC
Agent	Haskoning DHV UK Ltd

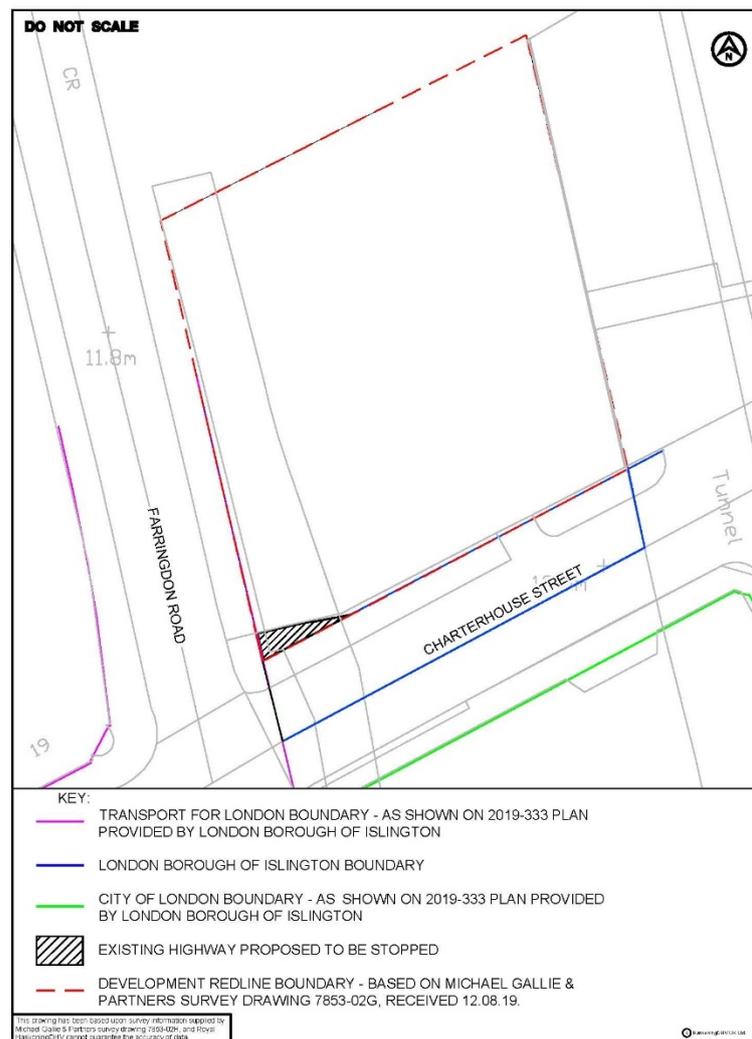
RECOMMENDATION

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

1. The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. PC1665-RHD-GE-SW-DR-D-0100 to enable the development authorised by planning permission ref: P120484 to be carried out.
2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
3. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the council shall cause a local inquiry to be held.

1.0 SITE AND SURROUNDINGS

- 1.0 The area of land which the application to stop up the highway relates to is on the corner of Farringdon Road and Charterhouse Street, within the London Borough of Islington but immediately adjacent to the City of London. It is outside the hoarding of the Crossrail works site for Farringdon Station and opposite Smithfield Market.

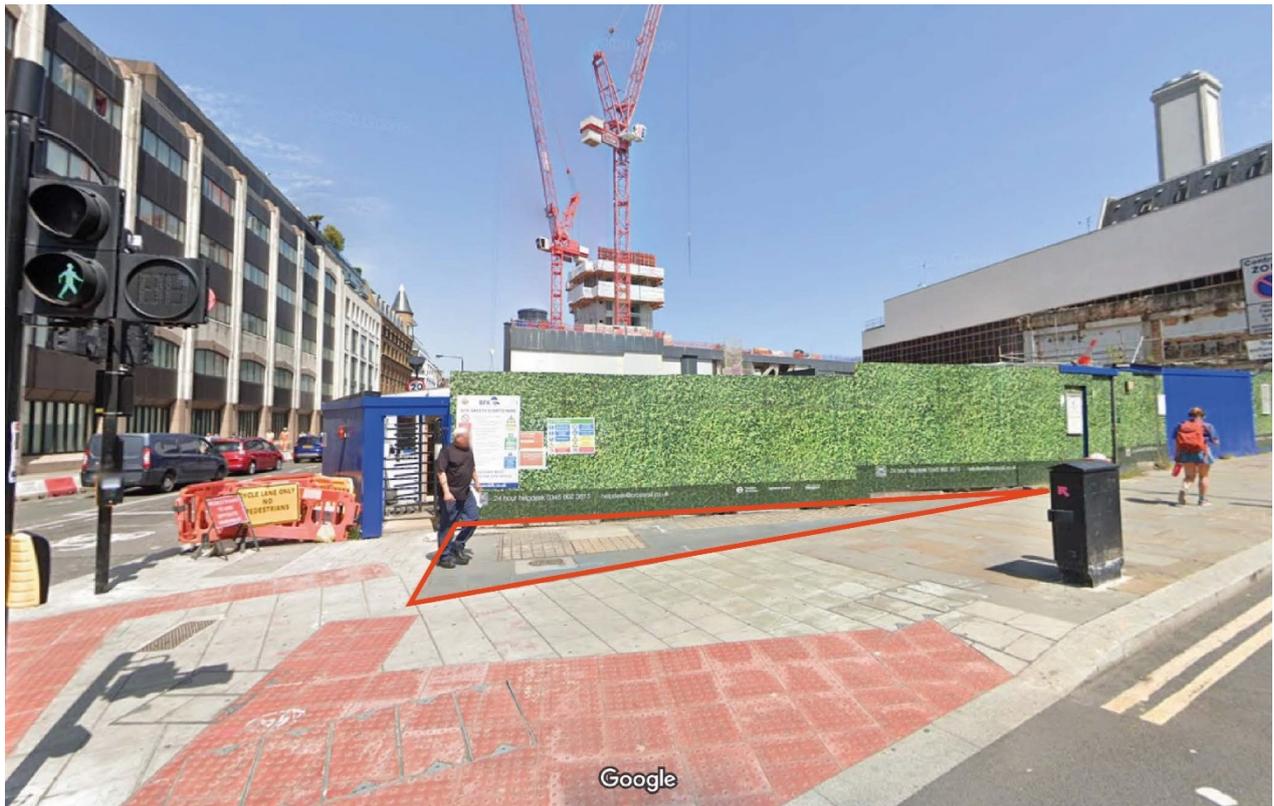


- 1.2 The application relates to a triangular piece of the footway at the corner of Farringdon Road and Charterhouse Street. This section of Charterhouse Street is a highway maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense, Farringdon Road is a TfL red route.

2.0 PROPOSAL

- 2.1 The proposal relates to the stopping up of an area of highway described above under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of planning permission reference 120484 granted on 19/06/2012 for:

The erection of an 11 storey over basement building comprising 4 Class A1 retail units at ground floor level and 15396sqm of Class B1 (office) above, plus ancillary facilities including provision for basement level servicing.



3.0 CONSULTATION

- 3.1 The Council's Highway Officer has not objected to the proposed stopping up of this section of Charterhouse Street.
- 3.2 Should the Committee approve the stopping up, before making the Order the council would carry out consultation as required by Section 252 of the Town and Country Planning Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed order in a local newspaper. A 28-day consultation period would allow interested parties to respond.
- 3.3 Under section 252(4)(b) of the Act if an objection is received from any local authority, National Park authority or undertakers or public gas transporter on whom a notice is required to be served or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:

- (i) notify the Mayor; and
- (ii) cause a local inquiry to be held.

3.4 If however, none of the objections notified were made by a local authority or undertakers or transporters then, under section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.

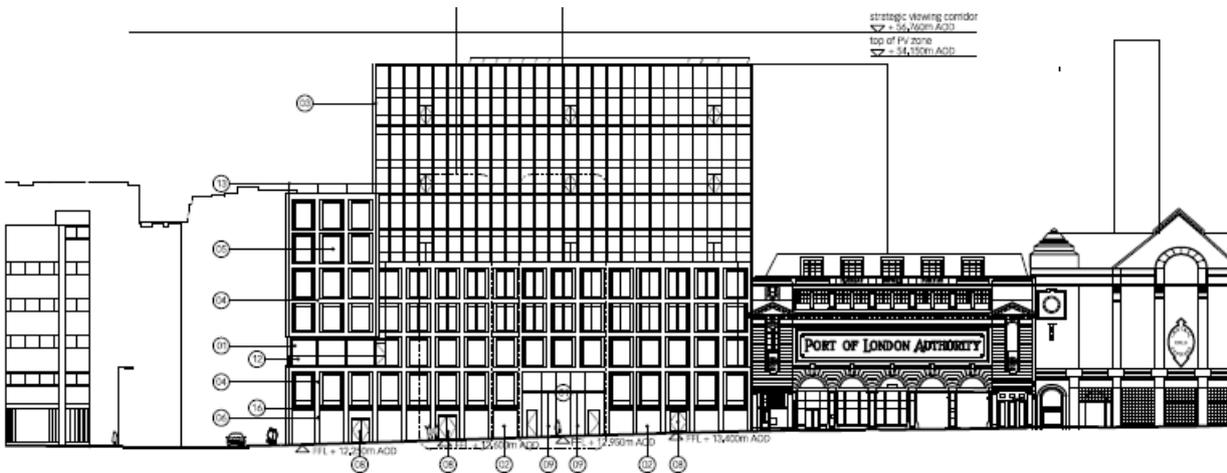
3.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

4.0 EVALUATION

4.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

4.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

4.3 The layout of the development has already been considered and approved under application ref: 120484 following a full statutory public consultation exercise. The stopping up proposed would give effect to the above described planning permission as shown below.



4.4 The stopping up will not impact on vehicular traffic and there is sufficient room on the remaining footway for the free flow of pedestrians.

4.5 Officers therefore consider, to the best of their knowledge, that there would be no disadvantages suffered by the public or (subject to consultation) by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights to enable the approved development to be carried out.

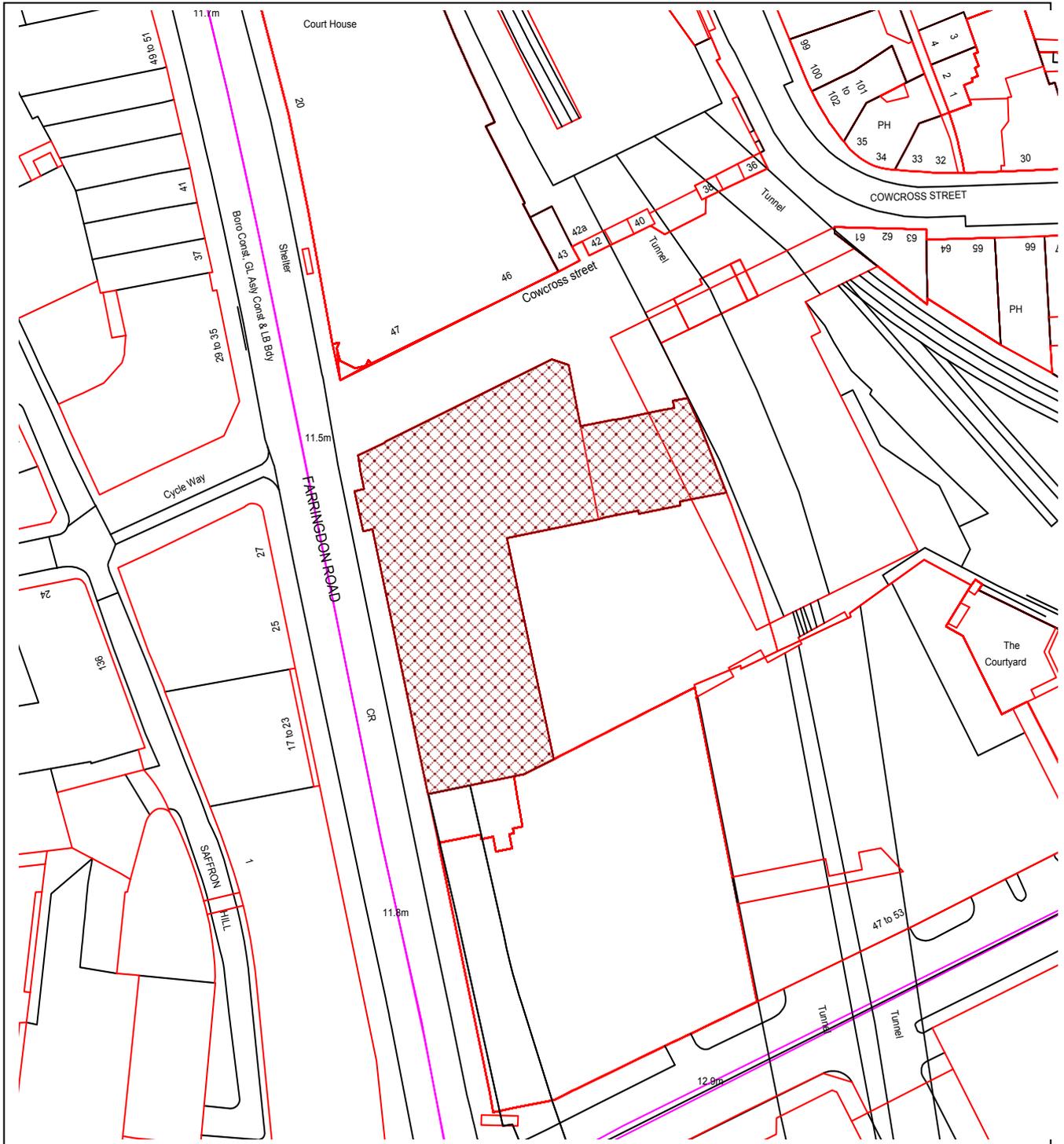
5.0 CONCLUSION

5.1 It is considered that the proposed stopping up of the area of land is necessary to enable the approved development (120484) to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

5.2 Officers therefore recommend approval of the stopping up order, subject to the details as set out in the RECOMMENDATION.

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